Committee of Adjustment
Agenda

Date: Thursday, October 17, 2024

Time: 6:00 p.m.

Location: Council Chambers
7 Broadway Street West
Paris, ON

Alternative formats and communication supports are available upon request. For more information, please contact the County of Brant Accessibility and Inclusion Coordinator at 519-442-7268 or by email accessibility@brant.ca

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Pages

1. Attendance

2. Approval of Agenda

3. Declaration of Pecuniary Interests

4. Adoption of Minutes from Previous Meetings 5 - 15

5. Public Hearings

5.1 SV2-24-LK-GEDSB-231 Grand River St N 15 - 34

RECOMMENDATION

That Application **SV2-24-LK** from Chris Hackett, Gould Signs, and Terry Korchak, GEDSB of lands described as PLAN 492 BLOCK 23 LOT 2 TO LOT 4 LOT 12 PART LOT 1 CONCESSION PART LOT 29 in the County of Brant, **BE APPROVED.**

The Applicant, Gould Signs, is seeking a minor variance of the County of Brant Sign By-law 121-08 at 231 Grand River Street North. Gould Signs is proposing to remove the existing ground sign and replace it with a new ground sign that includes an LED signage whereas the Sign By-Law only stipulates for electronic messaging, which does not include LED signage.

5.2 B13-24-KD-Vicano-197 Pinehurst Rd 35 - 54

RECOMMENDATION

THAT Application for Consent **B13-24-KD** from Vicano Development Limited c/o Yaw Yawson, Owner of lands legally described as SOUTH DUMFRIES CON 2 PT LOT 30 RP 2R7950 PT PART 1 RP 2R8605 PART 2; County of Brant and municipally known as 197 Pinehurst Road to facilitate the lease extension over the lands in excess of 21 years for their existing tenant, Mcdonald's Restaurant of Canada Limited, to continue operation **BE APPROVED**, subject to the attached conditions:

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

- The proposed land lease extension will facilitate the existing restaurant to continue operating.
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of Provincial Policy Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

5.3 B14-24-KD-Brookfield- 104 Oak Ave 55 - 76

RECOMMENDATION

THAT Application for Consent **B14-24-KD** from Bob Stewart, Pinevest Homes on behalf of Aidan Dekkema, Brookfield Residential of lands legally described as SOUTH DUMFRIES CONCESSION 2 PART LOT 32 PLAN 2M1947 BLOCK 107 RP 2R8949 PARTS 1 AND 2, located at 104 Oak Avenue, Paris, County of Brant, proposing to facilitate a severance of a property in two existing plans of Subdivision to create two parcels from one existing block, **BE APPROVED**, subject to the attached conditions

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

- The application is in conformity with the policies of the Growth Plan for the

  Greater Golden Horseshoe and consistent with the policies of Provincial Policy

  Statement.
- The application is in conformity with the general intent of the policies of the

  Official Plan and Zoning By-Law.
- The lot creation is compatible and consistent within the context of the existing
  development.

5.4 B15-24-ES-Martin - 405 Third Concession Rd 77 - 98

RECOMMENDATION

THAT Consent Application **B15-24-ES** from Trevor Hawkins, Agents, on behalf of 1778206 Ontario Inc./ Kris Martin, Owner of lands legally known as CONCESION 3 PART LOT 19 municipally known as 405 Third Concession Rd, within the Former Township of Burford, County of Brant, proposing to sever a surplus dwelling with an area of approximately 0.745 hectares (1.84 acres) and a frontage of approximately 12.4 metres (40.68 feet) along Third Concession Rd, with the retained lands having an area of approximately 32.86 hectares (81.20 acres). **BE APPROVED**, subject to the attached conditions.

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

- The application is consistent with the policies of the Growth Plan for the Greater Golden

  Horseshoe and consistent with the policies of Provincial Policy Statement.

- The application is in conformity/ compliance with the general intent of the policies of the
  Official Plan and Zoning By-Law, specifically for surplus farm dwelling.

5.5 B16-24-LK-3 & 33 Salt Springs Rd 99 - 118

RECOMMENDATION

THAT Consent Application **B16-24-LK** from J.H. Cohoon Engineering Ltd., agent on behalf of Edward Robert Mueller, applicant, and David Reginald Glass, Owner of lands legally described as PLAN 210 MARTINS BEND PT BLKS C, K & L, in the Former Township of Onondaga, and municipally known as 33 Salt Springs Church Road, proposing a lot line adjustment of approximately 642 square metres to accommodate the existing driveway located at 3 Salt Springs Church Road, known as adjoining lands, **BE DEFFERED** to allow the applicant the opportunity to revise the application to address the comments from the Development Engineering Department.

6. Next Meeting

7. Adjournment

Committee of Adjustment Minutes

Date:	**September 19, 2024**
Time:	**6:00 p.m.**
Location:	**Council Chambers** **7 Broadway Street West** **Paris, ON**
Present:	Brown, Emmott, Hamilton, Schmitt, Smith, Panag
Regrets:	Vamos

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1. Attendance

2. New Business

3. Approval of Agenda

Moved by Member Schmitt
Seconded by Member Emmott

Moved by myself and seconded by Member Emmott that the agenda for the County of Brant Committee of Adjustment meeting of September 19, 2024, be approved.

Carried Unanimously

4. Declaration of Pecuniary Interests

No conflicts declared.

5. Adoption of Minutes from Previous Meetings

Moved by Member Panag
Seconded by Member Smith

That the minutes of the July 18, 2024 meeting of the Committee of Adjustment be approved, as printed.

Carried Unanimously

6. Public Hearings

6.1 B11-24-NM-Gulas-560 West Quarter Townline Rd

Staff Presentation

- K. DeLeye, Supervisor of Development Planning presented consent application B11-24-NM-560 West Quarter Townline Rd for approval. She outlined the proposal for a lot line adjustment of approximately 0.18 hectares to accommodate the existing septic bed and a metal shed located on 374 Third Concession Road, known as adjacent lands. The land use designation is agriculture, the zoning classification is agriculture.
- Staff recommended approval of B11-24-NM as outlined in the report.
- No questions to staff.

Agent Presentation

- Ruchika Angrish, The Angrish Group offered to answer questions.
- No questions to agent.

Moved by Member Schmitt
Seconded by Member Panag

THAT Consent Application **B11-24-NM** from The Angrish Group c/o Ruchika Angrish, agent on behalf of Jeff Gulas, applicant, and Alex Gulas, Owner of lands legally described as CONCESSION 2 PART LOT 18, in the Former Township of Burford, and municipally known as 560 West Quarter Townline Road is proposing a lot line adjustment of approximately 0.18 hectares to accommodate the existing septic bed and a metal shed located on 374 Third Concession Road, known as adjacent lands BE APPROVED, subject to the attached conditions.

and that the reason(s) for approval are as follows:

- The appropriate conditions have been included to ensure no new building lot is created as a result of the consent.
- The proposal is consistent with the Provincial Policy Statement (2020) and conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2020) and meets policies in the County of Brant Official Plan (2012) and Zoning By-law 61-16.

Carried Unanimously

6.2 B7-24-KD-Stubbes-20 and 44 Muir Rd S

Staff Presentation

- K. DeLeye, Supervisor of Development Planning presented B7-24-KD-20 and 44 Muir Rd S. She outlined the proposal to create two (2) reciprocal blanket easements to provide access to both 20 and 44 Muir Road South.

- Both properties currently have access via a private lane off Muir Road South. The easement will facilitate shared access to the entirety of 20 and 44 Muir Road South.
- Staff is recommending approval of B7-24-KD as outlined in the report.

Agent Presentation

- Brandon Flewwelling, GSP Group
- Agent outlines the two existing properties that function as one and are held under two ownerships. This application is to facilitate legal access. Applicants are in support of the report and attached conditions.
- No questions to agent.

Moved by Member Smith
Seconded by Member Emmott

THAT Application for Consent **B7-24-KD** from GSP Group c/o Brandon Flewwelling on behalf of Stubbe's c/o Mike Goor, Owner of lands legally described as BURFORD CON 9 PT LOT 24 AND 2R5945 PART 1 and BURFORD CON 9 PT LOT 24 AND 2R8076 PARTS 1 AND 2; County of Brant and municipally known as 20 and 44 Muir Road South proposing the creation of two (2) reciprocal blanket easements to provide access to both 20 and 44 Muir Road South **BE APPROVED**, subject to the attached conditions:

and that the reason(s) for approval are as follows:

- The easement will facilitate access to the entirety of 20 and 44 Muir Road South;
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of Provincial Policy Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

Carried Unanimously

6.3 B8-24-DN-358 Bishopsgate Rd

Staff Presentation

- K. DeLeye, Supervisor of Development Planning presented consent application B8-24-DN-358 Bishopsgate Rd proposing a severance for the creation of one (1) new lot to be developed for employment uses. There is an existing access easement with a depth of 30 metres from the primary entrance on the subject lands that will provide right-of-way access to both the retained and severed lands. Further development of the lands will be addressed through site plan control.
- Staff is recommending approval of B8-24-DN as outlined in the report.

- Member Hamilton seeks confirmation parcel one was approved recently as well as access easement. Staff confirms.

Agent Presentation

- Zach Hoffner, Paulsan Construction
- No questions to agent.

Moved by Member Emmott
Seconded by Member Schmitt

THAT Consent Application **B8-24-DN** from Paulsan Construction Inc. c/o Zach Hoffner for lands known legally known as CONSESSION 5 LOT 1, in the former geographic township of Burford, municipally known as 356-358 Bishopsgate Road, County of Brant, proposing to sever for the creation of one (1) new lot having an approximate frontage of 66.73 metres along Bishopsgate Road, depth of 122.83 metres and area of 0.75 hectares (1.85 acres) to be developed for employment uses, BE APPROVED, subject to the attached conditions.

and that the reason(s) for approval are as follows:

- The lot creation is compatible and consistent within the context of the existing development.
- Detailed design and technical review of the proposed Light Industrial parcel will be facilitated through the Site Plan Control.
- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of Provincial Policy Statement.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

Carried Unanimously

6.4 A14-24-KD-Gill-35 McBay Rd

Staff Presentation

- N. Mousavi Berenjaghi, Development Planning Student presented minor variance application A14-24-KD requesting relief from Zoning By-law 61-16, Section 9, Table 9.2.1 to permit an increased height of 13.87 metres for a new two-storey residential building, whereas a maximum building height of 10.5 metres is permitted. The application is required to accommodate the proposed roof design. The proposed height is within a similar character to existing development along McBay Road.
- Staff is recommending approval of A14-24-KD as outlined in the report.
- Member Hamilton notes Development Engineering commented that the driveway was touching the property line and does not conform with setbacks.

- Staff confirms applicant is aware the current proposed location of the driveway is not permitted due to setbacks and will be addressed at the time of building permit.

Agent Presentation

- VS Design Studio
- Agent acknowledges the driveway location and notes the property is an estate lot. The intention is to minimize the height given the large footprint. The efforts to minimize impacts to the neighboring property.
- Member Smith seeks clarification if the relief from height from the front or the back given the design is a walk-out design.
- Agent notes the height is based on the average.
- Smith re-iterates the relief isn't based solely on the front of the house.
- Member Hamilton confirms the Committee was provided the public comment prior to the meeting and had the opportunity to review.

Moved by Member Smith
Seconded by Member Schmitt

THAT Application for Minor Variance **A14-24-KD** from VS Design Studio on behalf of Bhavan Gill, Owner(s) of lands legally described as BRANTFORD RANGE 1 SHR PT LOT 14 RP 2R8332 PART 1; County of Brant and municipally known as 35 McBay Road is seeking relief from Section 9, Table 9.2.1 of the County of Brant Zoning By-Law 61-16 for an increase in height for a new two-storey residential building with a walkout basement. The applicant has proposed a height of 13.87m (45.50 ft), whereas 10.5m (34.44 ft) is permitted. It is recommended that the application **BE APPROVED.**

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

Carried Unanimously

6.4.1 Addendum - Public Comment

6.5 A15-24-NM-Landry-130 Brant Rd

Staff Presentation

- N. Mousavi Berenjaghi, Development Planning Student presented minor variance application A15-24-NM requesting relief from Zoning By-law 61-16, Section 4, Table 4.4.1 to permit a maximum lot coverage of 180 square metres, whereas 140 square metres is permitted. The application

is required to allow for a lean-to space to be added to the existing detached garage for the purpose of additional storage. Staff confirms the civic address of 130 Brant Rd.

- Staff is recommending approval of A15-24-NM as outlined in the report.

Agent/Applicant Presentation

- Steve Landry, Applicant/Owner offers to answer any questions.
- Member Hamilton seeks clarification of the location of the accessory structure given no drawings.
- S. Landry describes the location of the building will be on the north side of the building.
- Member Hamilton questions the use of the building.
- S. Landry responds outdoor, covered boat storage.
- No further questions.

Moved by Member Panag
Seconded by Member Emmott

THAT Application for Minor Variance **A15-24-NM** from Steve Landry, Owner of lands legally described as CON 2 PT LOT 12, in the Geographic Township of Brantford; County of Brant and municipally known as 130 Brant Road, requesting relief from Section 4, Table 4.4.1 of the Zoning By-Law to permit a maximum lot coverage of 180 square metres for accessory structures, whereas a maximum of 140 square metres is permitted, to allow for a lean-to space to be added to the existing detached garage for the purpose of additional storage, **BE APPROVED.**

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

- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands.
- The proposed variances meet the four tests of the Planning Act.

Carried Unanimously

6.6 A12-24-HH-Douglas-1377 Highway 54

Staff Presentation

- N. Mousavi Berenjaghi, Development Planning Student presented minor variance application A12-24-HH-1377 Highway 54 requesting relief from Zoning By-law 61-16, Section 4, Table 4.4.1 to permit an increased structure height of 10 metres, whereas 7 metres is permitted. The application is required to facilitate the conversion of the existing

farmhouse to an additional residential unit with a new primary dwelling to be constructed in place of the existing barn.

- A public comment was received and staff confirm the structure is not intended for livestock.
- Staff is recommending approval of A12-24-NM as outlined in the report.

Agent Presentation

- Christine Brown, Agent
- Member Smith inquires on the timeline for the new building and the servicing for the new structure.
- C. Brown responds new septic and cistern will be installed to service the new dwelling. Building will start as soon as possible if approved.
- No further questions.

Moved by Member Emmott
Seconded by Member Panag

THAT Application for Minor Variance **A12-24-HH** from Christine Brown on behalf of Lois B. Douglas, Owner(s) of lands legally described as RIVER RANGE PT LOT 76, municipally known as 1377 Highway 54, Former Township of Onondaga, County of Brant, seeking relief from Zoning By-law 61-16, Section 4, Table 4.1.1 for a maximum accessory structure height of 10 metres, whereas 7 metres is permitted to facilitate the conversion of the existing farmhouse to an Additional Residential Unit (ARU) with a new dwelling to be constructed as the primary dwelling, **BE APPROVED.**

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

Carried Unanimously

6.7 FV2-24-LK - 45 Broadway Way Street East

Staff Presentation

- L. Keen, Junior Planner presented the Fence Variance Appeal FV2-24-LK-45 Broadway St E.
- Fence Variance Application is seeking relief to permit a 7.5-foot (2.28 m) fence to be permitted along red outlined property lines whereas a maximum 3-foot (0.91 m) fence is permitted.

- A Notice of Objection was received from property owners at 180 Grand River St N citing the variance restricts use of driveway, concerns of sightlines etc.
- Staff is requesting a decision on fence variance FV2-24-LG pursuant to the County of Brant Fence By-law 135-23.
- Member Emmott clarifies the front yard vs backyard determination.
- L. Keen considers the backyard of 45 Broadway to have front year restrictions.
- Member Smith inquires on the date of the Fence By-law.
- Amanda Paine, Supervisor of Enforcement - Fence By-law was revised in 2023. Definition of front yard is defined differently than zoning by-law to support safe sightlines and road use restrictions.
- Member Panag clarifies if current fence is in violation.
- Staff confirms.
- Member Hamilton believes the fence was built in 2022.

Appellant Presentation

- Monique Price, 180 Grand River St N
- M. Price opposes the variance to replace the existing chain link fence with a newer 7.5 foot fence on the disputed property line. The proposed new location will encroach on the property line.
- The variance will negatively impact the use of the driveway as it is long and narrow and bordered by the fence and hedge as well as a steep gully on the right side. This is a safety concern.
- If the variance proceeds then it would require an extension of driveway which is very costly.
- The approval should include a modification that no part of the fence is placed on the 180 Grand River St N property and should not require trespassing to maintain 45 Broadway.

Applicant Presentation

- Glen and Karen Drinkle, applicants at 45 Broadway St E.
- Applicants outline the proposal to seek relief on the height of the fence. The current fence was installed in 2022 and were advised no permits were required.
- Applicants obtained a survey, installed current fence inside the property line.
- The variance is required to increase privacy and the location is changing to increase the ability to maintain the property at 45 Broadway. The

reasons for the variance include typical backyard privilege, privacy, swimming pool, and the suitability to fence their dogs.

- The fence variance is concerning the height of the fence not the location.
- Member Hamilton appeals to the Committee to make a decision on the height of the fence.
- Member Smith confirms the survey has been done. Member Smith confirms the location of the chain link fence.
- K. Drinkle confirms it will be on the property line and will remain as a chain link fence.
- Member Brown confirms the material of the fence.
- Member Brown question to staff of the required setback for the fence.
- Staff confirm the fence can be located on the property line although recommended slightly inset. The location of the fence is a civil matter.

Moved by Member Smith
Seconded by Member Brown

That in the matter of an application for an exemption to the County of Brant Fence By-law 135-23, made by Karen and Glen Drinkle with respect to as PART LOT 24 PART LOT 25 E BROADWAY E located at 45 Broadway Street East, the exemption application be Approved and County of Brant Fence By-law 135-23, as amended in the following respects:

•To permit a 7.5 foot fence (2.28 metres) to be constructed along the south, east and northfacing property lines whereas a maximum 3 foot (0.91 metres) high fence is permitted.

Moved by myself and seconded by Member Brown that application FV2-24-LK be APPROVED as presented in the report.

Carried Unanimously

6.7.1 Addendum - Applicant Submission

7. Other Business

8. Next Meeting

The next meeting is scheduled to be October 17, 2024, and we will be a hybrid meeting starting at 6:00pm.

9. Adjournment

The meeting adjourned at 7:08 PM to meet again on October 17th.

Moved by Member Emmott
Seconded by Member Schmitt

Moved by myself and seconded by Member Schmitt that the meeting of September 19, 2024 be adjourned.

Carried Unanimously

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Sarah Dyment-Smith Secretary-Treasurer

COMMITTEE OF ADJUSTMENT REPORT

DATE: October 17, 2024 **REPORT NO:** SV2-24-LK

TO: To the Chair and Members of the Committee of Adjustment

FROM: Logan Keen – Junior Planner

APPLICATION TYPE: Sign Variance Application

APPLICATION NO: SV2-24-LK

LOCATION: 231 Grand River Street N, Paris

AGENT / APPLICANT: Chris Hackett, Gould Signs

OWNER: Terry Korchak, GEDSB

SUBJECT: Request for a decision on a Sign Variance Application.

RECOMMENDATION

That Application **SV2-24-LK** from Chris Hackett, Gould Signs, and Terry Korchak, GEDSB of lands described as PLAN 492 BLOCK 23 LOT 2 TO LOT 4 LOT 12 PART LOT 1 CONCESSION PART LOT 29 in the County of Brant, **BE APPROVED.**

The Applicant, Gould Signs, is seeking a minor variance of the County of Brant Sign By-law 121-08 at 231 Grand River Street North. Gould Signs is proposing to remove the existing ground sign and replace it with a new ground sign that includes an LED signage whereas the Sign By-Law only stipulates for electronic messaging, which does not include LED signage.

Strategic Priority

1. Sustainable and Managed Growth
2. Healthy, Safe, and Engaged Citizens
3. Effective Communications

FINANCIAL CONSIDERATIONS

The Applicant has provided the non-refundable application fee. If Committee should choose to approve this Application, the Applicant will also be responsible for any Sign Permits required from the County.

EXECUTIVE SUMMARY

The Applicant, Gould Signs, is seeking a minor variance of the County of Brant Sign By-law 121-08 at 231 Grand River Street North. Gould Signs is proposing to remove the existing ground sign and replace it with a new ground sign that includes an LED signage whereas the Sign By-Law only stipulates for electronic messaging, which does not include LED signage. It is important to recognize that the proposed plans submitted with this application note sign messages are to be turned off at 9:00pm, proposed sign is to use scrolling text only, and proposed sign will not emit light in such a way that would disturb abutting residential properties or impact traffic in a negative way.

This planning analysis focuses on literature reviews of applicable policy in consultation with internal departments, an inspection of the subject lands and surrounding neighbourhood, as well as discussions with the Agent.

The proposed variance is appropriate in nature given Staff's proposal to undertake a review of the County of Brant Sign By-Law. The By-Law was approved in 2008 and has not undergone a significant update since. As such, the current standards and trends for signage are not necessarily reflected within the document. Staff are pleased to advise Committee that the Sign By-Law Review project will be initiated in the upcoming year, as part of the Policy Planning Work Plan.

This report recommends that the application be approved based on consideration of the rational provided by Staff as outlined within this report.

LOCATION

The subject property, civically known as 231 Grand River Street North (Paris District High School) is located on the east side of Grand River Street North, north east of the St Patrick Street and Grand River Street North intersection, within the Town of Paris. The subject lands are designated Institutional and are being used as such.

Abutting the subject lands on all sides are lands designated Urban Residential and are being used for Residential purposes with one N2 zoned property to the west.

The subject lands are irregular in shape, currently have frontage of approximately 177m along Grand River Street North and an area of approximately 14.15 acres (57,263 sq. metres)

BACKGROUND & RELATED APPLICATIONS

Should this Application be approved, Staff could move forward in processing the Sign Permit Application for the one (1) Ground Sign. As the Sign By-Law 121-08 is a legislative document of the *Municipal Act (2001)* any Variances approved for signage are not subject to appeal and any Decision of Committee would come into force and effect once the Decision has been written.

REPORT

CONSISTENCY AND CONFORMITY WITH PROVINCIAL POLICIES & PLANS

The proposal does not have any impact on conformity and/or consistency with regards to the current Provincial Policies and Documents in place as it strictly pertains to signage on the site.

SOURCE WATER PROTECTION

The proposal does not have any impact on source water protection with regards to current Provincial Policies and Documents in place as it strictly pertains to signage on the site.

CONFORMITY WITH COUNTY OF BRANT OFFICIAL PLAN (2012)

The subject lands are identified as 231 Grand River Street North are designated Minor Institutional within the County of Brant Official Plan and located within the Primary Urban Settlement Area Boundary. Section 3.14 Land Use Policies within the Institutional Designation are applicable to these lands. The proposed sign variance is consistent with the existing land use in the form of secondary schools.

As By-Law 121-08 (the Sign By-Law) has been passed pursuant to Section 45(3) of the *Planning Act*, the Committee of Adjustment has the authority to grant variances if the Sign By-Law implements the County of Brant Official Plan. This is set out through Sections 6.8 Committee of Adjustment, 6.8.1 Minor Variances, and 6.14 Legislation Pursuant to the *Municipal Act* within the County of Brant Official Plan and included within this report as follows:

As the Sign By-Law is a Council approved document under the *Municipal Act*, any and all Sign By-Law Variances are heard by Committee of Adjustment through a Sign By-Law Variance Application process, as set out within the document.

6.8 COMMITTEE OF ADJUSTMENT

6.8.1 MINOR VARIANCES

The Committee of Adjustment shall deal with all applications for minor variances to the provisions of the *Municipal Act*, the Zoning By-law, the Sign By-Law, and other By-Laws, as delegated by the County. The Committee of Adjustment shall deal with such applications in accordance with the relevant provisions of the *Planning Act*. The decisions of the Committee of Adjustment shall also conform to the general intent of this Plan and the Zoning By-Law. Pursuant to Section 45(9) of the *Planning Act*, the Committee of Adjustment may impose a time limitation on its decision and may impose any other conditions as the Committee sees fit. Such conditions are set out in the Committee of Adjustment's decision.

6.14 LEGISLATION PURSUANT TO THE *MUNICIPAL ACT*

It is intended that the County of Brant review existing legislation pursuant to the *Municipal Act* governing such uses as recreational trailer parks, automobile salvage/re-cycling yards and signs, and where necessary, amend existing By-Laws or pass new By-Laws as may be required to ensure such uses are properly regulated and controlled.

CONSISTENCY AND/OR CONFORMITY WITH ZONING BY-LAW 61-16

The subject lands are currently zoned Minor Institutional (N1) within the County of Brant Zoning By-law 61-16 which permits the use consisting of a Secondary School, in addition to the uses permitted in the N1 zone. The proposed sign variance application is in conformity with the existing development on these lands.

SIGN BY-LAW 121-08 (AS AMENDED BY BY-LAW 168-09)

Currently the County of Brant Sign By-Law 121-08 permits Fascia, Ground and Portable signs within the Institutional Zone Categories subject to the following requirements:

H. GROUND SIGNS

Where permitted by Section 6, the following regulations apply to *ground signs:*

H-1 Number permitted

One (1) *ground sign* is permitted per *frontage*

Staff note that the fascia signs proposed have been reviewed and the number of signs and is compliant with the requirements as set out above through Section H-1 of By-Law 121-08.

H-2 Location

No *ground sign* shall be located closer than:

a) 1.0m to a *property* line
b) 1.0m to a street line
c) 3.0m to a driveway
d) 5.0m to a *ground sign* on the same *property*
e) Where adjacent to any residential *zone,* no *ground sign* shall be permitted in a rear yard or in an interior side yard.

Staff note that there are surrounding residential properties however, the unit and premise of which the signage is to be erected does not directly abut a residential use and is separated by the surrounding roads.

H-3 Maximum *Height*

7.5m

H-4 Sign Face Area

22.5m^2 including a maximum area of 3.5m^2 for an electronic message display.

Staff note that the fascia sign proposed has been reviewed with respects to size and area and is compliant with the requirements as set out above through Section H of By-Law 121-08 in that all signs are less than 22.5m^2, including a maximum area of 3.5m^2 for an electronic message display. Staff have provided a chart with these details outlined below for the Committee's reference:

Location	Number of Signs Proposed	Sign Area Proposed	Electronic (LED) Signage Area	Sign Height Proposed
231 Grand River St North	1	6.6m^2	3.0m^2	3.2m

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	No comments.
Environmental Planning	No comments.
Building Department	Building permit required for new sign.
Fire Department	No comments.

Public Considerations

Staff visited the subject lands and the Applicant posted the notice sign on 09/30/2024 in accordance with Section 45(5) of the *Planning Act*.

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

CONCLUSIONS AND RECOMMENDATIONS

In reviewing the application, staff analyzed the application regarding Section 9.7 *Variances* of the Sign By-Law:

(a) Special circumstances or conditions applying to the property, building or use referred to in the application;

- *Does not apply to this proposal.*

(b) Whether strict application of the provisions of this By-Law in the context of the special circumstances applying to the property, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-Law;

- *Does not apply to this proposal.*

(c) Whether such special circumstances or conditions are preexisting and not created by the owner or applicant; and,

- *Does not apply to this proposal.*

(d) Whether the sign that is subject of the variance will alter the essential character of the area.

- *As the site is approved for secondary school use and the Sign is in conformity with all other requirements of the Sign By-Law 121-08, there are no detrimental effects to the established character of the area through this application.*

The Applicant, Gould Signs, is seeking a minor variance of the County of Brant Sign By-law 121-08 at 231 Grand River Street North. Gould Signs is proposing to remove the existing ground sign and replace it with a new ground sign that includes an LED signage whereas the Sign By-Law only stipulates for electronic messaging, which does not include LED signage.

The variance request is submitted at this time to facilitate the placement of one (1) ground sign on the subject lands that fronts onto Grand River Street North, due to the County of Brant Sign By-law 121-08 requiring a comprehensive update. The proposed sign will require a Sign Permit prior to being erected on the property. The current ground sign is to be removed.

As a result of the upcoming Sign By-Law review, Staff is of the opinion that the request is in keeping with the overall intent of the Sign By-Law, and will not have any adverse impact on any adjacent land uses. Staff is recommending approval of the sign variance application.

Respectfully Submitted,

Logan Keen, Junior Planner

Reviewed By: Kayla Deleye, Supervisor of Development Planning

ATTACHMENTS

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Detailed Map
5. Sign Elevation Plan
6. Sign Site Plan
7. Circulation Notice

COPY TO

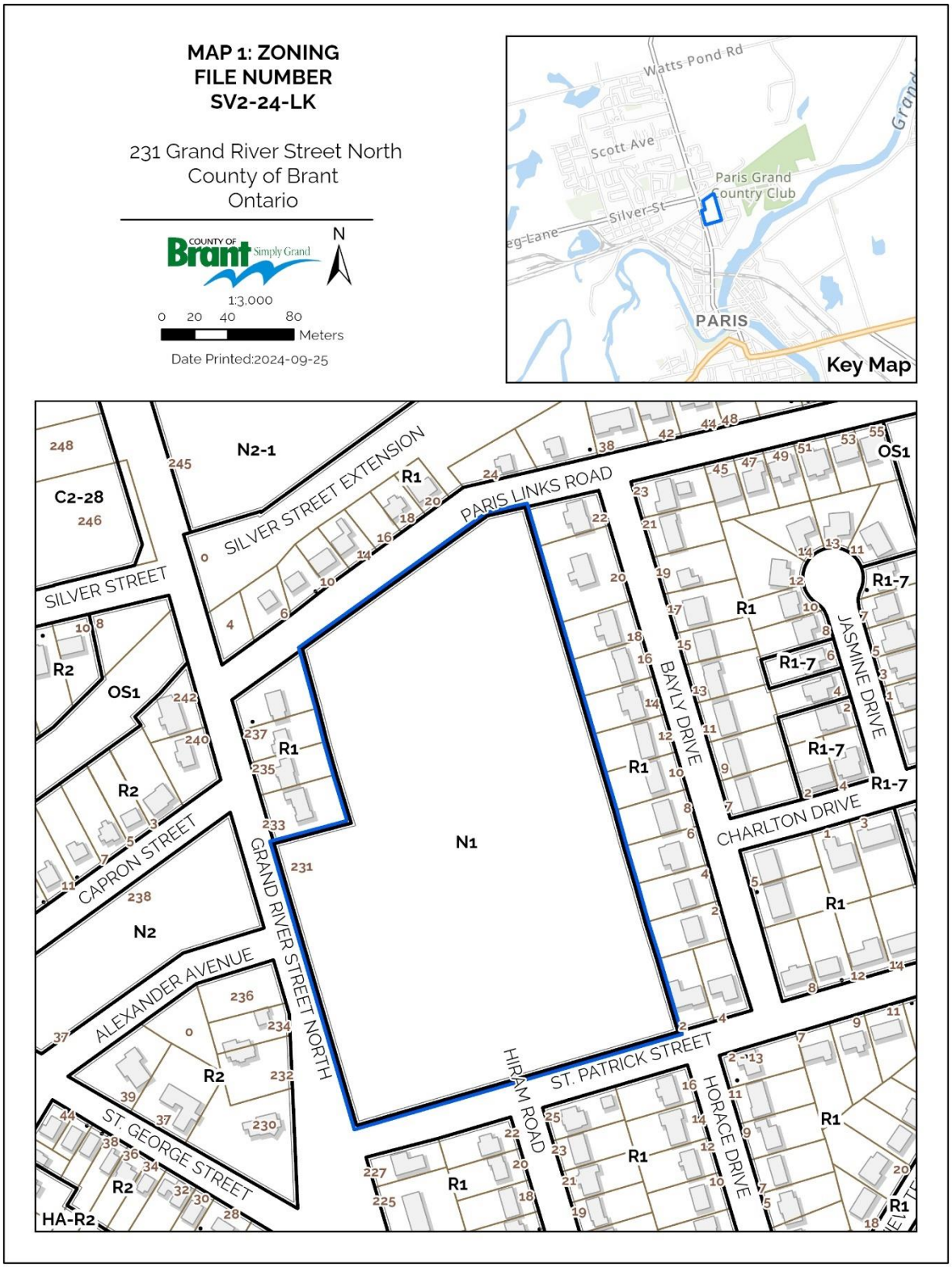
1. Logan Keen, Junior Planner
2. Sarah Dyment-Smith, Secretary Treasurer to the Committee of Adjustment
3. Applicant/Agent

FILE # SV1/23/AA

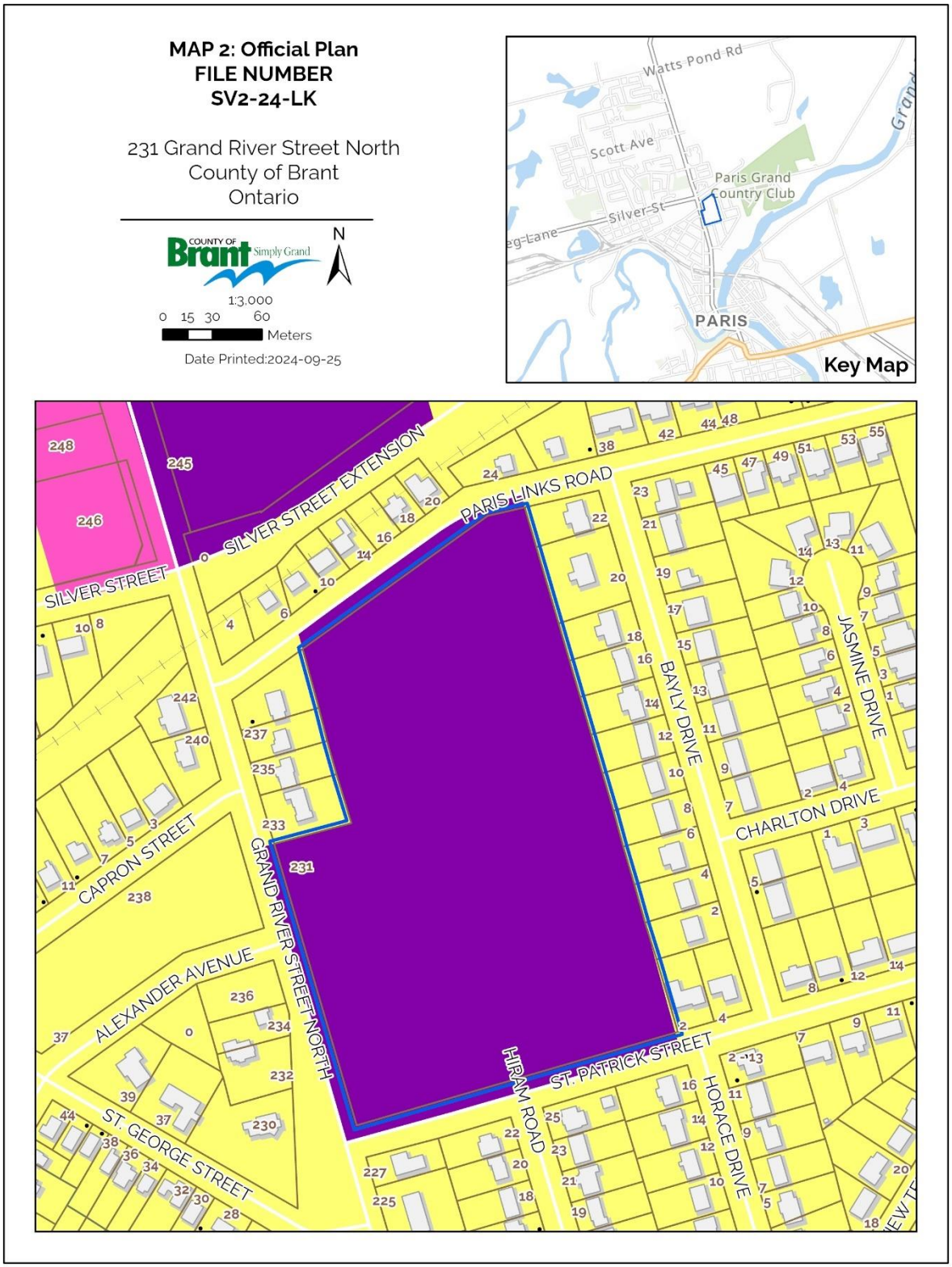
In adopting this report, is a bylaw or agreement required?

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)

Zoning Map


MAP 1: ZONING
FILE NUMBER
SV2-24-LK
231 Grand River Street North
County of Brant
Ontario
COUNTY OF Brant Simply Grand
N
1:3,000
0 20 40 80
Meters
Date Printed:2024-09-25
Watts Pond Rd
Scott Ave
Paris Grand Country Club
Silver St
PARIS
Key Map
N2-1
C2-28
SILVER STREET EXTENSION
PARIS LINKS ROAD
SILVER STREET
R1
OS1
R2
N1
N2
R1-7
JASMINE DRIVE
BAYLY DRIVE
CHARLTON DRIVE
CAPRON STREET
GRAND RIVER STREET NORTH
ALEXANDER AVENUE
ST. PATRICK STREET
HIRAM ROAD
HORACE DRIVE
ST. GEORGE STREET
HA-R2

Official Plan Map



Aerial Map

MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
SV2-24-LK

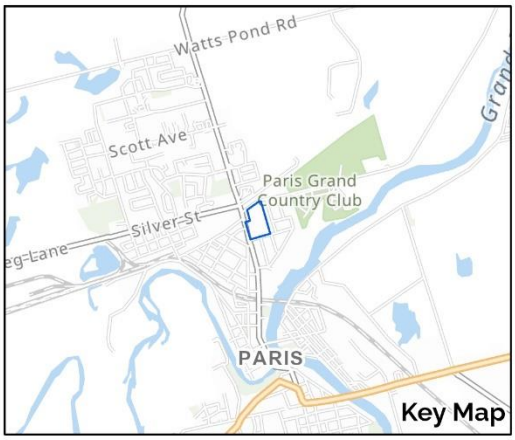
231 Grand River Street North
County of Brant
Ontario

COUNTY OF Brant Simply Grand

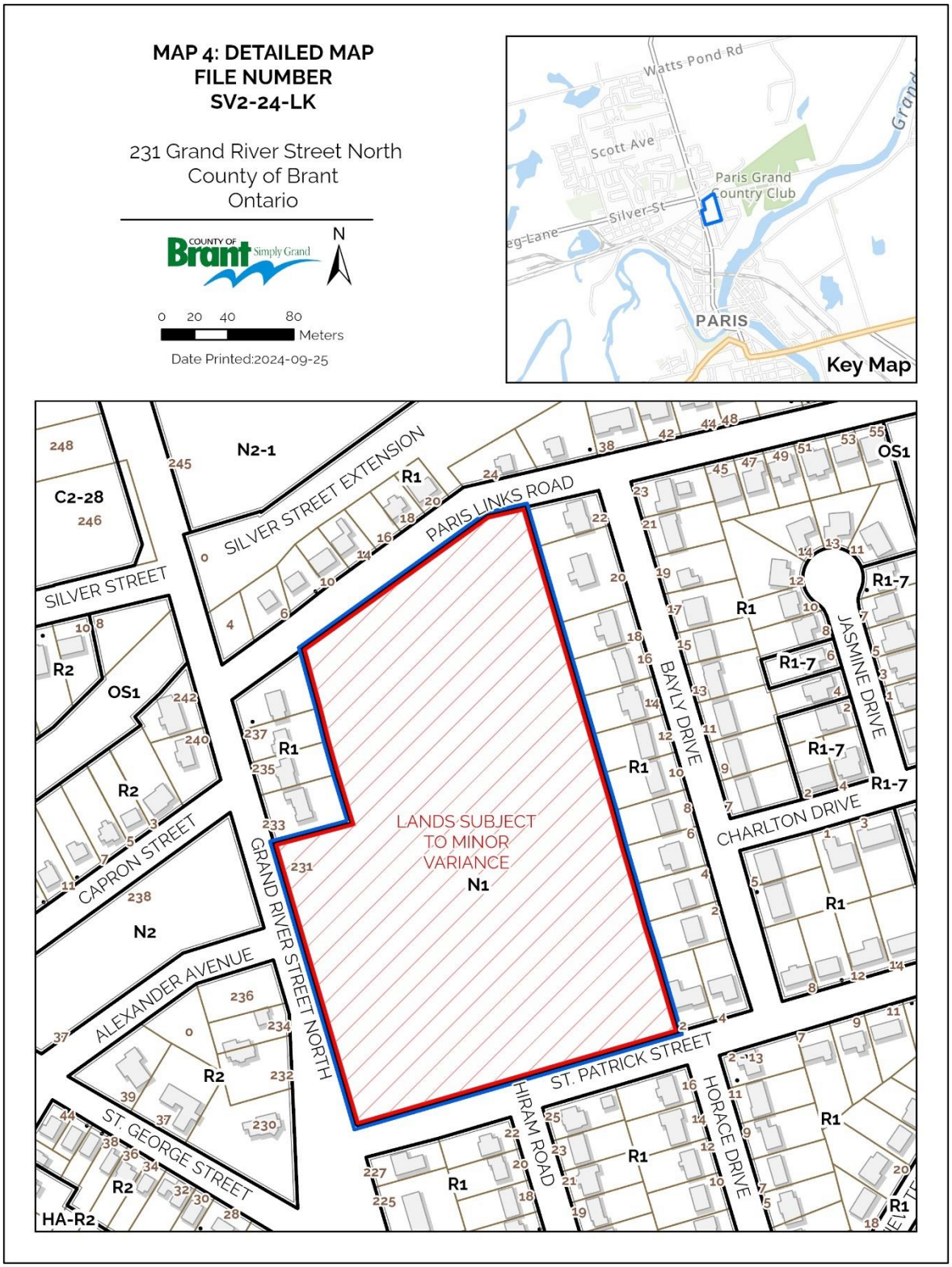
N

1:3,000
0 20 40 80
Meters

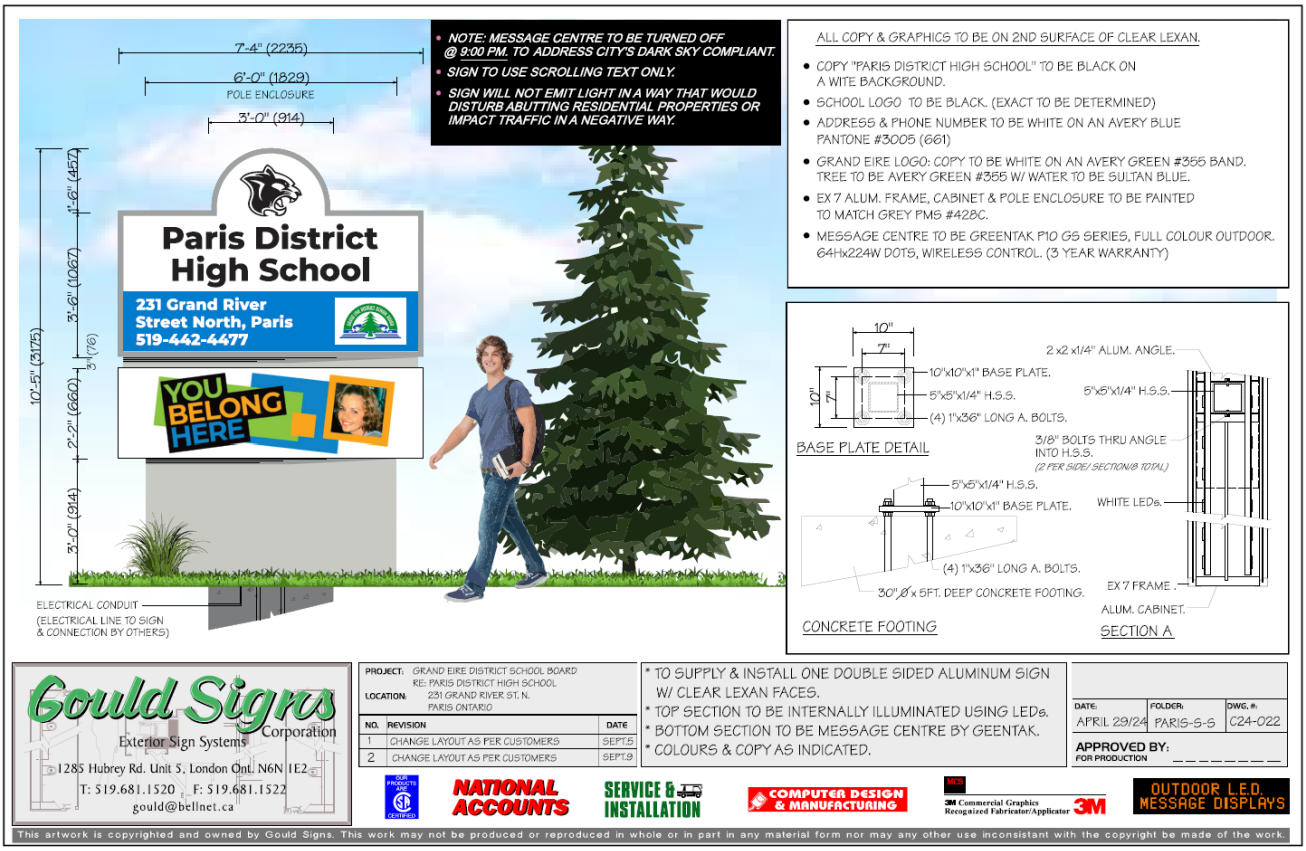
Date Printed:2024-09-25



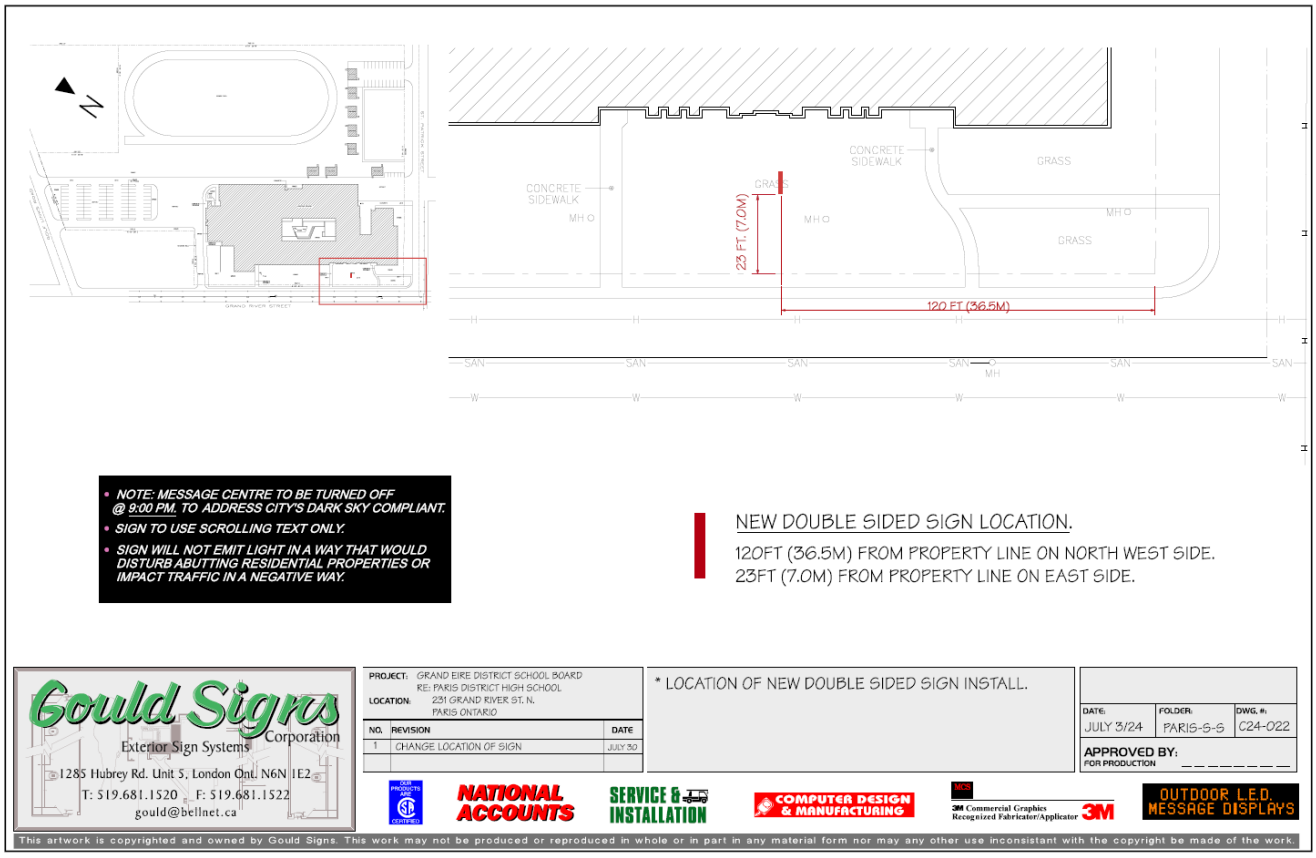
Detailed Map



Sign Elevation Plan



Sign Site Plan



NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
- THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE

COMMMITTEE OF ADJUSTMENT.

Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-10-17

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: SV2-24-LK-231 Grand River St N

Details of Application:

Gould Signs c/o Chris Hackett agent on behalf of Grand Erie District School Board c/o Terry Korchak, applicant/ owner of PLAN 492 BLK 23 LOT 2 TO LOT 4 LOT 12 PT LOT 1 CON 1 PT LOT 29, County of Brant, in the geographic township of Paris, located at 231 Grand River St N is proposing to remove the existing ground sign and replace it with a new ground sign that includes an LED signage whereas the Sign By-Law only stipulates for electronic messaging, which does not include LED signage.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Logan Keen logan.keen@brant.ca

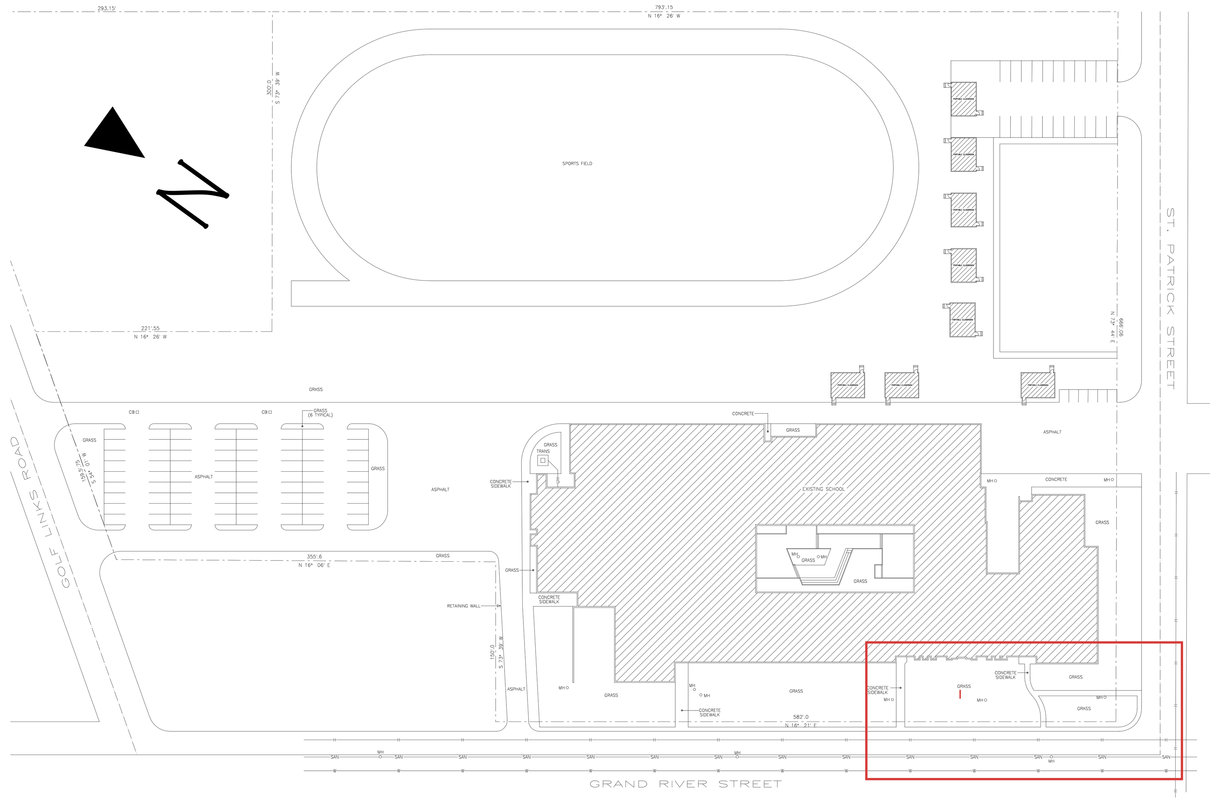
To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

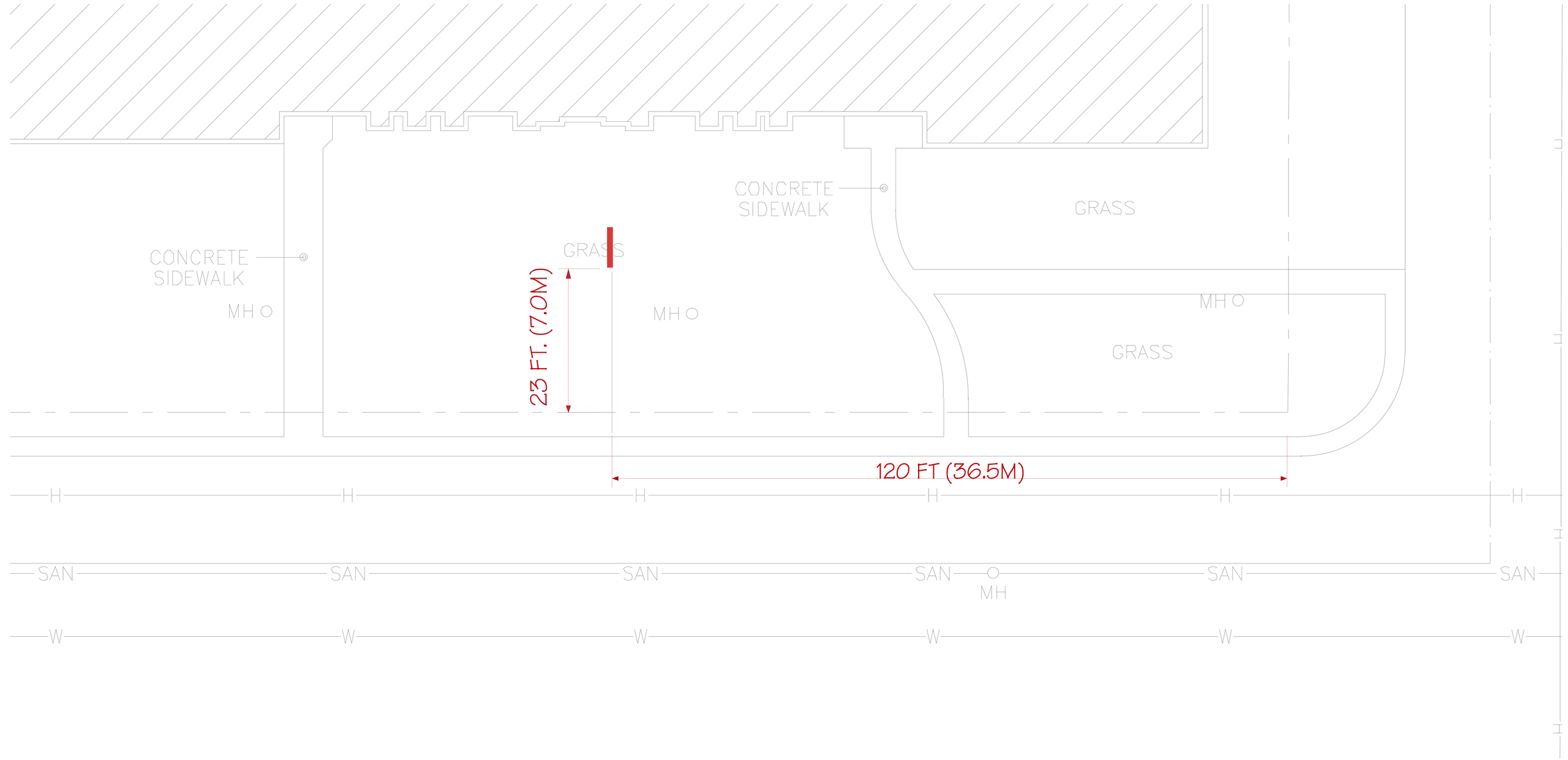
How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of $400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of $267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*





- *NOTE: MESSAGE CENTRE TO BE TURNED OFF @ 9:00 PM. TO ADDRESS CITY'S DARK SKY COMPLIANT.*
- *SIGN TO USE SCROLLING TEXT ONLY.*
- *SIGN WILL NOT EMIT LIGHT IN A WAY THAT WOULD DISTURB ABUTTING RESIDENTIAL PROPERTIES OR IMPACT TRAFFIC IN A NEGATIVE WAY.*

NEW DOUBLE SIDED SIGN LOCATION.

120FT (36.5M) FROM PROPERTY LINE ON NORTH WEST SIDE.
23FT (7.0M) FROM PROPERTY LINE ON EAST SIDE.

Gould Signs Corporation
Exterior Sign Systems
1285 Hubrey Rd. Unit 5, London Ont. N6N 1E2
T: 519.681.1520 F: 519.681.1522
gould@bellnet.ca

PROJECT: GRAND EIRE DISTRICT SCHOOL BOARD
RE: PARIS DISTRICT HIGH SCHOOL
LOCATION: 231 GRAND RIVER ST. N.
PARIS ONTARIO

NO.	REVISION	DATE
1	CHANGE LOCATION OF SIGN	JULY 30

* LOCATION OF NEW DOUBLE SIDED SIGN INSTALL.

DATE:	FOLDER:	DWG. #:
JULY 3/24	PARIS-S-S	C24-022

APPROVED BY:
FOR PRODUCTION

OUR PRODUCTS ARE SIGN CANADA CERTIFIED
NATIONAL ACCOUNTS
SERVICE & INSTALLATION
COMPUTER DESIGN & MANUFACTURING
MCS 3M Commercial Graphics Recognized Fabricator/Applicator 3M
OUTDOOR L.E.D. MESSAGE DISPLAYS

This artwork is copyrighted and owned by Gould Signs. This work may not be produced or reproduced in whole or in part in any material form nor may any other use inconsistant with the copyright be made of the work.

MAP 4: DETAILED MAP
FILE NUMBER
SV2-24-LK

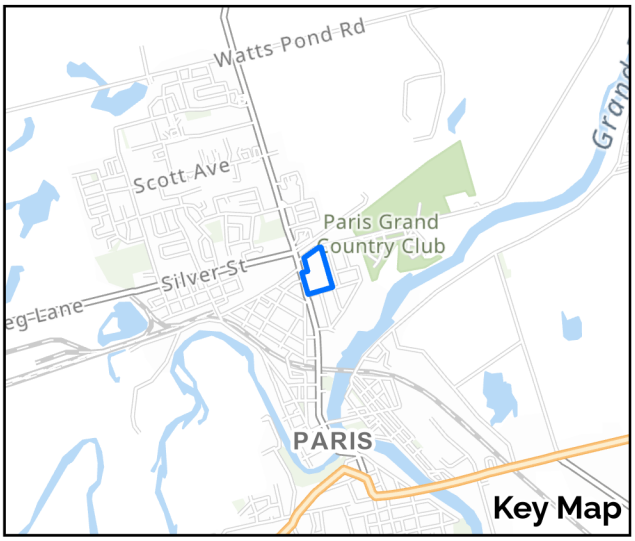
231 Grand River Street North
County of Brant
Ontario

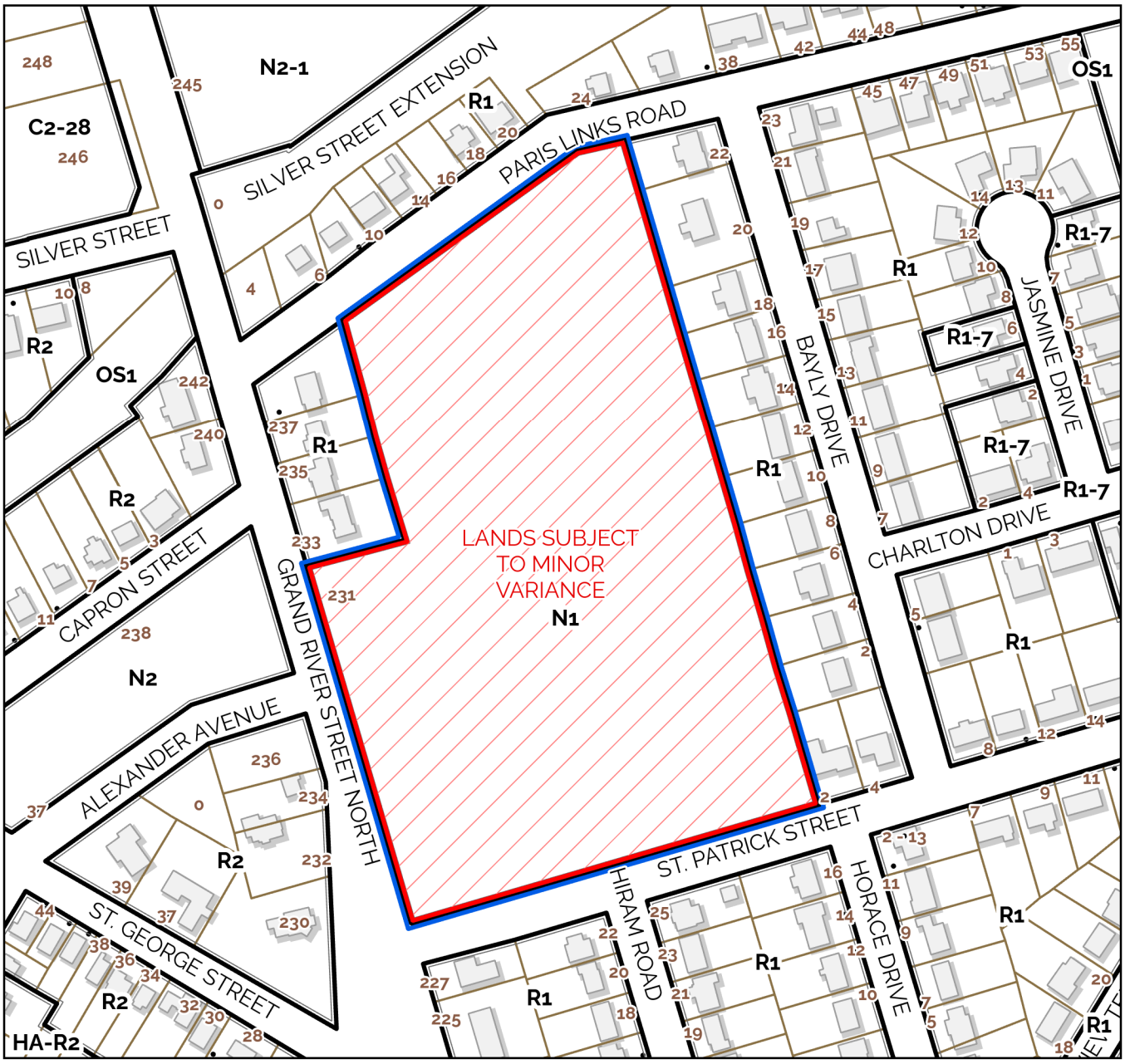
COUNTY OF Brant Simply Grand

N

0 20 40 80
Meters

Date Printed:2024-09-25





COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: October 17, 2024 **REPORT NO:** RPT- 0446 - 24

TO: To the Chair and Members of the Committee of Adjustment

FROM: Kayla DeLeye, Supervisor of Development Planning

APPLICATION TYPE: Consent Application (Lease Extension)

APPLICATION NO: B13-24-KD

LOCATION: 197 Pinehurst Road

OWNER: Vicano Development Limited c/o Yaw Yawson

AGENT: N/A

SUBJECT: Request for a decision on a Consent Application to extend the lease for the existing tenants, McDonald's Restaurants of Canada Limited, to continue operating in excess of 21 years.

RECOMMENDATION

THAT Application for Consent B13-24-KD from Vicano Development Limited c/o Yaw Yawson, Owner of lands legally described as SOUTH DUMFRIES CON 2 PT LOT 30 RP 2R7950 PT PART 1 RP 2R8605 PART 2; County of Brant and municipally known as 197 Pinehurst Road to facilitate the lease extension over the lands in excess of 21 years for their existing tenant, Mcdonald's Restaurant of Canada Limited, to continue operation **BE APPROVED**, **subject to the attached conditions:**

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

- The proposed land lease extension will facilitate the existing restaurant to continue operating.
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of Provincial Policy Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

EXECUTIVE SUMMARY

Consent Application **B13-24-KD** proposes to extend the lease over approximately 18% (1,349 sq.m) of the lands municipally known as 197 Pinehurst Road to facilitate the outdoor ancillary space, including existing drive-through, internal drive aisle, parking spaces, walkway, landscape areas, garbage enclosure to be granted leased area permissions in excess of 21 years.

At the time of preparing this report, no concerns were raised as part of the public or technical circulation of this Consent Application.

For the reasons outlined in this report, it is my professional recommendation that Consent Application **B13-24-KD** to facilitate access be **Approved, subject to the attached conditions**.

LOCATION / EXISTING CONDITIONS

The subject lands are located at the south-west corner of Watt's Pond Road and Pinehurst Road.

LOCATION MAP
Application: B13-24-KD
197 Pinehurst Road

AERIAL IMAGE
Application: B13-24-KD
197 Pinehurst Road

The subject lands currently contain commercial units, including the Mcdonald's restaurant with a total land area of 0.78 ha (1.92 ac), a lot frontage of approximately 69.4 metres (227.69 ft.), and a lot depth of 77.36 metres (253.8 ft.).

The subject lands are surrounded by Agricultural use from north, east, and south. Open Space (stormwater management pond) and residential uses are located west of the subject lands.

REPORT

Planning Act

Section 50(1)(f) of the *Planning Act* permits the consent to convey, mortgage, or charge the land. It also allows for the granting, assignment, or exercise of a power of appointment concerning the land, as well as the ability to enter into agreements related to the land.

Review of this application demonstrates that this application is in keeping with Section 50(1)(f) of The Planning Act.

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

Review of this application demonstrates that this application is in keeping with Section 51(24) of The Planning Act.

Sections 50(3) and 50(5) of the *Planning Act* sets out criteria to be considered when entering into an agreement of sale and purchase of land or granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.

Review of this application demonstrates that this application is in keeping with Sections 50(3) and 50(5) of the Planning Act.

Conformity with Provincial and Municipal Policies/Plans

Provincial Policy Statement, 2020

The *Provincial Policy 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 1.1.3.1 of the *Provincial Policy Statement* identifies 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 Settlement Area Boundary of Paris***

Section 1.3.1(e) of the *Provincial Policy Statement* promotes economic development and competitiveness by ensuring that necessary infrastructure is provided to support current and projected needs.

- ***The proposed land lease extension will facilitate the existing business to continue operating, supporting the local economic development and employment opportunities.***

In summary, it is my professional opinion that the application is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Section 2.2.5 of the Growth Plan outlines policies on Employment which encourage economic development by making efficient use of employment areas and vacant and underutilized employment lands, attracting investment and employment.

- ***The subject lands are designated General Commercial which provides for commercial establishments that offer goods and services to the County's market***

area. The proposed land lease extension will allow the permitted use to continue operating, supporting the County's local businesses.

It is my professional opinion that the consent application conforms to the policies of the Growth Plan.

County of Brant Official Plan 2012

The Subject lands are designated as '***General Commercial***', within Schedule 'A-1' of the County of Brant Official Plan.

Official Plan (2012)	***Planning Analysis***
Section 3.9 speaks to the intent of General Commercial designation comprised of land that is intended to be developed for retail commercial establishments, places of entertainment, professional offices, financial institutions, assembly halls, eating establishments, automotive uses, hotels and motels, community facilities, convenience stores, and residential uses above the first floor.	***The existing restaurant conforms with the general intent of General Commercial designation and is within the permitted uses.***
Sections 6.8.2.2 speaks to non-agriculture consent, allowing for the creation of easements or rights-of-way are permitted and minor lot adjustments or minor boundary changes that are granted conditional to Section 50(3) or 50(5) of the Planning Act, and the consent would not result in the creation of a new building lot.	***The proposed land lease will be granted conditional to Section 50(3) of the Planning Act and would not result in the creation of a new building lot.***

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

County of Brant Zoning By-Law 61-16

The subject lands are General Commercial (C2) within the County of Brant Zoning By-Law 61-16.

Section 10, Table 10.1.1 of the County of Brant Zoning By-Law 61-16 identifies the permitted uses for lands zoned as General Commercial. The existing drive-through facility and restaurant are within the permitted uses.

- ***All other requirements of the Zoning By-Law 61-16 are being satisfied.***

It is my professional opinion that the proposed easement maintains the intent of the County of Brant Zoning By-Law 61-16.

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	• No Comments
Fire	• No Comments
Parks	• No Comments
Canada Post	• Please be advised that Canada Post does not have any comments on this application. These units will be serviced by a Community mailbox on the property.
Environmental Planning	• No Comments
Enbridge	• Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify approval for the site/development.

PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on October 2, 2024, to all property owners within 60 meters of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

Posting of the Public Notice sign was completed on September 26, 2024.

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

CONCLUSIONS AND RECOMMENDATIONS

Consent Application **B13-24-KD** is seeking to extend the lease over approximately 18% (1,349 sq.m) of the lands municipally known as 197 Pinehurst Road to facilitate the existing restaurant and outdoor ancillary space to remain in operation.

Staff have reviewed the proposed Consent application with applicable planning policy (i.e. Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012) and Zoning By-Law 61-16 in review of any comments received from relevant departments, the applicant and the members of the public.

At the time of preparing this report, no concerns were raised as part of the public or technical circulation of this Consent Application.

For the reasons outlined in this report, it is my professional recommendation that Consent Application **B13-24-KD** to extend the lease over approximately 18% of lands located at 197 Pinehurst Road be **Approved subject to the attached conditions**.

Kayla DeLeye,

Supervisor of Development Planning MA, Ec.D, MCIP, RPP

ATTACHMENTS

1. Site Plan
2. Zoning Mapping
3. Official Plan Mapping
4. Aerial Map
5. Aerial Detail Map

COPY TO

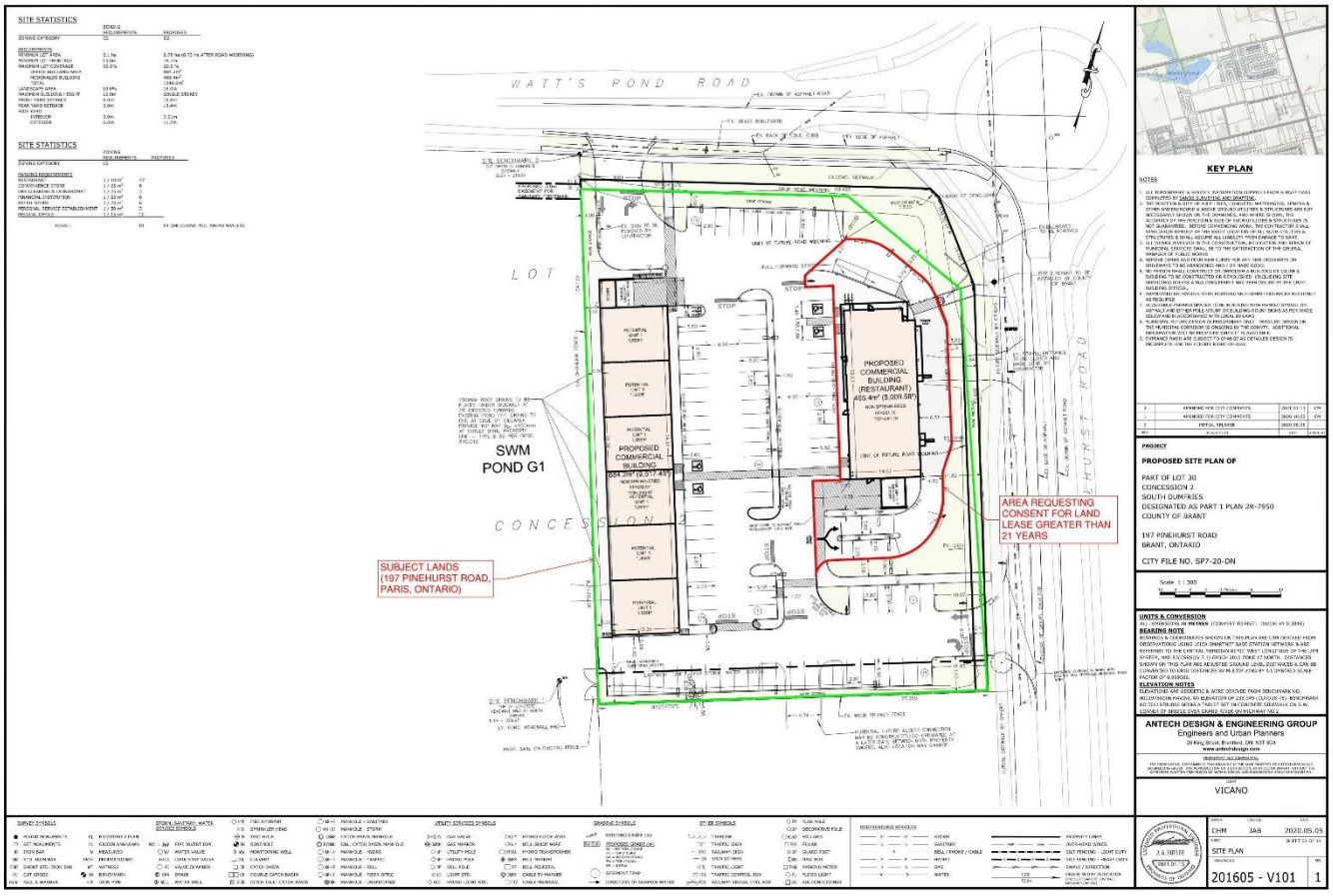
1. Kayla DeLeye, Supervisor of Development Planning
2. Applicant/Agent

FILE # B13-24-KD

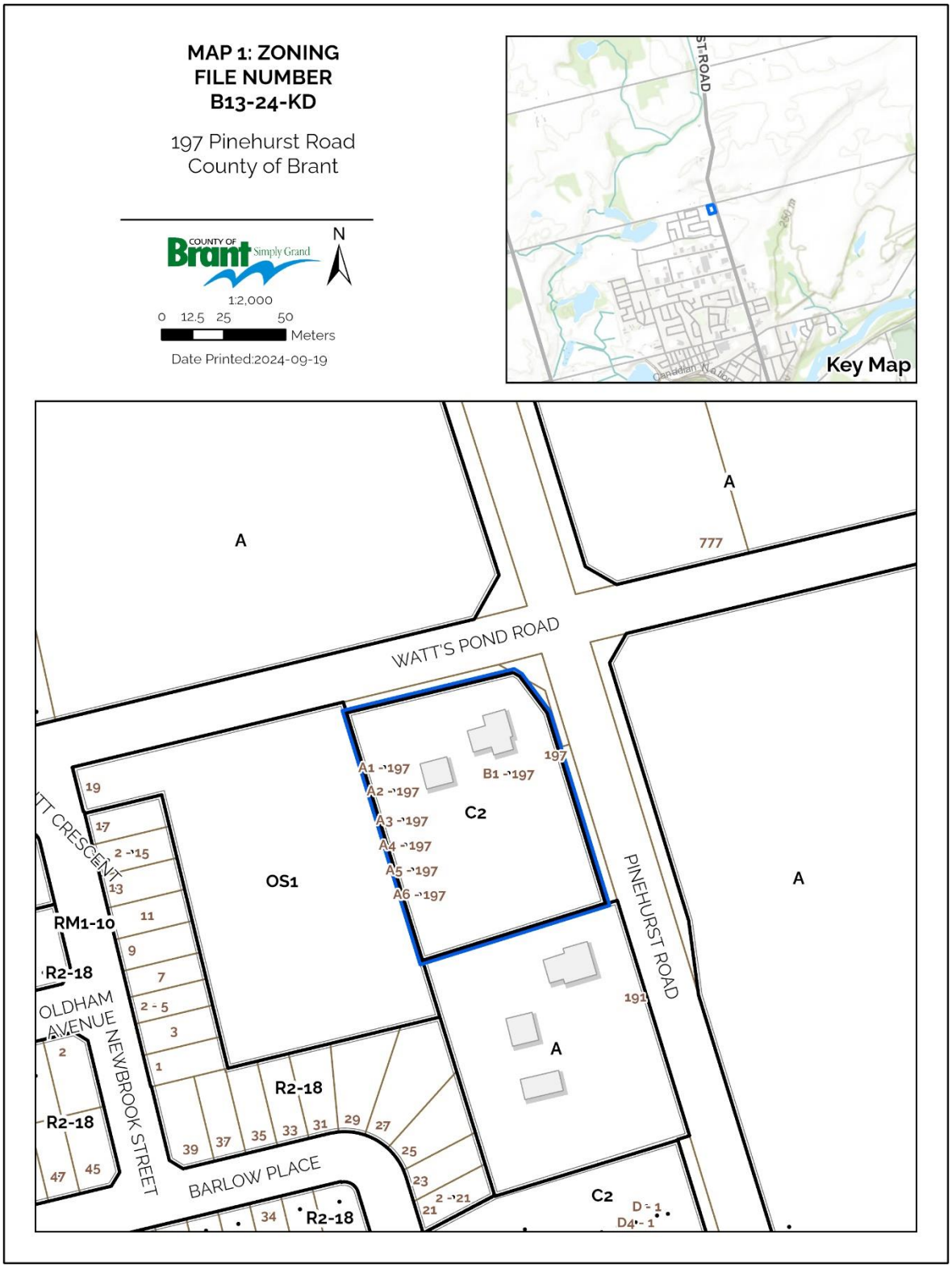
In adopting this report, is a bylaw or agreement required?

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)

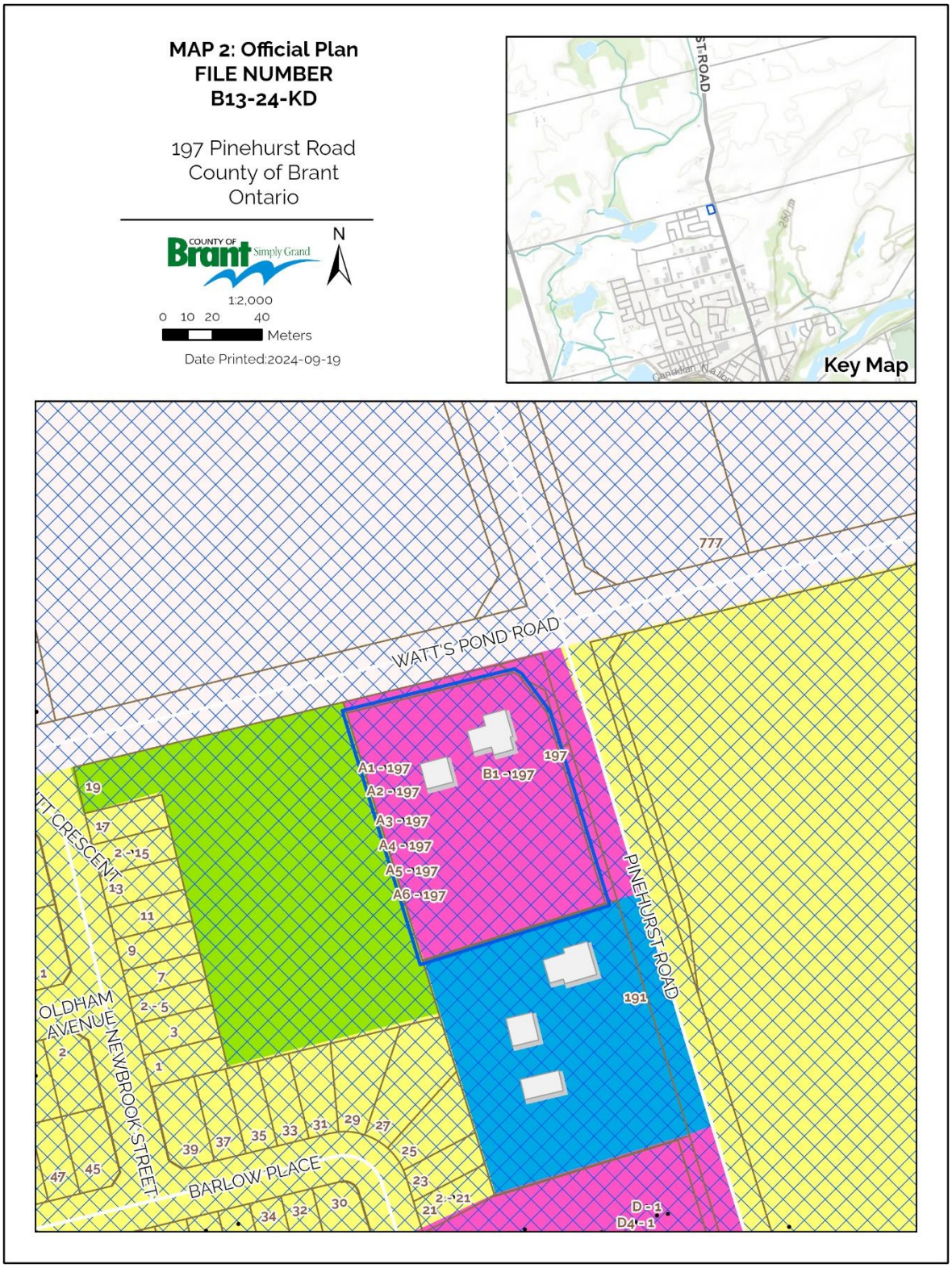
Attachment 1 – Site Plan



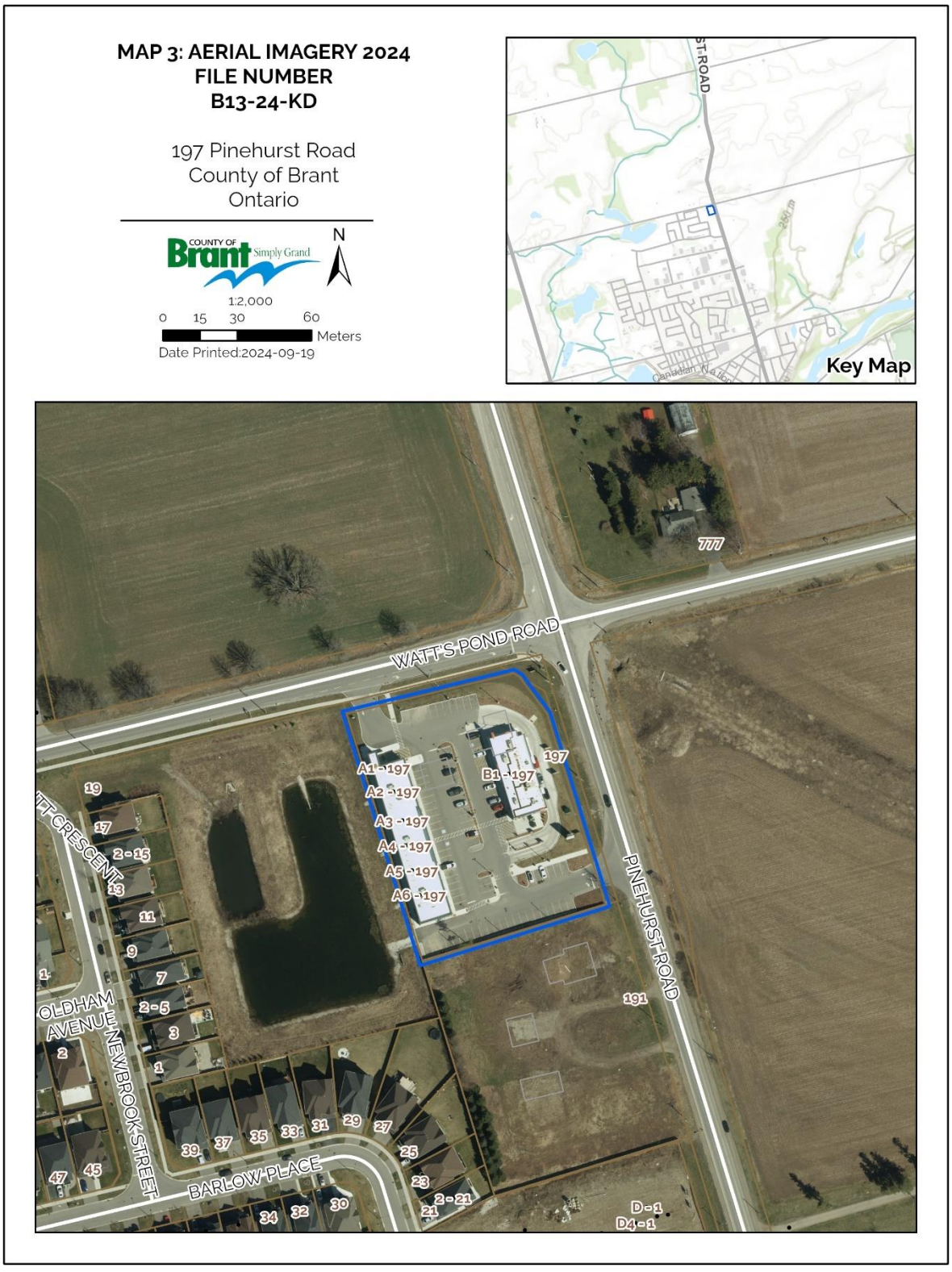
Attachment 2 – Zoning Map



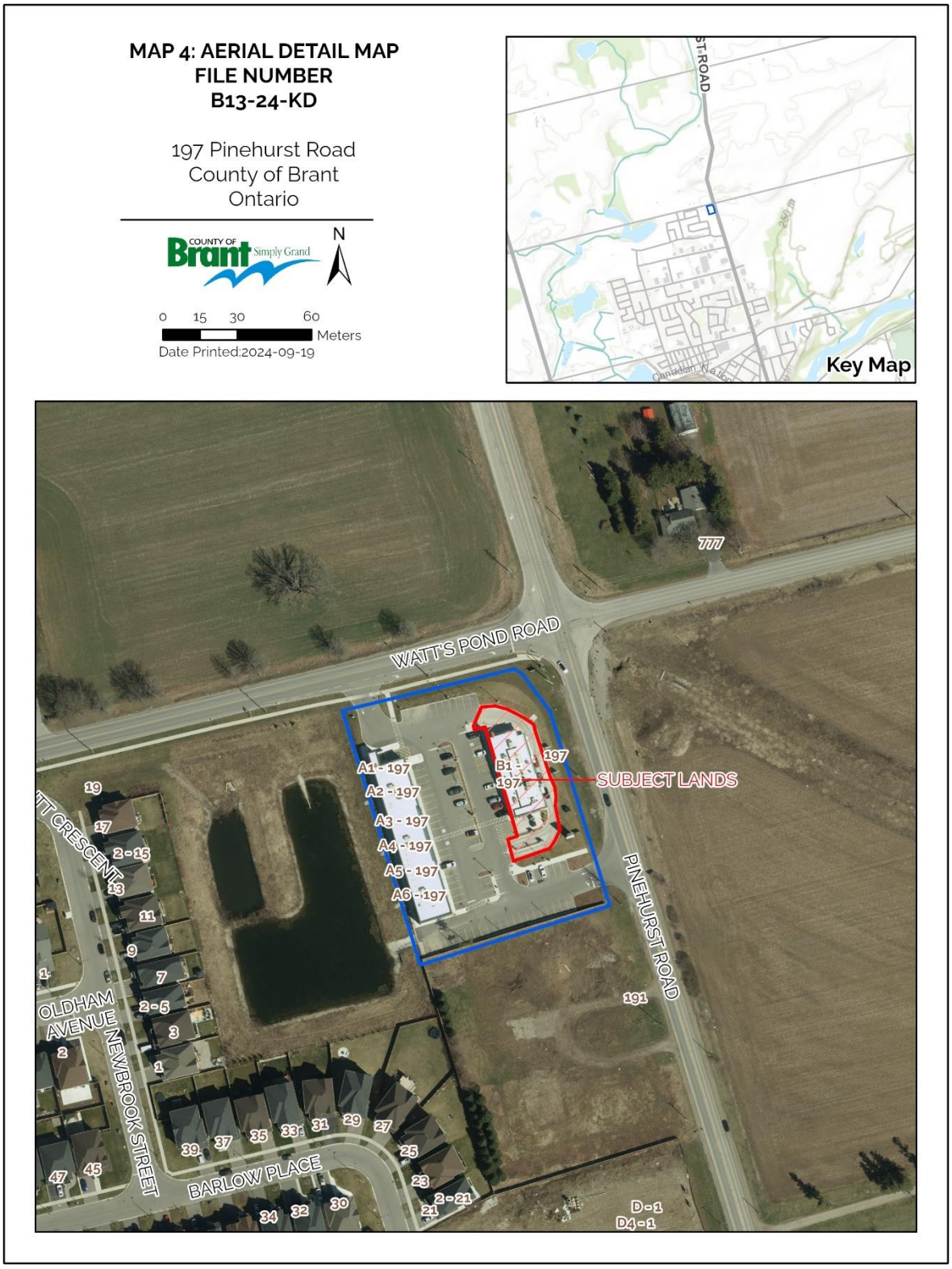
Attachment 3 – Official Plan Map



Attachment 4 – Aerial Map



Attachment 5 – Aerial Detail Map



LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.

2. That the $328 Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.

3. That the Applicant/Owner provide a copy of a Draft Reference Plan prepared by a licensed surveyor, to be reviewed by the County of Brant, prior to the plan being deposited at the Land Registry Office.

4. That the Draft Reference Plan be required to identify the proposed parcels, the location of the existing buildings, entrances (as applicable).

5. That the Draft Reference Plan include any easements, road widening, 0.3m reserves, daylight triangles as required by the County of Brant Development Engineering Division and/or Public Utility as applicable.

6. That the Applicants provide draft transfer documents with legal descriptions of the severed lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office) if required.

7. That the Applicant's lawyer shall prepare and register all the necessary documents following review and approval by the County Solicitor, and immediately following the registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.

8. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

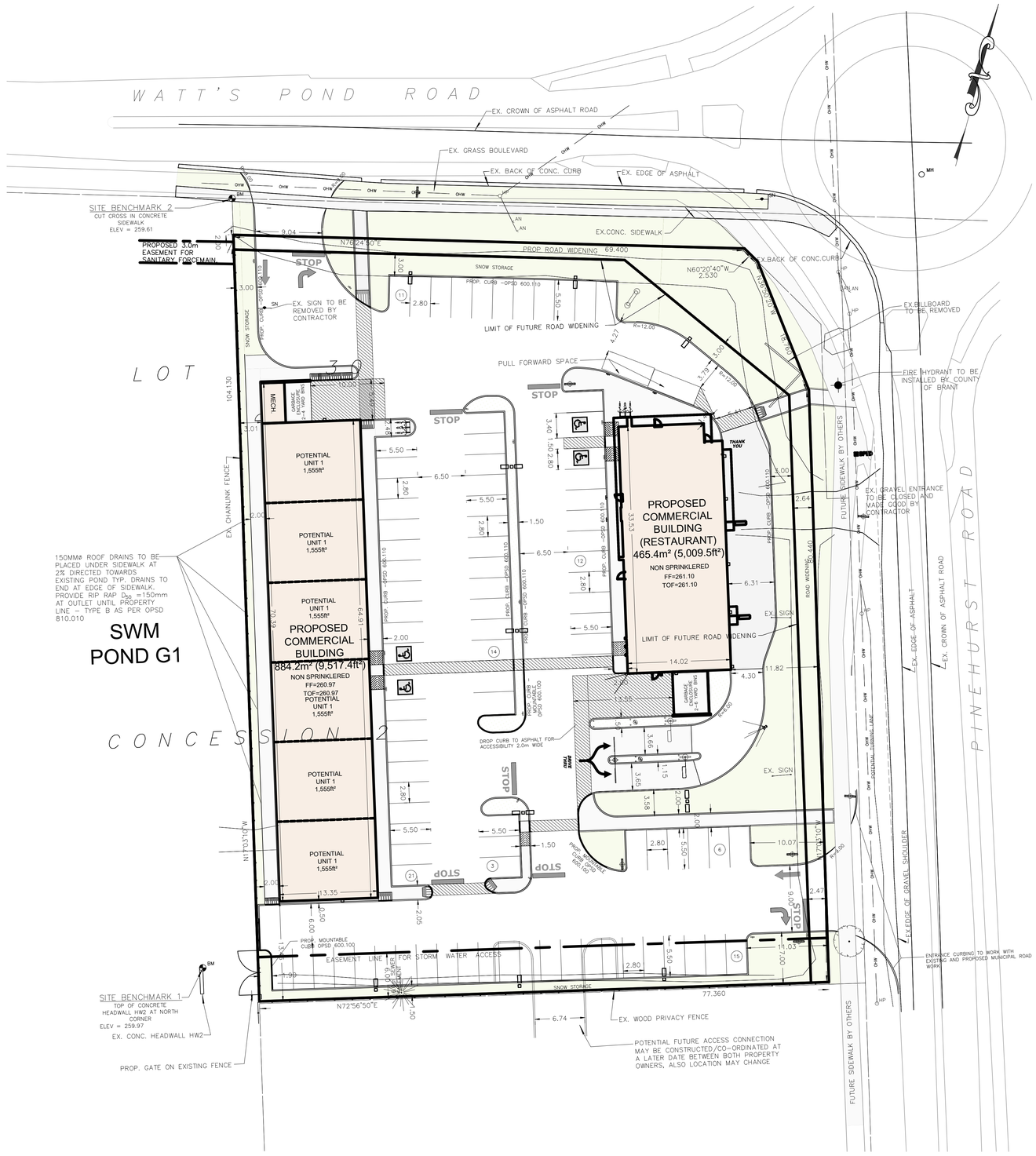
NOTE: *Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the application.*

SITE STATISTICS

	ZONING REQUIREMENTS	PROPOSED
ZONING CATEGORY	C2	C2
REQUIREMENTS		
MINIMUM LOT AREA	0.1 ha	0.78 ha (0.73 ha AFTER ROAD WIDENING)
MINIMUM LOT FRONTAGE	15.0m	74.7m
MAXIMUM LOT COVERAGE	60.0%	20.0 %
OFFICE BUILDING AREA		884.2m²
MCDONALDS BUILDING		465.4m²
TOTAL		1349.6m²
LANDSCAPE AREA	10.0%	16.0%
MAXIMUM BUILDING HEIGHT	12.0m	SINGLE STOREY
FRONT YARD SETBACK	6.0m	19.8m
REAR YARD SETBACK	3.0m	13.4m
SIDE YARD		
INTERIOR	3.0m	3.01m
EXTERIOR	6.0m	11.2m

SITE STATISTICS

	ZONING REQUIREMENTS		PROPOSED
ZONING CATEGORY	C2		
PARKING REQUIREMENTS			
RESTAURANT	1 / 10 m²	47	
CONVENIENCE STORE	1 / 25 m²	6	
DRY CLEANING & LAUNDROMAT	1 / 25 m²	3	
FINANCIAL INSTITUTION	1 / 25 m²	6	
RETAIL STORE	1 / 25 m²	6	
PERSONAL SERVICE ESTABLISHMENT	1 / 50 m²	3	
MEDICAL OFFICE	1 / 15 m²	10	
TOTAL=		81	84 (INCLUDING PULL AHEAD SPACES)



KEY PLAN

NOTES

1. ALL TOPOGRAPHIC & SERVICE INFORMATION COMPILED FROM SURVEY DATA COMPLETED BY SANDS SURVEYING AND DRAFTING.
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1	AMENDED FOR CITY COMMENTS	2020.10.02	CM
0	INITIAL RELEASE	2020.05.05	--

PROJECT

PROPOSED SITE PLAN OF

PART OF LOT 30
CONCESSION 2
SOUTH DUMFRIES
DESIGNATED AS PART 1 PLAN 2R-7950
COUNTY OF BRANT

197 PINEHURST ROAD
BRANT, ONTARIO

CITY FILE NO. SP7-20-DN

Scale 1 : 300
12 9 6 3 0 Metres 6 12

UNITS & CONVERSION
ALL DIMENSIONS IN **METRES**. (CONVERT TO FEET: DIVIDE BY 0.3048)

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CLIENT
VICANO

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□	SET MONUMENTS	OU	ORIGIN UNKNOWN
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SIB	STD. IRON BAR	PROP	PROPORTIONED
SSIB	SHORT STD. IRON BAR	WT	WITNESS
CC	CUT CROSS	BM	BENCHMARK
N&W	NAIL & WASHER	IP	IRON PIPE

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INV = ###	PIPE INVERT DIM.	HYD	FIRE HYDRANT
		IS	SPRINKLER HEAD
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MW	MONITORING WELL	DCBMH	DBL. CATCH BASIN MANHOLE
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CS	CURB STOP VALVE	MH–ST	MANHOLE - STORM
VC	VALVE CHAMBER		
DRN	DRAIN		
WELL	WATER WELL		

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S	S	SANITARY	OVER-HEAD WIRES
B		BELL / PHONE / CABLE	SILT FENCING - LIGHT DUTY
P	P	HYDRO	SILT FENCING - HEAVY DUTY
G	G	GAS	SWALE / DIRECTION
W	W	WATER	1.0% 12.1m GRADE SLOPE INDICATOR C/W SLOPE (ABOVE), OVERALL DISTANCE (BELOW)

LICENCED PROFESSIONAL ENGINEER
J. A. BUTLER
2021.01.13
PROVINCE OF ONTARIO

DRAWN:	CHECKED:	DATE:
CHM	JAB	2020.05.05

SHEET: SHEET 02 OF 14

SITE PLAN

DRAWING NO. 201605 - V101

REV. 1

NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
- THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE

COMMMITTEE OF ADJUSTMENT.

Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-10-17

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: B13-24-KD-197 Pinehurst Rd

Details of Application:

Vicano Developments Ltd., applicant/ owner of SOUTH DUMFRIES CON 2 PT LOT 30 RP 2R7950 PT PART 1 RP 2R8605 PART 2, County of Brant, in the geographic former township of South Dumfries, located at 197 Pinehurst Rd is proposing to facilitate a land lease extension over the lands in excess of 21 + years for their existing tenant, McDonald's Restaurants of Canada Limited, to continue operation. The proposed consent only includes the land associated with the restaurant building, The building is not being leased from the landlord as the building, and associated parking, garbage & landscape areas are leasehold improvements that were constructed by the lessee.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Kayla DeLeye, Supervisor of Development Planning <kayla.deleye@brant.ca>

To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of $400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of $267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*

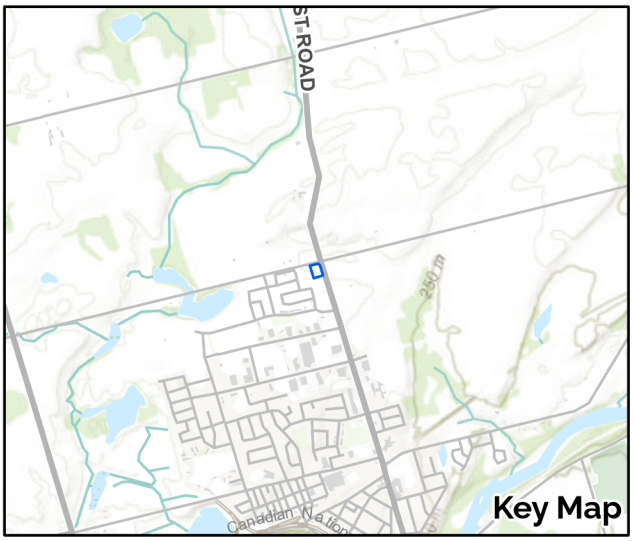
MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B13-24-KD

197 Pinehurst Road
County of Brant
Ontario

COUNTY OF Brant Simply Grand

N

0 15 30 60
Meters
Date Printed:2024-09-19

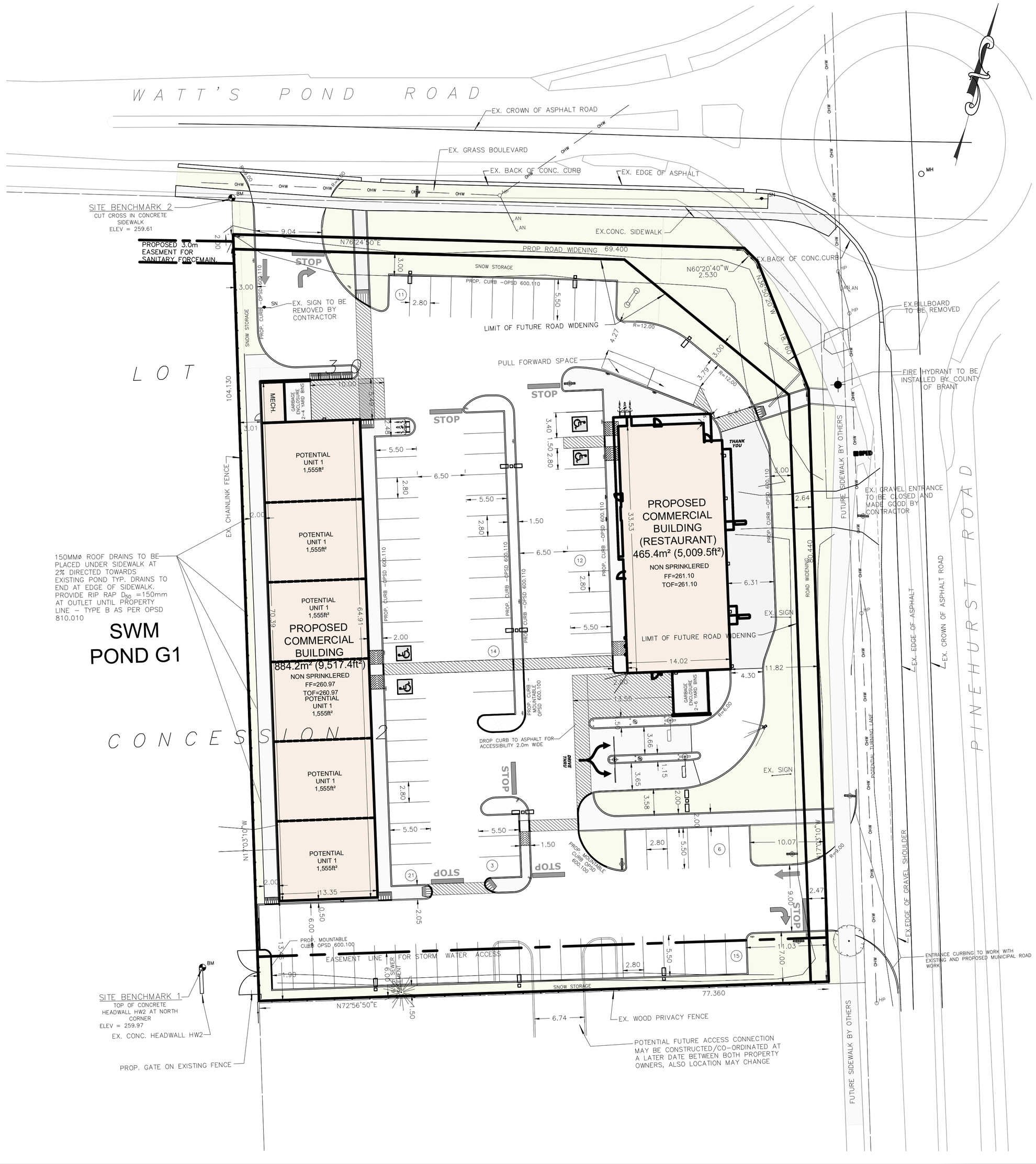


SITE STATISTICS

	ZONING REQUIREMENTS	PROPOSED
ZONING CATEGORY	C2	C2
REQUIREMENTS		
MINIMUM LOT AREA	0.1 ha	0.78 ha (0.73 ha AFTER ROAD WIDENING)
MINIMUM LOT FRONTAGE	15.0m	74.7m
MAXIMUM LOT COVERAGE	60.0%	20.0 %
OFFICE BUILDING AREA		884.2m²
MCDONALDS BUILDING		465.4m²
TOTAL		1349.6m²
LANDSCAPE AREA	10.0%	16.0%
MAXIMUM BUILDING HEIGHT	12.0m	SINGLE STOREY
FRONT YARD SETBACK	6.0m	19.8m
REAR YARD SETBACK	3.0m	13.4m
SIDE YARD		
INTERIOR	3.0m	3.01m
EXTERIOR	6.0m	11.2m

SITE STATISTICS

	ZONING REQUIREMENTS		PROPOSED
ZONING CATEGORY	C2		
PARKING REQUIREMENTS			
RESTAURANT	1 / 10 m²	47	
CONVENIENCE STORE	1 / 25 m²	6	
DRY CLEANING & LAUNDROMAT	1 / 25 m²	3	
FINANCIAL INSTITUTION	1 / 25 m²	6	
RETAIL STORE	1 / 25 m²	6	
PERSONAL SERVICE ESTABLISHMENT	1 / 50 m²	3	
MEDICAL OFFICE	1 / 15 m²	10	
TOTAL=		81	84 (INCLUDING PULL AHEAD SPACES)



KEY PLAN

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PROPOSED SITE PLAN OF

PART OF LOT 30
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SOUTH DUMFRIES
DESIGNATED AS PART 1 PLAN 2R-7950
COUNTY OF BRANT

197 PINEHURST ROAD
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CITY FILE NO. SP7-20-DN

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W	WATER

	PROPERTY LINES
OHW	OVER-HEAD WIRES
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	SWALE / DIRECTION
1.0% 12.1m	GRADE SLOPE INDICATOR C/W SLOPE (ABOVE), OVERALL DISTANCE (BELOW)

LICENCED PROFESSIONAL ENGINEER
J. A. BUTLER
2021.01.13
PROVINCE OF ONTARIO

DRAWN:	CHECKED:	DATE:
CHM	JAB	2020.05.05

SHEET: SHEET 02 OF 14

SITE PLAN

DRAWING NO. 201605 - V101

REV. 1

COMMITTEE OF ADJUSTMENT REPORT

DATE: October 17, 2024 **REPORT NO:** B14-24-KD

TO: To the Chair and Members of the Committee of Adjustment

FROM: Logan Keen, Junior Planner

APPLICATION TYPE: Consent

APPLICATION NO: B14-24-KD

LOCATION: 104 Oak Ave, Paris

AGENT / APPLICANT: Bob Stewart, Pinevest Homes

OWNER: Aidan Dekkema, Brookfield Residential

SUBJECT: Request for a decision on a Consent Application to facilitate a severance of a property in existing plan of Subdivision to create two parcels from one existing block.

RECOMMENDATION

THAT Application for Consent B14-24-KD from Bob Stewart, Pinevest Homes on behalf of Aidan Dekkema, Brookfield Residential of lands legally described as SOUTH DUMFRIES CONCESSION 2 PART LOT 32 PLAN 2M1947 BLOCK 107 RP 2R8949 PARTS 1 AND 2, located at 104 Oak Avenue, Paris, County of Brant, proposing to facilitate a severance of a property in two existing plans of Subdivision to create two parcels from one existing block, **BE APPROVED,** subject to the attached conditions

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

- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of Provincial Policy Statement.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.
- The lot creation is compatible and consistent within the context of the existing development.

EXECUTIVE SUMMARY

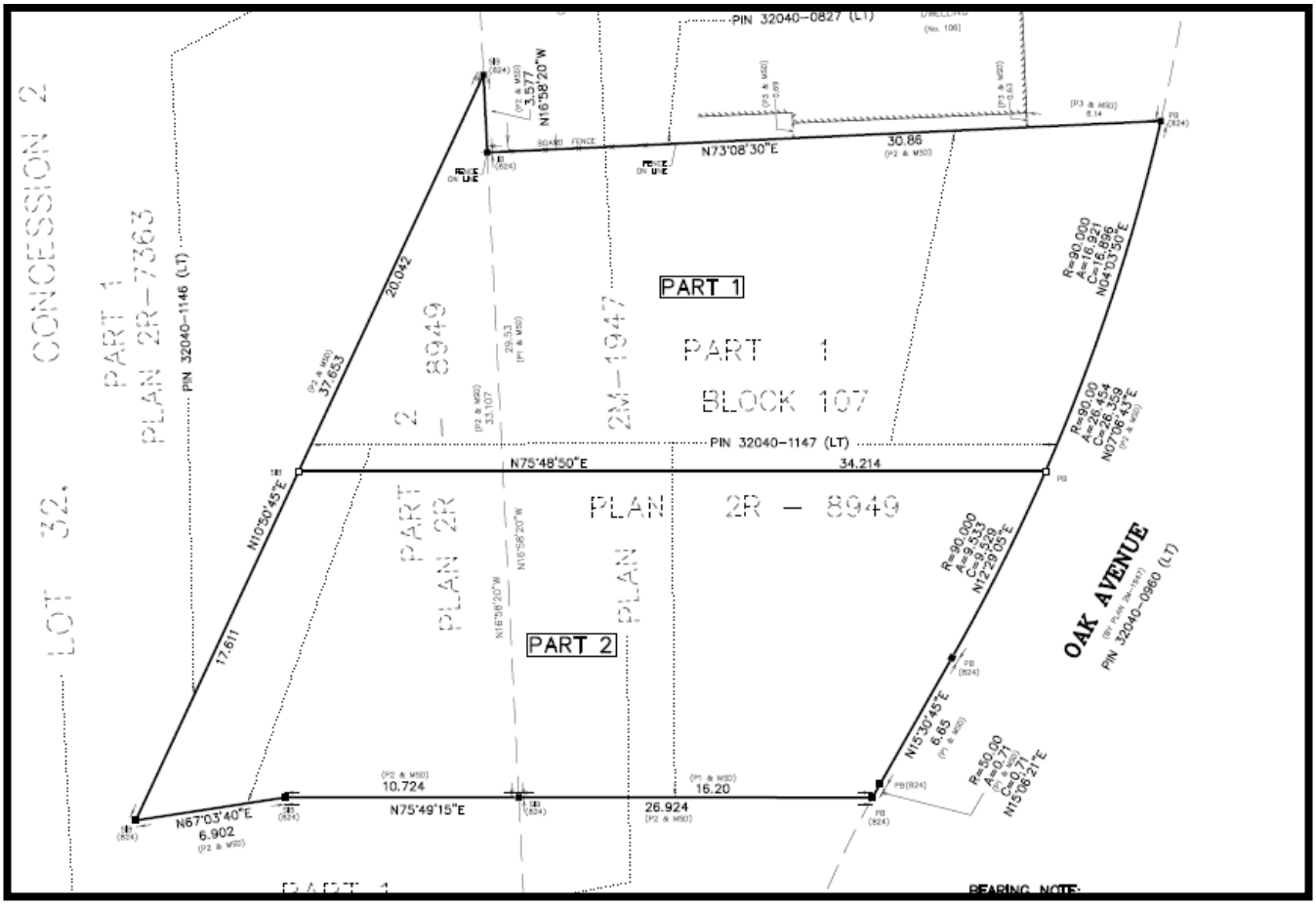
Consent Application **B14-24-KD** is proposing a severance located at 104 Oak Avenue, within two existing plans of subdivision, Watts Pond Development and Pinehurst Phase 2, in order to create two parcels from one existing block. The severance is to facilitate the future construction

of single detached dwelling units within the severed lots, in accordance with the development standards of the Residential Singles and Semis (R2) with site specific provision 18 (R2-18) Zone.

The land was recently merged with the abutting lands to the west under planning application B20-23-SL, in order to create a parcel that could be severed into two proposed lots. The previous application B20-23-SL was approved to facilitate the future construction of single detached dwelling units, in accordance with the development standards of the Residential Singles and Semis (R2) with site specific provision 18 (R2-18) Zone. The lands were subject to an approved rezoning application, ZBA22-22-SL, which rezoned the subject lands from Residential Singles (R1) to Residential Singles and Semis (R2) with site specific provisions 19 (R2-18).

Detailed review of the proposed new lot development will be completed as part of the building permit review process (access, grading, drainage, zoning servicing, etc.)

Figure 1: Proposed Severance Sketch

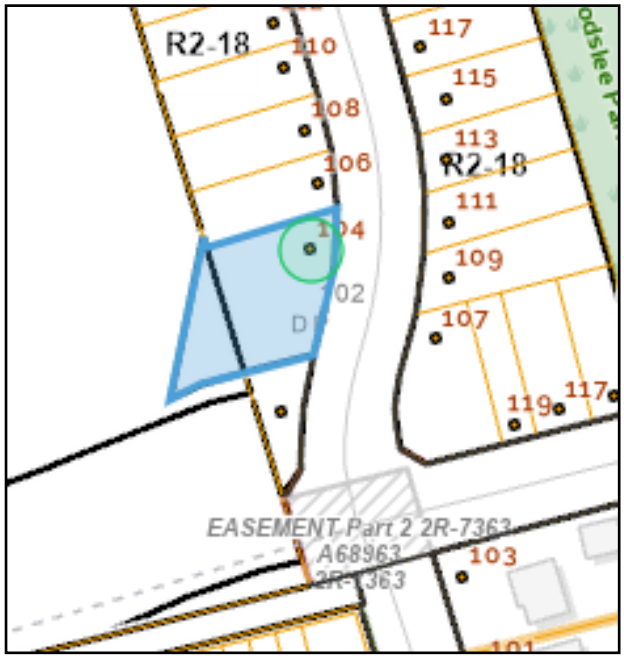


The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), Brant County Official Plan (2012) and Zoning By-Law 61-16, consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and therefore recommend that application **B14-24-KD** be **Approved**, subject to the attached conditions.

LOCATION / EXISTING CONDITIONS

The subject lands are located west of Oak Avenue, and north of Woodslee Avenue, within the Primary Urban Settlement Area boundary of Paris, County of Brant.

LOCATION MAP
Application: B14-24-KD
104 Oak Avenue



AERIAL IMAGE
Application: B14-24-KD
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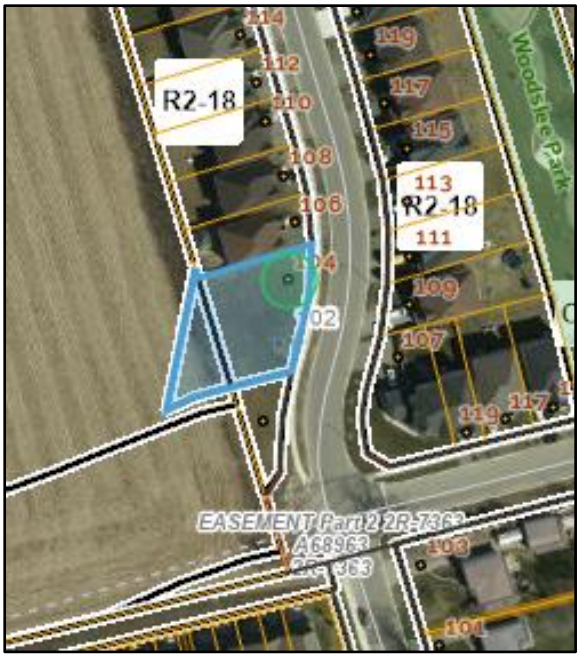


The lands municipally known as 104 Oak Avenue have frontage along the west side of Oak Avenue of approximately 33 metres (108 feet), and an approximate area of 736.85 square metres (0.18 acres).

The subject lands are currently vacant.

To the north and east of the subject lands are single detached dwellings zoned R2-18. To the west of the subject lands is a draft approved residential subdivision, however the lands are currently occupied by a single detached dwelling, an agricultural field and associated structures.

The subject lands are intended to be serviced by municipal water and sanitary.

REPORT

Planning Act

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

- The application has regard for:
    - Section 2(p) the appropriate location of growth and development.

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

- The application is in keeping with Section 51(24) of the *Planning Act*.

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

***Provincial Policy Statement* – 2020**

The *Provincial Policy 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 Policy Statement (2020):

Provincial Policy Statement – 2020	***Planning Analysis***
Section 1.1.1(a) of the PPS speaks to promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. *Section 1.1.1(b)* of the PPS speaks to accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs.	***The subject lands will be serviced by municipal water and sanitary.*** ***The proposed severance will increase the usability of the lot, and support the future construction of residential dwelling types.***
Section 1.1.3.1 of the PPS speaks to settlement areas being the focus of growth and development.	***The subject lands are located within the Primary Urban Settlement Area boundary of Paris.***
Section 1.1.3.2(a) of the PPS speaks to lands use patterns within settlement areas should efficiently use land and resources. *Section 1.1.3.2(b)* of the PPS speaks to land use patterns within settlement areas shall be based on densities and a mix of land uses which: are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.	***The subject lands are located within the Primary Urban Settlement Area boundary of Paris and have access to municipal water and sanitary services.***
Section 1.1.3.4 of the PPS notes that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	***The proposed severance will increase the usability of the lot. Future development will comply with the respective development standards for the Residential Singles and Semis with site specific provision 18 (R2-18) Zone.***

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

- ***The subject lands are located within the Primary Urban Settlement Area of Paris.***
- ***The subject lands will have access to full municipal water and sanitary services.***
- ***The proposed severance will support the future construction of a residential dwelling type, in an area that is intended for growth and development.***

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

The following demonstrates conformity with the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2020):

Growth Plan for the Greater Golden Horseshoe (2020)	***Planning Analysis***
Section 2.2.1.2 (a) of the Growth Plan describes growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities	***The proposed boundary adjustment will increase the usability of the lot, and support the future construction of residential housing types. The subject lands are located within the Primary Urban Settlement Area and built boundary of Paris. The subject lands have access to full municipal services***

It is my professional opinion that the proposal is in conformity with the policies in the Growth Plan for the Greater Golden Horseshoe (2020) for the following reasons:

- ***The subject lands are located within the Primary Urban Settlement Area of Paris.***
- ***The subject lands are fully serviced by municipal water and sanitary.***

Source Water Protection

Source 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.

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.

Brant County Official Plan (2012)

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.

The Subject lands are designated as Urban Residential and Primary Urban Settlement Area Boundary of Paris.

The following demonstrates conformity with the applicable policies of the County of Brant Official Plan (2012):

Official Plan (2012)	***Planning Analysis***
Section 2.2.3.1.1 of the Official Plan speaks to Primary Urban Settlement Areas shall function as the main areas for growth and development.	***The subject lands are located within the Primary Urban Settlement Area of Paris.***
Section 2.2.5.2 e) of the Official Plan speaks to intensification that shall include infill residential development and new residential development of vacant land or underutilized land in existing neighbourhoods.	***The subject lands are infill residential development of vacant and underutilized land in an existing neighbourhood.***
Section 3.4.1 of the Official Plan speaks to the intent of the Urban Residential designation. The intent of the Urban Residential designation is to accommodate safe and well-designed neighbourhoods that contribute to the creation of complete communities.	***The subject lands are located within the Primary Urban Settlement Area Boundary of Paris, the proposed residential use is permitted, the subject lands are in proximity to Employment and Commercial land uses, as well as parks and educational facilities, which contribute to the creation of complete communities. The subject lands will be fully serviced by municipal water and sanitary.***
Section 3.4.2 of the Official Plan identifies the predominant use of land in the Urban Residential designation shall be for a variety of residential housing types, in accordance with the density and location criteria outlined within the Urban Residential policies and Zoning By-Law.	***The subject lands will be used for residential purposes, and any development will be in accordance with the requirements of the ‘R2-18’ Zone.***
Section 6.8.2.2 of the Official Plan provides policies for dealing with consent requests in the non-agricultural Area.	
Section 6.8.2.2(a) of the Official Plan speaks to the division of land shall only be granted	

when the retained and severed parcels abut a public road of a standard construction and maintenance acceptable to the County of Brant.	***The subject lands will comply with the provisions of the County Zoning By-law***
Section 6.8.2.2(e) of the Official Plan speaks to the division of land shall only be granted if the retained and severed parcels comply with the provisions of the County Zoning By-Law.	***The proposed severance is minor in nature and will facilitate the construction of a single detached dwelling unit on lands that are currently vacant and underutilized.***

It is my professional opinion that the proposal conforms to the policies in the County of Brant Official Plan (2012) for the following reasons:

- ***The subject lands are located within the Primary Urban Settlement area of Paris.***
- ***The lands are fully serviced by municipal water and sanitary.***
- ***The lands will continue to be used for residential purposes.***
- ***The lands have frontage along a public and maintained road.***

Zoning By-Law 61-16:

The subject lands are zoned Residential Singles and Semis (R2) with site specific provision 18 (R2-18) within the County of Brant Zoning By-Law 61-16.

The following are the site specific provisions for the 'R2-18' zone:

A) Lot Area (Minimum)
   a. Single Detached Dwelling: 350m^2
   b. Semi Detached Dwelling: 560m^2
   c. Semi Detached Dwelling Unit: 260m^2
B) Lot Frontage (Minimum)
   a. Single Detached Dwelling: 10.9m
   b. Semi Detached Dwelling: 18.0m
   c. Semi Detached Dwelling Unit: 6.7m
C) Front Yard Setback (Minimum): 4.5m, provided no part of a carport or garage is closer than 6.0m to the front lot line.
D) Interior Side Yard Setback (Minimum): 0.6m and 1.8m between single detached dwellings.
E) Exterior Side Yard Setback (Minimum): 4.5m
F) Lot Coverage (Maximum)
   a. Single Detached Dwelling: 50%
   b. Semi Detached Dwelling: 50%
G) All other requirements of the By-Law shall apply.

Section 8 of the County of Brant Zoning By-Law identifies the permitted uses and development standards for lands zoned as Residential Singles and Semis (R2).

Permitted uses include but are not limited to the following:

- Dwelling, Duplex – must be existing;
- Dwelling, Semi-Detached;
- Dwelling, Single Detached
- Group Home

Section 8.3 and 8.2.1 of the County of Brant Zoning By-Law speaks to the required development standards for each permitted building type for lands zoned as Residential Singles and Semis with site specific provision 18 (R2-18).

Residential Singles and Semis (R2-18)	**Required – Single Detached Dwelling**	**Required – Semi Detached Dwelling**	**Required – Semi Detached Dwelling Unit**	**Proposed**
Lot Area, Min	350m^2	560m^2	260m^2	Part 1: 515m^2 Part 2: 510m^2
Lot Frontage, Min	10.9m	18.0m	6.7m	Part 1: 16.896m Part 2: 16.889m
Building Height, Max	10.5m	10.5m	10.5m	*Will be confirmed at the time of building permit*
Street Setback, to habitable portion of the dwelling, Min	4.5m	4.5m	4.5m	
Street Setback, to the attached garage, Min	6.0m	6.0m	6.0m	
Interior Side Yard Setback, Min	0.6m; and 1.8m between Single Detached homes	0.6m	0.6m	
Rear Yard Setback, Min	6.0m	6.0m	6.0m	
Lot Coverage, Max	50%	50%	40%	
Landscaped Open Space	30%	30%	30%	

Off-Street Parking Requirements , Min	2 Spaces per unit	2 Spaces per unit	2 Spaces per Unit	

It is my professional opinion that the request maintains the intent of the County of Brant Zoning By-Law 61-16 for the following reason:

- ***The proposed lot is meeting the frontage and area requirements of the respective zone. It is anticipated that all other zone requirements will be met at building permit stage.***

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	• A legal survey of the proposed severance is required. The survey is to be completed by a certified Ontario Land Surveyor and is to be provided to the County for review prior to depositing. • Any damage done to the County Right of Way is required to be restored to the previous condition to the satisfaction of the County.
Environmental Planning	• No comments.
Canada Post	• Please be advised that these 2 new lots will be serviced by Community mailboxes • Please advise of the civic addresses so another mailbox module can be ordered.
Enbridge	• Enbridge Gas does not object to the proposed applications however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development. • Please always call before you dig, see web link for additional details: https://www.enbridgegas.com/safety/digging-safety-for-contractors • It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact ONTLands@enbridge.com • Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@enbridge.com.
Fire	• No comments.

PUBLIC CONSIDERATIONS

Notice of this Application, Contact information and Public Hearing Date is to be circulated by mail on October 2, 2024 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

Public Notice sign was posted by the Applicant on October 2, 2024.

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

CONCLUSIONS AND RECOMMENDATIONS

Consent Application B14-24-KD is proposing a severance of a property, 104 Oak Avenue in existing plan of Subdivision to create two parcels from one existing block within two registered plans of subdivision Watts Pond Development and Pinehurst Phase 2 . The severance is to facilitate the future construction of two single detached dwelling units, within the severed lots. The proposal is in accordance with the development standards of the Residential Singles and Semis (R2) with site specific provision 18 (R2-18) Zone.

The planning analysis has had regard for *Section 51(24)* of the *Planning Act* and focuses on literature reviews of applicable policy (i.e. *PPS, Growth Plan, County of Brant Official Plan (2012), and Zoning By-Law*), consultation with departments, an inspection of the surrounding area and discussion with the applicant and public.

It is my professional recommendation that the Consent Application **B14-24-KD** be **Approved**, subject to the attached conditions.

Respectfully submitted,

Logan Keen

Junior Planner

Reviewed by: Kayla Deleye, Supervisor of Development Planning

ATTACHMENTS

1. Zoning Mapping
2. Official Plan Mapping
3. Aerial Mapping
4. Aerial Detail Mapping
5. Circulation Notice

COPY TO

1. Jeremy Vink, Director of Planning
2. Applicant/Agent

FILE # B14-24-KD

In adopting this report, is a bylaw or agreement required?

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)

APPLICANT: Bob Stewart, Pinevest Homes

File No: B14-24-KD
104 Oak Ave

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant. and roll number

2. That the Applicant/Owner provide a copy of a Draft Reference Plan prepared by a licensed surveyor, to be reviewed by the County of Brant, prior to the plan being deposited at the Land Registry Office. That the Draft Reference Plan be required to identify the proposed severed parcels. That the Draft Reference Plan include any easements, road widening, 0.3m reserves, daylight triangles as required by the County of Brant Development Engineering Division and/or Public Utility.

3. Parkland dedication or monies-in-lieu of parkland will be payable at the time of stamping of the deeds, in amount of $5,813 per new building lot.

4. That the $328.00 Deed Stamping Fee be paid to the County of Brant for each lot, prior to the release of the executed Certificate of Official.

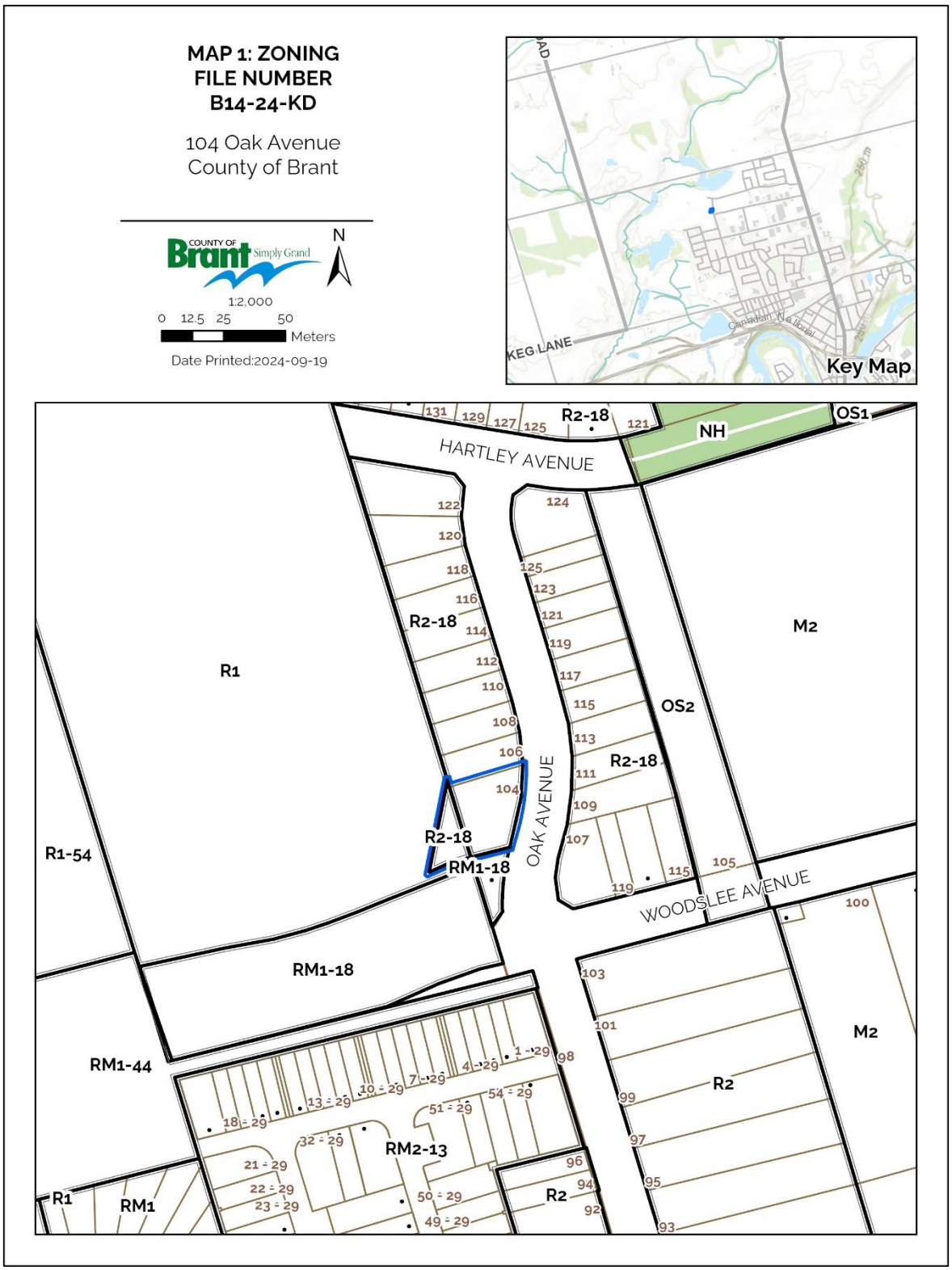
5. That the Applicant provide draft transfer documents with legal descriptions of the severed lands utilizing an existing reference plan or new reference plan (if required) prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).

6. That the Applicant/ Owner's Solicitor shall prepare and register all the necessary documents following review and approval by the County Solicitor. Immediately following the registration, the Applicant/ Owner's Solicitor shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.

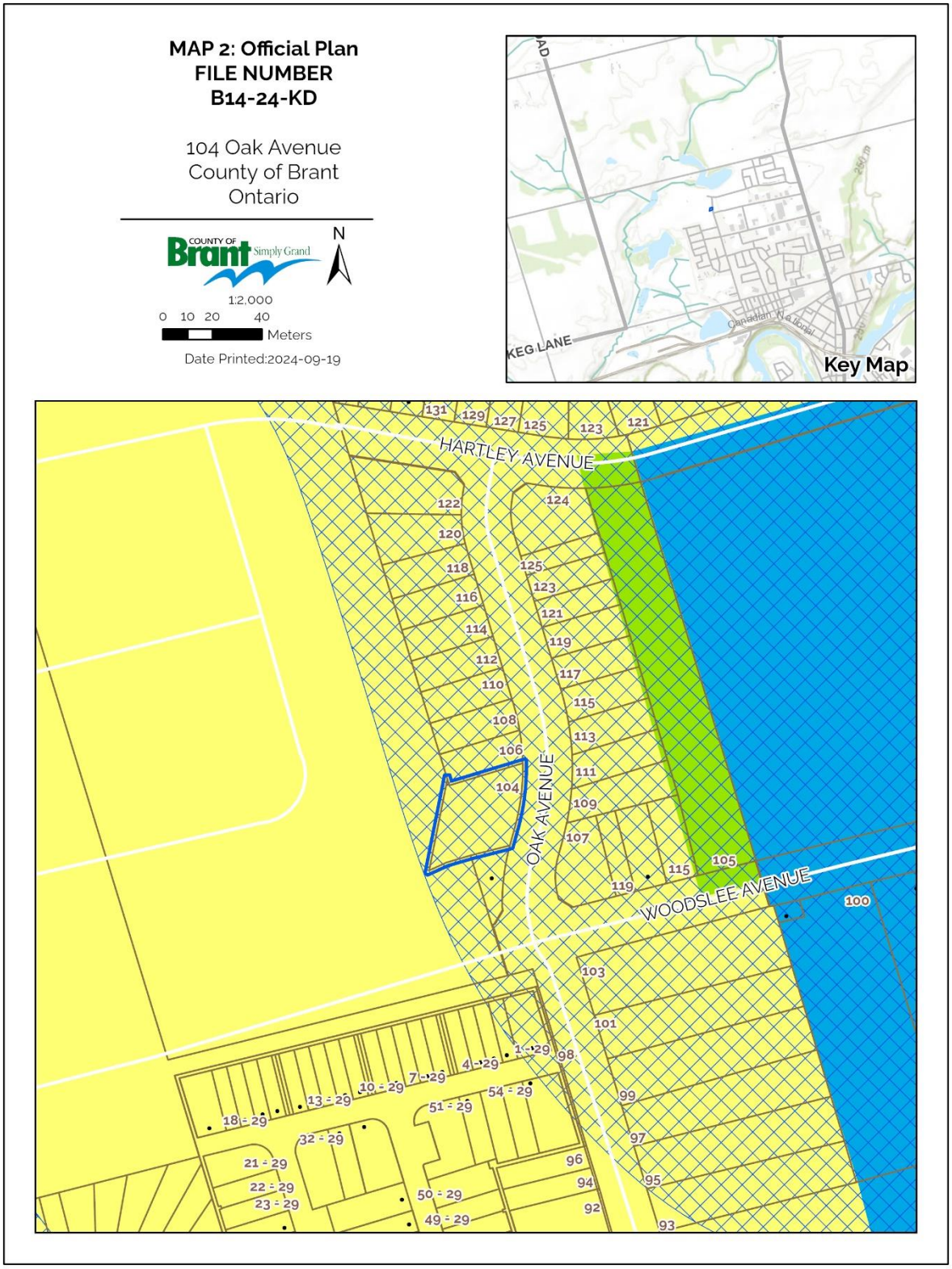
7. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two (2) years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

NOTE: *Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the application.*

Attachment 1 – Zoning Map



Attachment 2 – Official Plan Map



Attachment 3 – Aerial Map

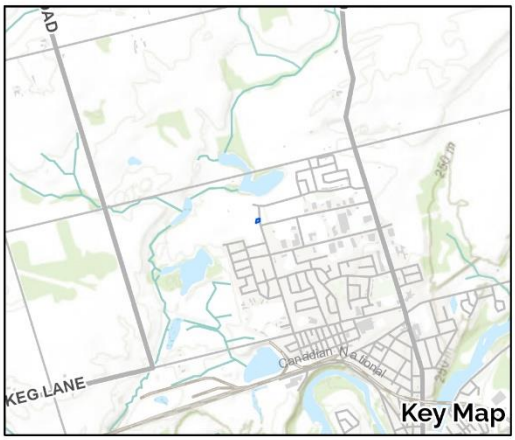
MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B14-24-KD

104 Oak Avenue
County of Brant
Ontario

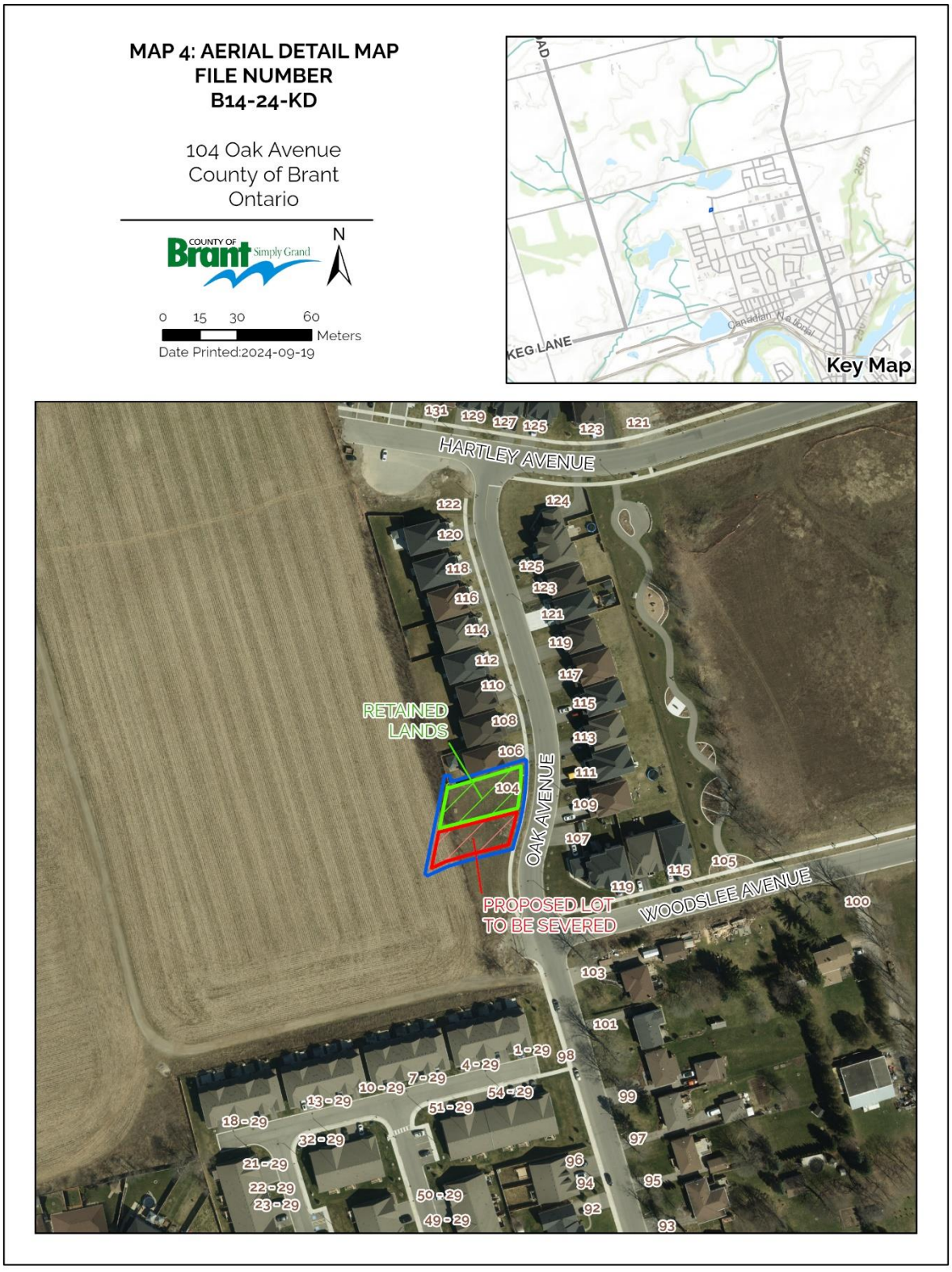
COUNTY OF Brant Simply Grand

N

1:2,000
0 15 30 60
Meters
Date Printed:2024-09-19



Attachment 4 - Aerial Detail Map



NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
- THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE

COMMMITTEE OF ADJUSTMENT.

Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-10-17

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: B14-24-KD-104 Oak Ave

Details of Application:

Pinevest Homes Inc. c/o Bob Stewart agent on behalf of Brookfield Residential c/o Aidan Dekkema applicant/owner of PLAN 2M1947 BLK 107, County of Brant, in the geographic township of Paris, located at 104 Oak Avenue is proposing to sever lands to facilitate the creation of two new residential lots. The subject lands were recently merged with the abutting lands to the west under a lot line adjustment application.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Logan Keen 519-442-7268 x 3061 logan.keen@brant.ca

To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of $400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of $267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*

PLAN OF SURVEY
OF
BLOCK 107
PLAN 2M–1947
AND OF PART OF
LOT 32
CONCESSION 2
GEOGRAPHIC
TOWNSHIP OF SOUTH DUMFRIES
IN THE
COUNTY OF BRANT

SCALE 1:150 METRIC

3 1.5 0 3 6 9 metres

R.A. McLAREN, O.L.S. – 2024

SCHEDULE		
PART	DESCRIPTION	P.I.N.
1	PART OF LOT 32, CONESSION 2 AND ALL OF BLOCK 107, PLAN 2M–1947	ALL OF PIN 32040–1147 (LT)
2		

PLAN 2R– _____

RECEIVED AND DEPOSITED

Date _____

_____

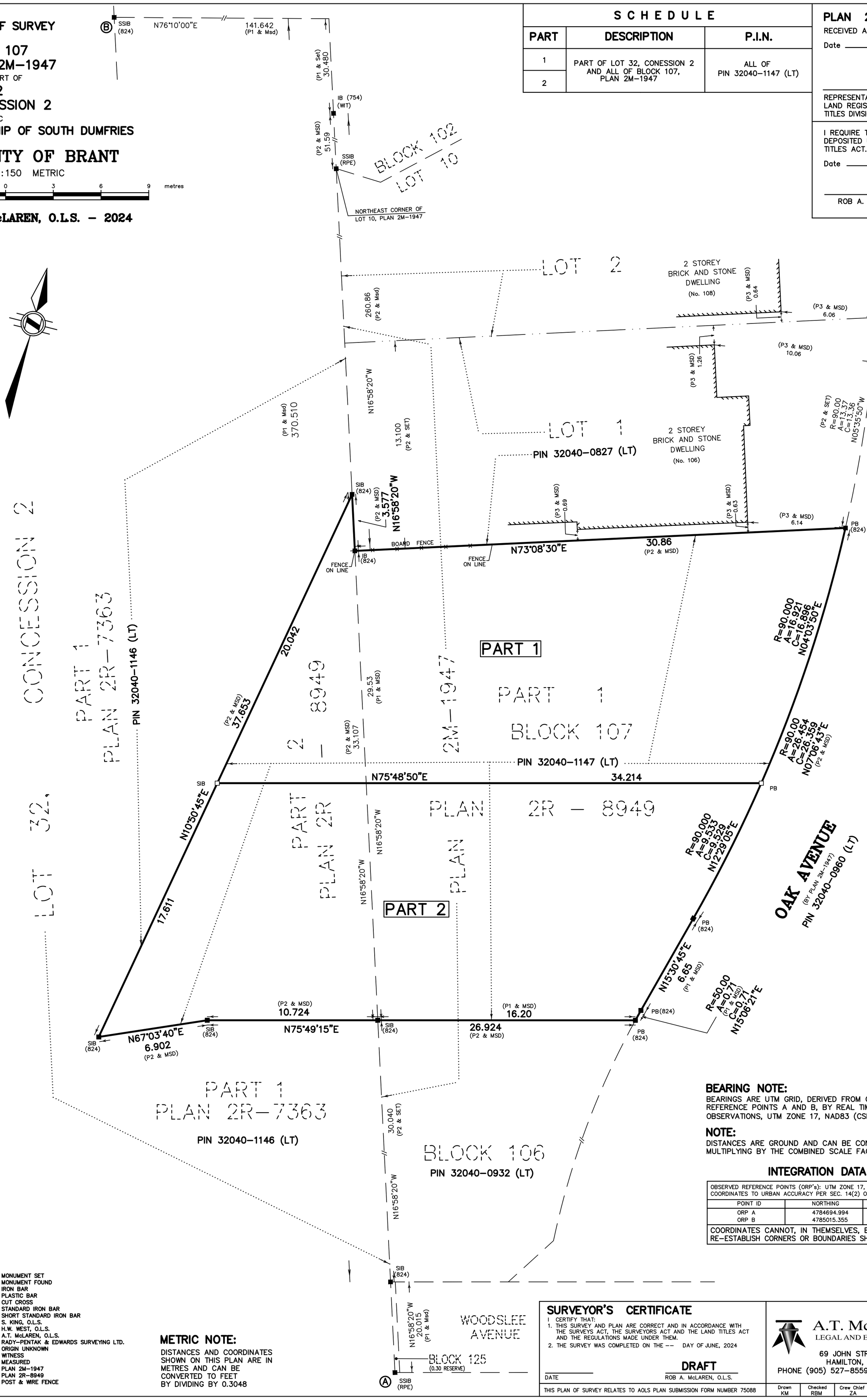
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRANT (No. 2)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

Date _____

DRAFT

ROB A. McLAREN, O.L.S.



LEGEND:

□	DENOTES	MONUMENT SET
■	"	MONUMENT FOUND
IB	"	IRON BAR
PB	"	PLASTIC BAR
CC	"	CUT CROSS
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
527	"	S. KING, O.L.S.
754	"	H.W. WEST, O.L.S.
824	"	A.T. McLAREN, O.L.S.
RPE	"	RADY–PENTAK & EDWARDS SURVEYING LTD.
OU	"	ORIGIN UNKNOWN
WIT	"	WITNESS
Msd	"	MEASURED
P1	"	PLAN 2M–1947
P2	"	PLAN 2R–8949
PWF	"	POST & WIRE FENCE

METRIC NOTE:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9995928

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4784694.994	548374.331
ORP B	4785015.355	548128.679

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE–ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE -- DAY OF JUNE, 2024

_____ **DRAFT**

DATE ROB A. McLAREN, O.L.S.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 75088

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527–8559 FAX (905) 527–0032

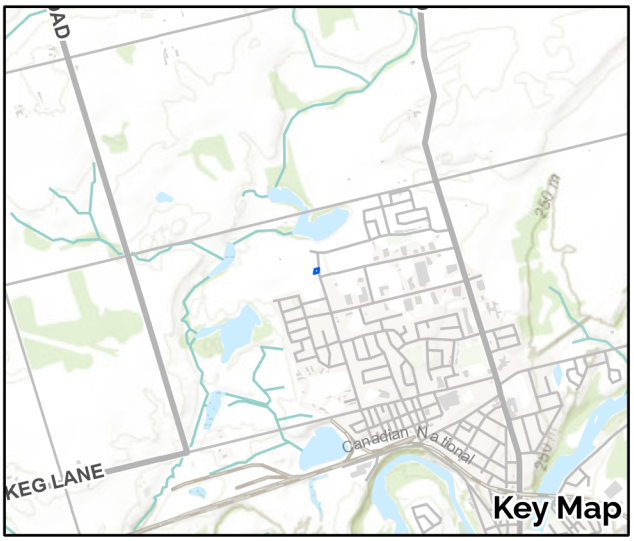
Drawn	Checked	Crew Chief	Scale	Dwg.No.
KM	RBM	ZA	1:150	36235–R

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B14-24-KD

104 Oak Avenue
County of Brant
Ontario

N

1:2,000
0 15 30 60
Meters
Date Printed:2024-09-19



COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: October 17, 2024 **REPORT NO:** B15-24-ES

TO: To the Chair and Members of the Committee of Adjustment

FROM: Logan Keen, Junior Planner

APPLICATION TYPE: Consent Application

APPLICATION NO: B15-24-ES

LOCATION: 405 Third Concession Rd

AGENT / APPLICANT: Trevor Hawkins, MHBC

OWNER: 1778206 Ontario Inc/ Kris Martin

SUBJECT: Request for a decision on an application for Consent proposing to sever a surplus dwelling within the Former Township of Burford.

RECOMMENDATION

THAT Consent Application **B15-24-ES** from Trevor Hawkins, Agents, on behalf of 1778206 Ontario Inc./ Kris Martin, Owner of lands legally known as CONCESION 3 PART LOT 19 municipally known as 405 Third Concession Rd, within the Former Township of Burford, County of Brant, proposing to sever a surplus dwelling with an area of approximately 0.745 hectares (1.84 acres) and a frontage of approximately 12.4 metres (40.68 feet) along Third Concession Rd, with the retained lands having an area of approximately 32.86 hectares (81.20 acres). **BE APPROVED**, **subject to the attached conditions**.

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

- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law, specifically for surplus farm dwelling.

EXECUTIVE SUMMARY

Consent Application B15-24-KD is proposing to sever a surplus dwelling with an area of approximately 0.745 ha (1.84 acres) and a frontage of approximately 12.4 metres along Third Concession Road. With the retained lands having an area of approximately 32.860 ha (81.20 acres). The severed lands are to include a surplus farm dwelling as the owner of the property has additional agriculture land holdings in the County and as such, the existing residence is deemed surplus to the needs of the owner. The retained lands contain three (3) accessory structures which are to be demolished.
To facilitate the severance, the applicant will be required to apply for a minor rezoning to prohibit a dwelling as a permitted use on the retained lands. This has been included as a

condition of consent. Additionally, the severed lands do not meet the requirements for minimum lot frontage. This has been included through a condition of consent.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), Zoning By-Law 61-16, consultation with departments, inspection of the subject lands and surrounding neighbourhood and discussions with the Applicant and Public. This report recommends that Consent Applications B15-24-KD be **Approved**, subject to the attached conditions.

LOCATION / EXISTING CONDITIONS

The subject lands municipally known as 405 Third Concession Road are located on the south side of Third Concession Road, approximately 290m west of W Quarter Townline Rd and having frontage along the south side of Third Concession Road. The subject lands are rectangular in shape, having an approximately 295.29 metres of frontage, and a total area of approximately 33.605 hectares (83.04 acres).

To the north, east and west of the subject lands are agricultural lands, single detached dwellings and accessory structures. To the south are OS1 zoned lands, consisting of an RV park. Based on aerial imagery, a site visit conducted by County Staff, there is a livestock barn on the abutting property 317 metres to the west (calculations confirm that there are no MDS concerns). The subjects lands are currently occupied by a single detached dwelling and 3 accessory buildings, all of the accessory buildings are to be demolished.

The subject lands are privately serviced by well and septic.

REPORT

Planning Act

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

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

Provincial Policy Statement – 2020

The Provincial Policy 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 2.3.1 describes how Prime Agricultural areas shall be protected for long term agricultural use.

The retained lands are expected to have an area of approximately 32.86 hectares (81.20 acres) and will continue be farmed as part of a larger farming operation.

Section 2.3.3.1 speaks to permitted uses and activities within prime agricultural areas which include agricultural uses, agriculture related uses and on farm diversified use.

The retained lands will continue to be farmed as part of a larger farming operation.

Section 2.3.3.2 describes how in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance

with provincial standards.

The retained lands will be farmed as part of a larger farming operation.

Section 2.3.4.1 of the PPS describes how the creation of lots in prime agricultural areas is discouraged and may only be permitted for:

(a) a *residence surplus to a farming operation* as a result of farm consolidation, provided that
    1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services; and,*
    2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective

The lands to be severed are surplus to the owner's needs and are proposed to have an area of approximately 0.745 hectares (1.84 acres). The retained parcel is approximately 32.86 hectares (81.20 acres) and is to be rezoned to prohibit a dwelling.

Section 2.3.4.3 of the PPS describes how the creation of new residential lots in prime agricultural areas is not permitted except in accordance with policy 2.3.4.1(c).

A surplus farm dwelling severance is being proposed which is in accordance with policy 2.3.4.1(c) of the PPS. Through a condition of severance, the retained farm will be rezoned to prohibit a residential use. The severed lot is occupied by an existing habitable dwelling that is surplus to the owner's needs.

Section 6.0 includes the definition for "residence surplus to a farming operation"

- means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

The existing dwelling has been rendered surplus as a result of farm consolidation with an existing farming operation, which are to be farmed as part of the larger farming operation, owned and operated by 1778206 Ontario Inc.

This application is consistent with the Provincial Policy Statement (2020) for the following reasons:

- ***The retained lands will continue to be used for agricultural purposes, and will be farmed as part of a larger farming operation as outlined in the Cover Letter, the owner has additional agricultural land holdings in the County.***
- ***The proposed lot established for the surplus farm dwelling is limited to the minimum size needed to accommodate appropriate sewage and water services.***
- ***No new residential building lots will be created as the retained lands are to be rezoned to prohibit a dwelling through the minor zoning amendment process as a condition of severance.***
- ***The dwelling is surplus to the owner's needs and the retained farm will be consolidated with the owner's other farming operation.***

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Section 2.2.1.2 (b) of the Growth Plan describes how growth will be limited on lands that are not serviced by existing or planned municipal water and wastewater system.

The severed parcel will continue to be privately serviced.

Section 4.2.6.4 of the Growth Plan describes how the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced.

The retained lands are expected to have an area of approximately 32.86 hectares (81.20 acres) and will be farmed as part of a larger farming operation.

Section 4.2.6.5 of the Growth Plan speaks to the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

The retained lands will continue to be farmed as part of a larger farming operation and no new residential building lots will be created.

This application conforms to the Growth Plan for the Greater Golden Horseshoe (2020) for the following reasons:

- ***The retained lands will continue to be used for agricultural purposes and will be farmed as part of a larger farming operation.***
- ***No new residential building lots will be created as the retained lands are to be rezoned to prohibit a dwelling as a condition of severance.***
- ***The dwelling is surplus to a larger farming operation has one dwelling existing on the property.***

Source Water Protection

Source 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 other, are responsible for implementing source protection plan policies.

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.

Brant County Official Plan (2012)

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.

The subject lands are designated Agriculture and Natural Heritage, within Appendix A of the Official Plan, and Woodlands and Vegetation, within Appendix C of the Official Plan. The lands to be severed are designated as Agriculture.

Section 1.11.2.6.2(a) of the County of Brant Official Plan recognizes the agricultural industry as an important component of the County's economic base and as a contributor to the County's rural character.

To facilitate the surplus dwelling severance, no actively farmed land has been removed. The retained lands will continue to be farmed as part of a larger farming operation.

Section 1.11.2.6.2(b) of the County of Brant Official Plan speaks to protecting the County's prime agricultural area for long term agricultural purposes.

The retained lands will continue to be designated as Agriculture and will be farmed as part of a larger farming operation.

Section 1.11.2.6.2(c) of the County of Brant Official Plan speaks to protecting the right to farm based on normal farm practices.

The retained lands are being farmed as part of a larger farming operation and no actively farmed lands were removed to facilitate the surplus farm dwelling severance.

Section 1.11.2.6.2(e) of the County of Brant Official Plan restricts the creation of new residential lots and other non-farm development in the County's Agricultural areas.

As a condition of severance, the retained lands will need to be rezoned to prohibit a dwelling.

Section 1.11.2.6.2(i) of the County of Brant Official Plan requires the development of urban and nonfarm-related land uses to the County's Primary and Secondary Urban Settlement Areas and Hamlets and Villages, or areas specifically intended for the proposed land use, in order to protect the long-term operation and economic role of agriculture.

The retained lands will continue to be farmed as part of a larger agricultural operation, with no new residential building lots being created.

Section 1.11.2.6(j) of the County of Brant Official Plan ensures the protection of agricultural operations through the incorporation of Minimum Distance Separation Formulae in order to prevent adverse effects from odour.

Within 750 metres of the proposed lot, two (2) livestock operations were identified. This was confirmed by County Staff. 410 Third Concession Road and 415 Third Concession Rd have MDS setbacks of 202 metres and 130 metres, which are both respectively met.

Section 1.11.2.6.2(k) of the County of Brant Official Plan speaks to permitting farming operations that will help the County as a whole adjust to changing economic and technological conditions.

To facilitate the severance, the minimum amount of land was severed. All actively farmed land will continue to be farmed as part of a larger farming operation.

Section 3.3.1(a) of the County of Brant Official Plan describes how the primary form and predominant use of land in the Agriculture designation shall include all types of farming and normal farm practices, including the growing of crops, the raising of livestock and other animals for food, fur, or fibre; associated on-farm buildings and structures, including accommodation for associated full-time farm labour as required based on the size and nature of the operation; agricultural research operations; uses connected with the conservation of water, soil, wildlife and other natural resources; and resource extraction and resource-based uses.

The retained lands will continue to be designated as Agriculture, and will be farmed as part of a larger farming operation.

Section 3.3.1(c) of the County of Brant Official Plan describes how in general, one residential dwelling unit shall be permitted per lot on lands designated as Agriculture.

As a condition of severance, the retained lands will need to be rezoned to prohibit a dwelling. There is an existing dwelling on the proposed lot.

3.3.2.1(a) of the County of Brant Official Plan speaks to Minimum Distance Separation (MDS) Formulae be used to establish appropriate standards for separating proposed uses from existing livestock facilities (MDS I) and for applying appropriate standards for the separation of new or expanding livestock facilities from existing adjacent uses (MDS II). The County Zoning Bylaw shall establish separation distances between livestock operations (to be defined within the By-Law) and non-agricultural land uses in accordance with the Minimum Distance Separation Formulae.

The subject lands do not have any livestock facilities. If any livestock facilities were to be constructed, they would be required to satisfy MDS. The applicant submitted an MDS I report and met the minimum distance setback requirements, and no further reports were necessary.

Section 6.8.2.1(a) of the County of Brant Official Plan speaks to consents for the division of land in the Agriculture designation being discouraged. No consent shall be allowed within the Agriculture designation which may have the effect of creating lots that are not primarily related to agriculture, or agriculture-related commercial/industrial, or as specified by this Plan.

The applicants are proposing to sever the surplus farm dwelling, and through a condition of severance the retained lands are expected to be rezoned to prohibit a dwelling.

Section 6.8.2.1(c)(iv) of the County of Brant Official Plan speaks to previous or current farm consolidations rendering a residence surplus to a farming operation, a consent may be considered to sever the surplus farm dwelling from the from unit, provided that the following conditions are met:

i. The lot severed for non-farm use is large enough to accommodate the use and on-site servicing, while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than 0.6 hectares in size;
ii. The Minimum Distance Separation Formulae can be met with the formulae applied as if the property was zoned or designated as a residential lot
iii. The lot severed, for the non-farm use, shall neither create nor add additional dwelling units; and
iv. The remnant parcel pf farmland created by the severance is rezoned to prohibit future construction of a new dwelling

The severed lot can accommodate private servicing and is 0.745 hectares (1.84 acres) in size. A Minimum Distance Separation I report was required, as there are livestock facilities within 750 metres of the proposed lot. The proposed new lot met the MDS I setback requirements and no further reports were necessary. No additional dwelling units are to be added. The retained lands will be rezoned as a condition of severance to prohibit a residential use and a condition will be added to facilitate the deficient lot frontage requirement.

Section 6.8.2.1(e)(ii) of the County of Brant Official Plan speaks to consent applications of farm parcels smaller than 40 hectares, and that the lot remaining shall be consistent with the policy for the surplus farm dwellings, and be generally less than 0.6 hectares in size unless suitable justification can be provided for a larger lot.

The severed lands are 0.745 hectares (1.84 acres) in size. The larger size is to accommodate the increased street setback to the dwelling, and to include the mature row of trees along the driveway and south property line.

I am of the professional opinion that this application conforms to the County of Brant Official Plan (2012) for the following reasons:

- ***No new residential building lots will be created as the retained lands are to be rezoned to prohibit a dwelling through the minor zoning amendment process as a condition of severance.***
- ***The retained lands are expected to be farmed as part of a larger farming operation.***
- ***The severed and retained parcels have frontage along Third Concession Road.***
- ***The Minimum Distance Separation Formulae is able to be met***
- ***The severed parcel is large enough to accommodate private servicing.***

Zoning By-Law 61-16

The subject lands are zoned as Agriculture (A) and Natural Heritage (NH) within the County of Brant Zoning By-Law 61-16. The lands subject to the severance are not within the Natural Heritage (NH) zone.

Section 6.1, Table 6.1.1 of the County of Brant Zoning By-Law speaks to permitted uses on lands zoned as Agriculture. Permitted uses include but are not limited to the following:

- Agricultural Use
- Agriculture-Related Use
- Cannabis Production and Processing
- Dwelling, Single Detached
- Farm Production Outlet
- Forestry Uses
- Greenhouse
- On-Farm Diversified Use
- Shipping Container

Section 6.2, Table 6.2.1 of the County of Brant Zoning By-Law speaks to the development requirements for lands zoned as Agriculture. See chart below for analysis of development standards.

Development Standard	Required	Requested – Severed Lands	Requested – Retained Lands
Lot Area, Minimum (ha)	40ha 0.6ha or less – surplus farm dwelling	0.745 ha surplus dwelling	32.860 ha

Lot Frontage, Minimum (m)	150m 20m – surplus farm dwelling	12.4 m (to be addressed through re-zoning application)	275.1m

Section 4.29 of the County of Brant Zoning By-law speaks to lot creation as a result of consent with respect to a dwelling surplus to a farming operation located within the Agricultural (A) Zone the following shall apply:

a. If the lot has a minimum 20.0 metre frontage, then said lot shall be deemed to comply with the requirements of this By-Law with respect to the lot area or lot frontage;
b. The dwelling shall only be considered surplus to the farming operations if it was constructed a minimum of 15 years prior to the date the application for the surplus farm dwelling consent is received;
c. The dwelling must be considered habitable at the time of application, as determined by the local municipal Chief Building Official;
d. Minimum Distance Separation Guidelines shall apply as if the property were zoned or designated as a residential lot.

The proposed severed lands do not meet the requirements for minimum lot frontage. This has been included through a condition of consent. As per MPAC, the existing dwelling was built in 1905. The existing dwelling on the proposed severed lands is considered habitable. MDS I report was completed and indicates no concerns with distance setback requirements.

All other regulations of the By-Law shall apply.

I am of the professional opinion that this application complies with the County of Brant Zoning By-Law 61-16 for the following reasons:

- ***The severed lot will seek relief for lot frontage.***
- ***The retained lot has a sufficient frontage.***
- ***The Minimum Distance Separation Guidelines have been applied and are able to be met.***
- ***The severed and retained parcels have frontage along Third Concession Road.***
- ***All other development provisions are being met.***

INTERDEPARTMENTAL CONSIDERATIONS

<u>Development Engineering</u>

- Road widening along the Third Concession Road frontage of the retained lands (to be 11m from the centreline of travelled surface of road).
- Portions of three (3) municipal drains are located within the subject lands.
- The retained and severed parcels have care and control of their own entrances.
- As no works are proposed within the municipal road allowance, no PW Permits are required.
    - Should any new entrances or modifications to existing entrances are proposed, PW Permits are required to be submitted for County review.
- Hydro poles traverse the retained lands *(Planning staff note this is being addressed through a condition)*

Drainage

- The proposed severance is within the Hamilton-Lockhart Municipal Drain system. A condition of severance for this property should be a section 65 reapportionment of the affected municipal drain assessment schedules.
- The landowner can either choose to file a written agreement detailing the share of the drainage assessment that each property will pay (this involves 2 parties, the owner of the retained and the owner of the severance) with the clerk who will then bring it before council to be approved by resolution, or they may request that the clerk hire an engineer to prepare the s. 65 reapportionment report.
- The costs to update the schedules will be born by the applicant.

Canada Post:

- Mail delivery for this property will be via owner installed/maintained rural mailbox.
- No additional comments from Canada Post.

Fire

- No comments for the application.

Environmental Planning

- Environmental Planning has reviewed the proposed surplus farm lot. The new lot is proposed greater than 120m from natural heritage features located on the south portion of the property, and as such Environmental Planning has no comments.

Hydro One

- No comments or concerns
- Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier. To confirm if Hydro One is your local distributor please follow the following link: Stormcentre (hydroone.com)

Parks Capital Planning & Forestry

- Cash-in-lieu for the amount of $5813 for a surplus farm dwelling severance is required.
    - For consent applications, the payment so required shall be paid to County prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and there the consent for severance has been granted and is in effect.

PUBLIC CONSIDERATIONS

Staff visited the site and the Applicant posted the public notice sign on 09/30/2024 in accordance with the *Planning Act*.

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

CONCLUSIONS AND RECOMMENDATIONS

The Applicant is proposing to sever a surplus dwelling with an area of approximately 0.745 ha (1.84 acres) and a frontage of approximately 12.4 metres along Third Concession Road. With the retained lands having an area of approximately 32.860 ha (81.20 acres). The severed lands are to include a surplus dwelling. The retained lands are to include the balance of the severed lands and three (3) accessory structures which are to be demolished.To facilitate the severance, the applicants will be required to apply for a minor rezoning to prohibit a dwelling on the retained parcel. This has been included as a condition of approval.

I am supportive of the consent application and in my professional opinion, the application is consistent with the *Provincial Policy Statement*, conforms to the Growth Plan for the Greater Golden Horseshoe, is in conformity with the County of Brant Official Plan (2012) and complies with the County of Brant Zoning By-Law 61-16 and therefore, I am recommending approval of the application, subject to the attached conditions.

Respectfully submitted,

Logan Keen, Junior Planner

Reviewed By: Kayla Deleye, Supervisor of Development Planning

ATTACHMENTS

1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Aerial Detail Map

COPY TO

1. Logan Keen, Junior Planner
2. Applicant/Agent

FILE # B15-24-ES

In adopting this report, is a bylaw or agreement required?

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)

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.

2. That the Applicant provides a copy of the draft reference plan for the severed parcel, including the location of the existing well and septic system, hydro easements by a licensed surveyor for review by the Development Services Department, prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).

3. As a result of the Surplus Dwelling severance, that a subsequent Zoning By-Law Amendment Application be received, deemed complete and approved with no appeals for the purpose of prohibiting a dwelling as a permitted use on the proposed retained farm parcel (Agricultural-Special Exemption A-9) and to address deficient frontage on the severed parcel

    - That any further Planning Applications required to satisfy the conditions of approval must be received and deemed complete a minimum of four (4) months prior to the lapsing of this application.

4. That the three (3) accessory structures (including foundations) identified on Severance Sketch be removed prior to the finalization of the Consent.

5. That the comments of Development Engineering are understood and agreed to, specifically:
    - A road widening will be required along the Fourth Concession Road frontage of the retained lands, the widening being a distance of 11 metres from the centreline of the travelled road surface. This width would allow for future road maintenance and improvements (i.e. ditching improvements).
    - A Legal survey is required to be prepared and submitted to the County. The draft R-Plan shall be completed by an Ontario Land Surveyor and submitted to County staff for review.
    - Compensation (if applicable) for road widening / daylighting lands, surveying fees and registration will be determined as per County Policy DVS-2002-05 Land Dedication as a Condition of Planning Applications (as amended) at the time of submission of a draft reference plan for County review, following the establishment of Conditions of Consent.
    - Hydro easement to be shown on reference plan.

6. That the Applicant provide draft transfer documents with legal descriptions of the severed lands utilizing an existing reference plan or new reference plan (if required) prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).

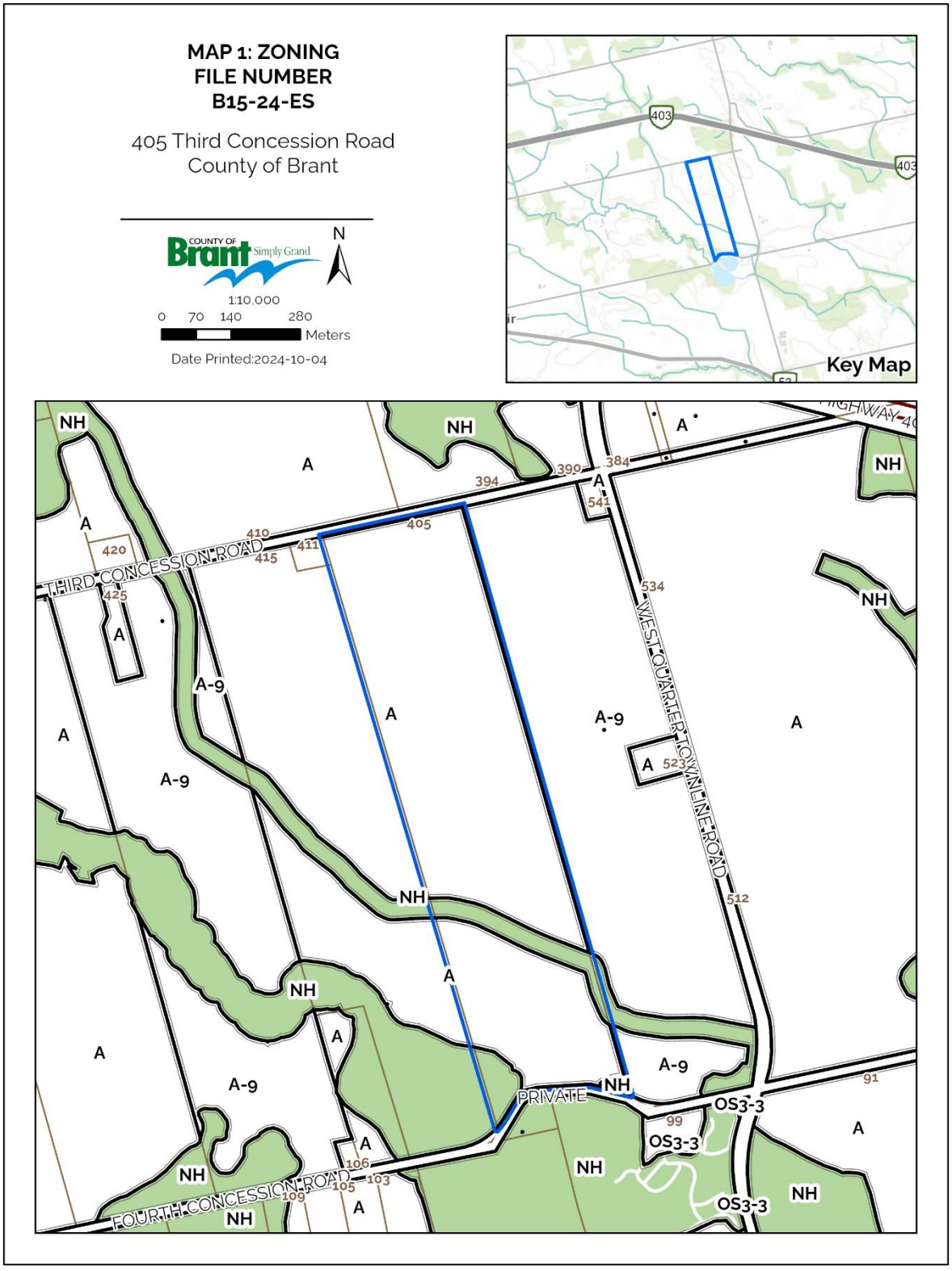
7. That the current $328.00 Deed Stamping Fee be paid to the County of Brant for each lot, prior to the release of the executed Certificate of Official.

8. That a Parkland Dedication Fee of $5,813 per new lot be provided prior to the release of the executed Certificate of Official.

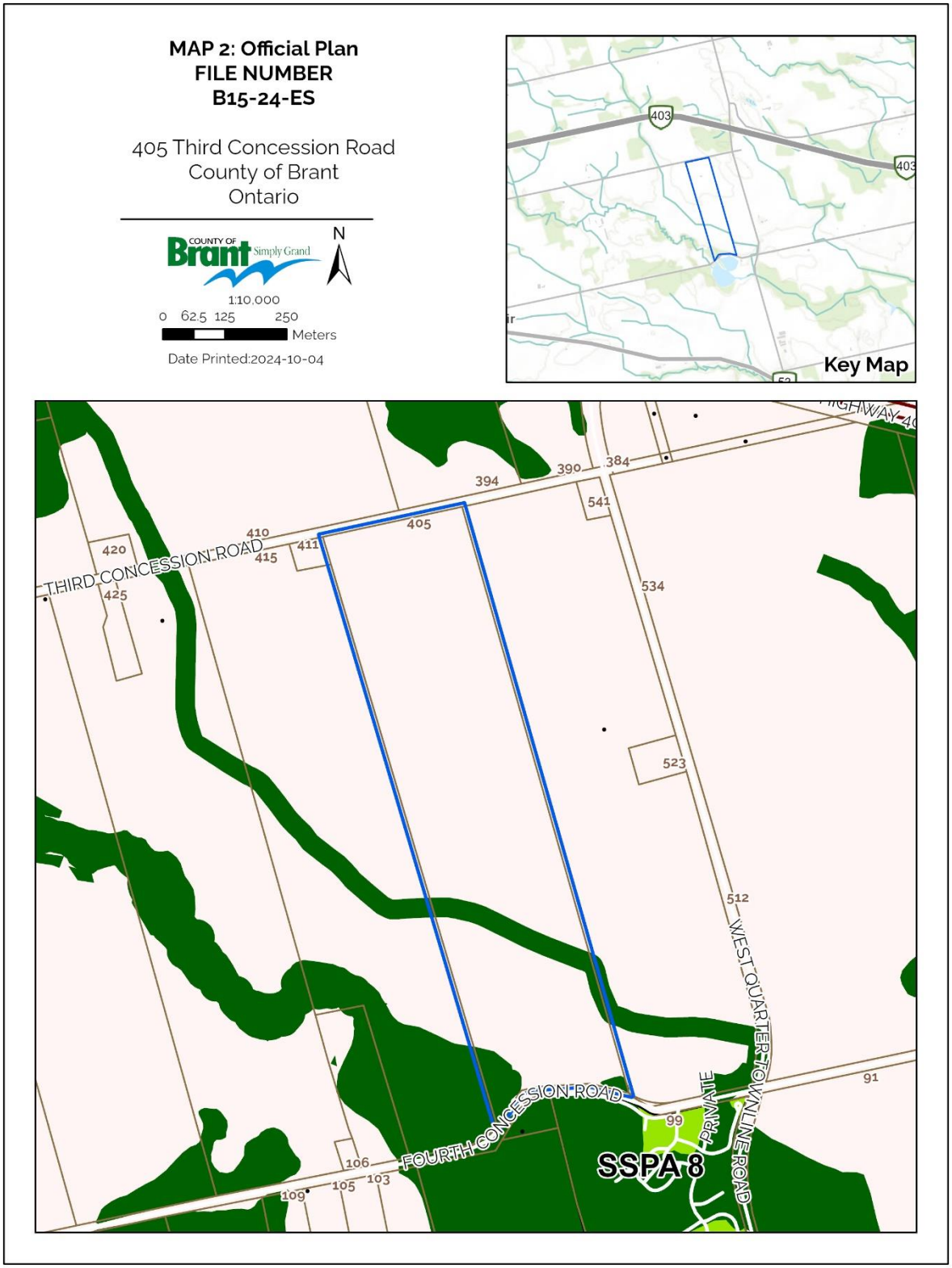
9. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the *Planning Act, R.S.O. 1990,* otherwise the approval shall lapse.

NOTE: Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the Consent.

Attachment 1 – Zoning Mapping



Attachment 2 – Official Plan Mapping



Attachment 3 – Aerial Mapping

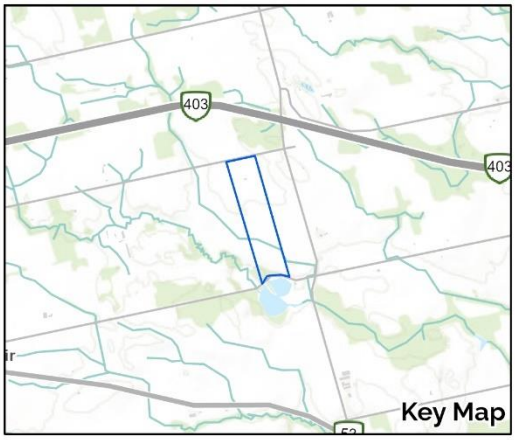
MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B15-24-ES

405 Third Concession Road
County of Brant
Ontario

COUNTY OF Brant Simply Grand

N

1:10,000
0 80 160 320
Meters
Date Printed:2024-10-04



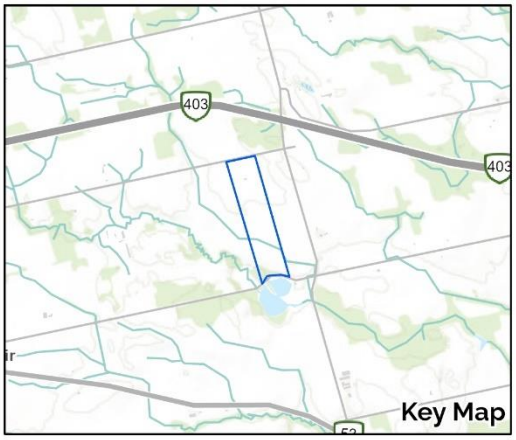
Attachment 4 – Aerial Detail Mapping

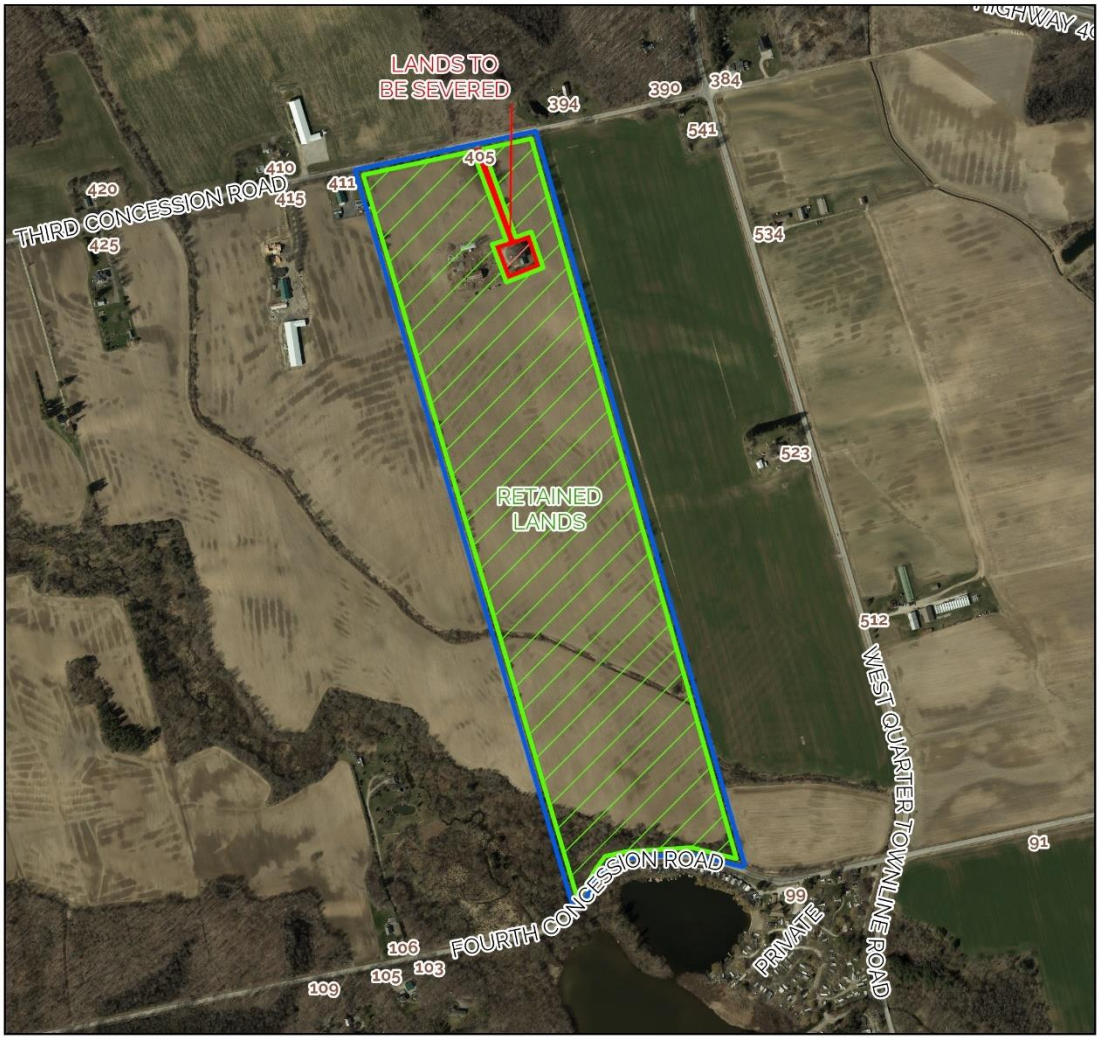
MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B15-24-ES

405 Third Concession Road
County of Brant
Ontario

N

0 80 160 320
Meters
Date Printed:2024-10-04





NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
- THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE

COMMMITTEE OF ADJUSTMENT.

Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-10-17

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: B15-24-ES-405 Third Concession Rd

Details of Application:

MHBC Planning c/o Trevor Hawkins. Agent of behalf of 1778206 Ontario Inc. c/o Kris Martin**,** applicant/ owner of CON 3 PT LOT 19, County of Brant, in the geographic township of Burford, located at 405 Third Concession Rd is proposing the subject lands to be deemed surplus to the needs of the farm operation. The proposed severance would result in the creation of a 0.745 hectare farm residence lot. The resulting retained lot, which consists of active agricultural land and natural features would include the balance of the lands and approximately 275.1 metres of frontage on Third Concession Road.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a “Complete Application” for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Logan Keen 519-442-7268 x 3061 logan.keen@brant.ca

To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of $400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of $267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*

Severance Sketch

LEGEND

- Subject Lands (33.605ha/83.04ac)
- Lands to be Retained (±32.860ha/81.20ac)
- Lands to be Severed (±0.745ha/1.84ac)

DATE:	February 2024
SCALE:	1:10,000
FILE:	21191E
DRAWN:	LC

north

K:\21191E - 405 THIRD CONCESSION RD., BURFORD\CP\SEVERANCESKETCH_22FEB2024.DWG

405 Third Concession Rd
County of Brant

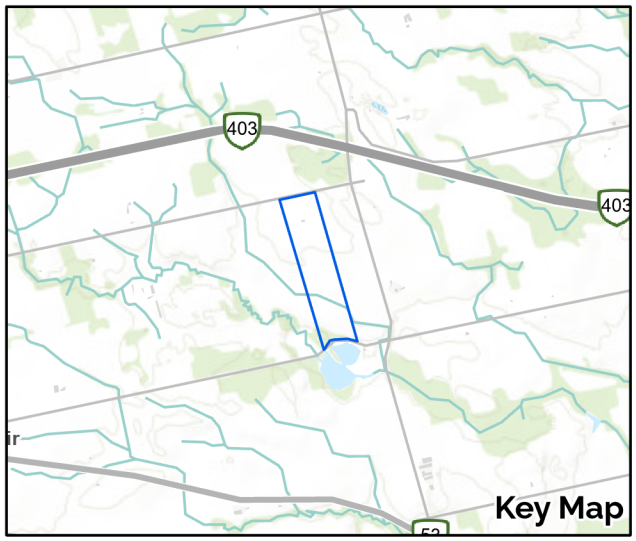
MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B15-24-KD

405 Third Concession Road
County of Brant
Ontario

N

0 80 160 320
Meters
Date Printed:2024-09-25



COMMITTEE OF ADJUSTMENT REPORT

DATE: October 17, 2024 **REPORT NO:** RPT - 0448 - 24

TO: To the Chair and Members of the Committee of Adjustment

FROM: Kayla DeLeye, Supervisor of Development Planning

APPLICATION TYPE: Consent Application

APPLICATION NO: B16-24-LK

LOCATION: 3 & 33 Salt Springs Church Road

AGENT/APPLICANT: J. H. Cohoon Engineering Ltd. / Edward Robert Mueller

OWNER(S): David Reginald Glass

SUBJECT: Request for a decision on an application proposing a lot line adjustment

RECOMMENDATION

THAT Consent Application **B16-24-LK** from J.H. Cohoon Engineering Ltd., agent on behalf of Edward Robert Mueller, applicant, and David Reginald Glass, Owner of lands legally described as PLAN 210 MARTINS BEND PT BLKS C, K & L, in the Former Township of Onondaga, and municipally known as 33 Salt Springs Church Road, proposing a lot line adjustment of approximately 642 square metres to accommodate the existing driveway located at 3 Salt Springs Church Road, known as adjoining lands, **BE DEFFERED** to allow the applicant the opportunity to revise the application to address the comments from the Development Engineering Department.

EXECUTIVE SUMMARY

Consent Application **B16-24-LK** proposes a 3-metre strip (642 square metres) of land containing the existing driveway to be severed and added to the adjoining lands located at 3 Salt Springs Church Road.

Staff have reviewed the proposed Consent Application with applicable planning policy (i.e., Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012) and Zoning By-Law 61-16) in review of any comments received from relevant departments, the Applicant, and members of the public.

County staff have conducted a site inspection and determined that the proposed 3-metre boundary adjustment is not sufficient to capture all of the existing driveway. Approximately 13

metres of boundary adjustment is required to contain the existing driveway in its entirety. An access easement is also required to facilitate shared access to both properties. The applicant and agent were made aware of this concern, but at the time of writing the report, no request for deferral was received. Therefore, staff recommend that application **B16-24-LK BE DEFFERED**, to allow the applicant to revise the application in accordance with the comments from the Development Engineering Department.

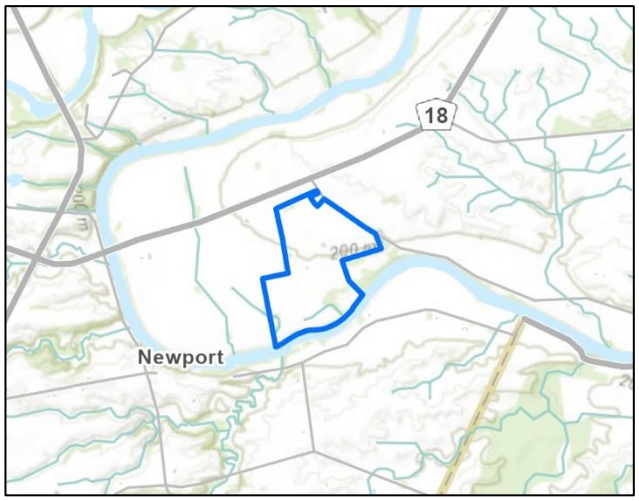
LOCATION / EXISTING CONDITIONS

The subject lands are approximately 55 hectares (135.9 ac) and have a frontage of approximately 520 metres along Salt Springs Church Road.

The lands are located south of Brant County Road #18, west of Salt Springs Church Road, and east of Newport Road. The subject lands are surrounded by Agricultural and Natural Heritage land uses.

The subject lands and the adjoining lands were used as a former gravel pit. Currently, there are no active extraction licenses on the lands and agricultural uses exist on both the subject lands and the adjoining lands. There is an existing single detached dwelling serviced by a private well and septic system situated on the adjoining lands.

LOCATION MAP
Application: B16-24-LK
3 & 33 Salt Springs Church Road



AERIAL IMAGE
Application: B16-24-LK
3 & 33 Salt Springs Church Road

REPORT

Planning Act

Section 51 (24) of the *Planning Act* sets out criteria to be considered when reviewing Consent Applications.

- **The Application is in keeping with Section 51(24) of the *Planning Act*.**

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

Provincial Policy Statement – 2020

The *Provincial Policy 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 1.1.4.2 of the Provincial Policy Statement identifies that Rural Settlement Areas shall be the focus of growth and development in Rural Areas. Rural Areas can be identified as a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

- ***The subject lands are within the Rural Lands of the County of Brant.***

Section 2.3.4.2 states that lot line adjustments in prime agriculture areas may be permitted for legal or technical reasons.

- ***The proposed lot line adjustment is required to correct the property lines as a portion of the driveway is located on the subject lands. The lot line adjustment is technical, minor in nature and will not result in the creation of a new residential building lot.***

It is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Section 2.2.1.2(b) of the Growth Plan outlines policies on *"Where and How to Grow"* by limiting growth to settlement areas that are (i) rural settlements and (iii) areas that are not serviced by existing or planned municipal water and wastewater systems.

- ***The proposal does not result in the creation of a new building lot and no loss of farmland will occur through the proposal.***

It is my professional opinion that the request conforms to the policies of the Growth Plan.

Source Water Protection

Source 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 south portion of the subject lands are within the Source Water Protection boundary. The proposed lot line adjustment is outside the Source Water Protection boundary and therefore will not have a negative impact on the existing source water.***

Brant County Official Plan (2012)

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 (2012) identifies the land use designation of the subject lands as 'Resource Development' and 'Natural Heritage'. Since there are no active extraction licenses on the subject or adjoining lands, and the draft approved Official Plan (2023) designates the subject lands as "Agriculture" and "Natural Heritage," the application will be reviewed under the Agriculture and Natural Heritage designations.

The following demonstrates conformity with the applicable policies of the County of Brant Official Plan (2012):

Official Plan (2012)	***Planning Analysis***
Section 1.11.2.6.2(e) of the County of Brant Official Plan restricts the creation of new residential lots and other non-farm development in the County's Agricultural areas.	***No new lots will be created as a result of the lot line adjustment and the severed portion will be consolidated with the adjoining lands.***
Section 3.3.1(c) states that one residential dwelling unit shall be permitted per lot in the Agriculture designation.	***The lands contain an existing single-detached dwelling which complies with the permitted uses within the Agriculture designation.***

Section 3.3.2.1(c) specifies that the proposed development in the Agriculture designation shall be serviced with adequate water supply and sanitary sewage disposal.	***The adjoining lands are serviced by a private well and septic system.***
Section 6.8.2.1 (c) (i) states that consents in agriculture lands may be permitted for legal or technical reasons, including severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments. In the case where the minor boundary adjustment is for the purposes of conveying land to an existing non-farm use, only the minimum amount of land required for the enlargement shall be conveyed and reasoning shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.).	***The proposed lot line adjustment is required to accommodate a portion of the driveway for the existing house that is located outside the property limits.***

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

Zoning By-Law 61-16:

The subject lands are zoned as Agricultural (A), Natural Heritage (NH), and Resource Extraction (EX) within the County of Brant Zoning By-Law 61-16. Since the subject lands are no longer used as a gravel pit and do not have an active extraction licence, the application will be reviewed under the Agricultural and Natural Heritage zones. The following demonstrates conformity with the applicable policies of the County of Brant Zoning By-Law.

Section 9, Table 9.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Agricultural (A). Permitted uses include but are not limited to the following:

- Agricultural Use
- Dwelling, Single-Detached

Section 6, Table 6.2.1 of the County of Brant Zoning By-Law 61-16 advises the required regulations for each permitted building type for lands zoned as Agricultural (A).

- ***The lands containing existing development meet the zone requirements for the A zone.***
- ***All other requirements of the Zoning By-Law 61-16 are being satisfied.***

It is my professional opinion that the Consent Application maintains the intent of the County of Brant Zoning By-Law 61-16.

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering Department	• County staff conducted a site inspection and determined that the proposed 3m boundary adjustment is not sufficient to capture all of the existing driveway. Approximately 13m of boundary adjustment is required to totally contain the existing driveway. • Currently, the Owner of Municipal # 33 (Reginald & Jacoba Glass) use the existing driveway to access their house from Salt Springs Church Road. If this situation is to continue, then an Easement will be required from Salt Springs Church Road to the south limit of Municipal # 3 (Robert & Debora Mueller's) property. • A legal survey is required to show the updated property lines and demonstrate that the property transfer will encompass the driveway. Survey is to be completed by a certified Ontario Land Surveyor and is to be provided to the County for review prior to depositing.
Environmental Planning	• The subject lands contain and are adjacent to an unevaluated wetland, which are designated and zoned Natural Heritage. The subject lands also contain woodlands designated as 'Woodlands and Vegetation' in the Official Plan. • It is the understanding of staff that the proposal is for a lot line adjustment only and that no new buildings or structures are proposed. As per the Provincial Policy Statement and Official Plan, a lot line adjustment does not constitute development. As such, Environmental Planning has no comments on the proposed application. • The applicant is advised that all areas within 120 metres of a wetland are subject to O. Reg. 254/23, which pertains to prescribed areas for site plan control. Accordingly, any future development could be subject to site plan control. The applicant is further advised that tree removal is regulated by the County pursuant to the Good Forestry Practices By-Law.
Fire	• No comments or concerns
Parks and Forestry	• Parks Capital Planning & Forestry is supportive of comments provided by Environmental Planning and have no additional comments regarding this Severance Application.
Grand River Conservation Authority (GRCA)	• Information currently available at our office indicates that the subject and benefitting lands contain wetlands. A lot line is being adjusted 3 metres eastwards to accommodate an existing driveway. We have no objection to this application. Any future development in a

	regulated area on the subject or benefitting lands will require a GRCA permit.
Mississaugas of the Credit First Nation	• The Mississaugas of the Credit First Nation hereby notify you that we are the Treaty Holders of the land on which the lot line adjustment will be taking place. This project is located on the Between the Lakes Treaty, No. 3 of 1792. Therefore, the MCFN Department of Consultation and Accommodation (DOCA) has no comments or concerns at this time. Please notify MCFN DOCA if the scope of the project changes.
Six Nations	• 10:1 tree replacement ratio
Hydro One	• Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection in principle to the proposed severance, provided HONI's easement rights are protected and maintained. • Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is prohibited without the prior written approval of HONI. If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer. • Our preliminary review only considers issues affecting HONI's transmission facilities and transmission • corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should • consult the local distribution supplier.
Canada Post	• Please be advised that Canada Post does not have any comments on this application for severance and boundary adjustments as this will not affect mail delivery.

PUBLIC CONSIDERATIONS

Notice of this Application, contact information, and Public Hearing Date were circulated by mail on October 2, 2024 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

It should be noted should the applicant chose to revise the submission to address concerns raised by staff, new notice will be required in order to meet Planning Act requirements.

Posting of the Public Notice sign was completed on September 30, 2024.

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

CONCLUSIONS AND RECOMMENDATIONS

Staff have concerns regarding the proposed boundary adjustment, as it does not reflect accurate measurements. Therefore, it is recommend that the application for Consent **B16-24-LK BE DEFERRED** to allow the applicant the opportunity to revise the application in compliance with the comments from the Development Engineering Department.

Prepared by:

Negin Mousavi Berenjaghi, Development Planning Student

Reviewed by: Kayla DeLeye, MA, Ec.D, MCIP, RPP
Supervisor of Development Planning

ATTACHMENTS

1. Official Plan Map
2. Zoning Map
3. Aerial Map
4. Aerial Detailed Map
5. Proposed Drawings

COPY TO

1. Jeremy Vink, Director of Planning
2. Applicant/Agent

FILE # B16-24-LK

In adopting this report, is a bylaw or agreement required?

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)

SCHEDULE "A"

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

APPLICANT: Edward Robert Mueller **File No:** B16-24-LK

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.

2. That the identified severed parcel currently part of 33 Salts Springs Church Road, becomes part and parcel of the abutting lands identified as 3 Salt Springs Church Road. The Applicant's Solicitor is to provide a Solicitor undertaking to register an Application of Consolidation Parcels immediately following the registration of the certificate of official to ensure the consolidation and proof of same to the Secretary-Treasurer, Committee of Adjustment acknowledging that Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.

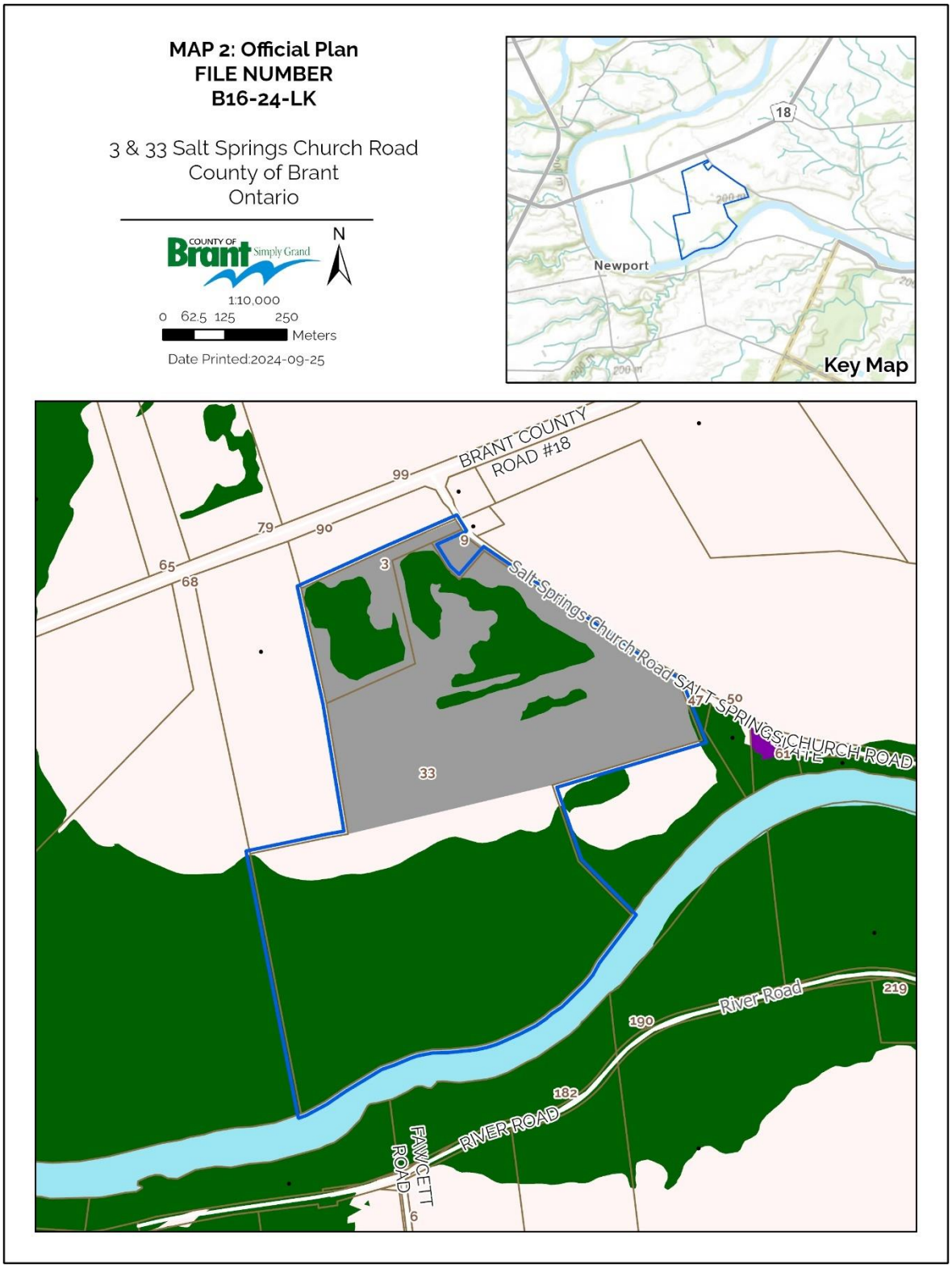
3. That the $328.00 Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official.

4. That the Applicant/ Owner provide the applicable draft transfer documents with legal descriptions of the proposed severed lands utilizing the Deposited Reference Plan for review to the satisfaction of the County of Brant.
    a. The Applicant/ Owner's Solicitor shall prepare and register all the necessary documents following review and approval by the County Solicitor. Immediately following the registration, the Applicant/ Owner's Solicitor shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.

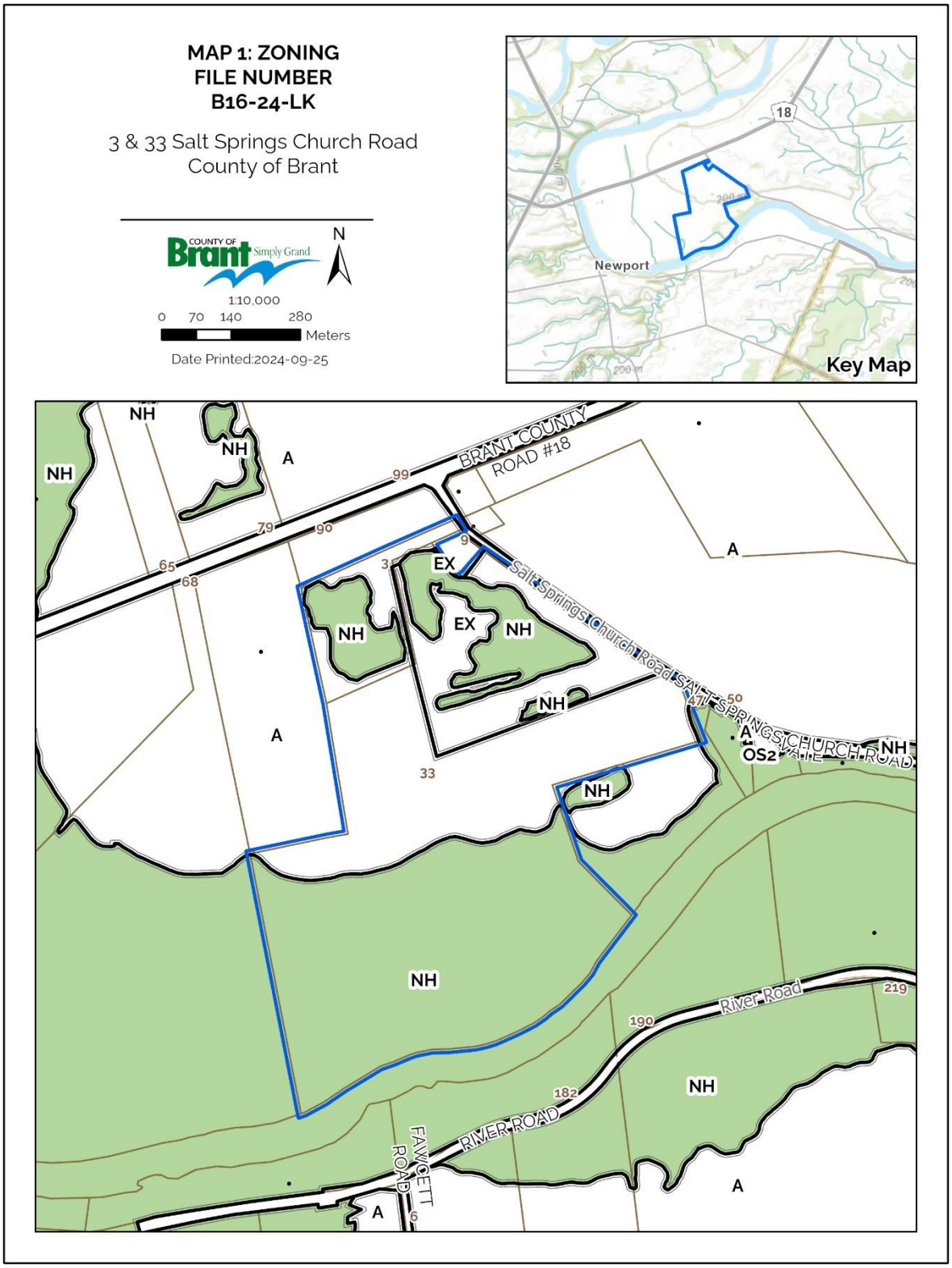
5. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

NOTE: *Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the application.*

Attachment 1 – Official Plan Map



Attachment 2 – Zoning Map



Attachment 3 – Aerial Map

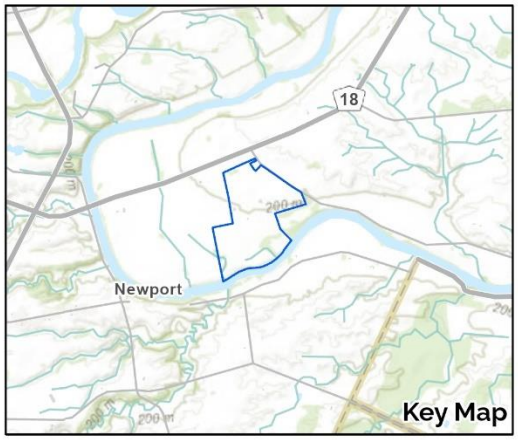
MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B16-24-LK

3 & 33 Salt Springs Church Road
County of Brant
Ontario

COUNTY OF Brant Simply Grand

N

1:10,000
0 80 160 320
Meters
Date Printed:2024-09-25



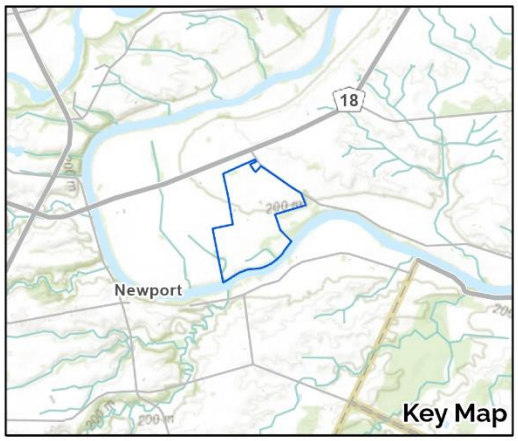
Attachment 4 – Aerial Detail Map

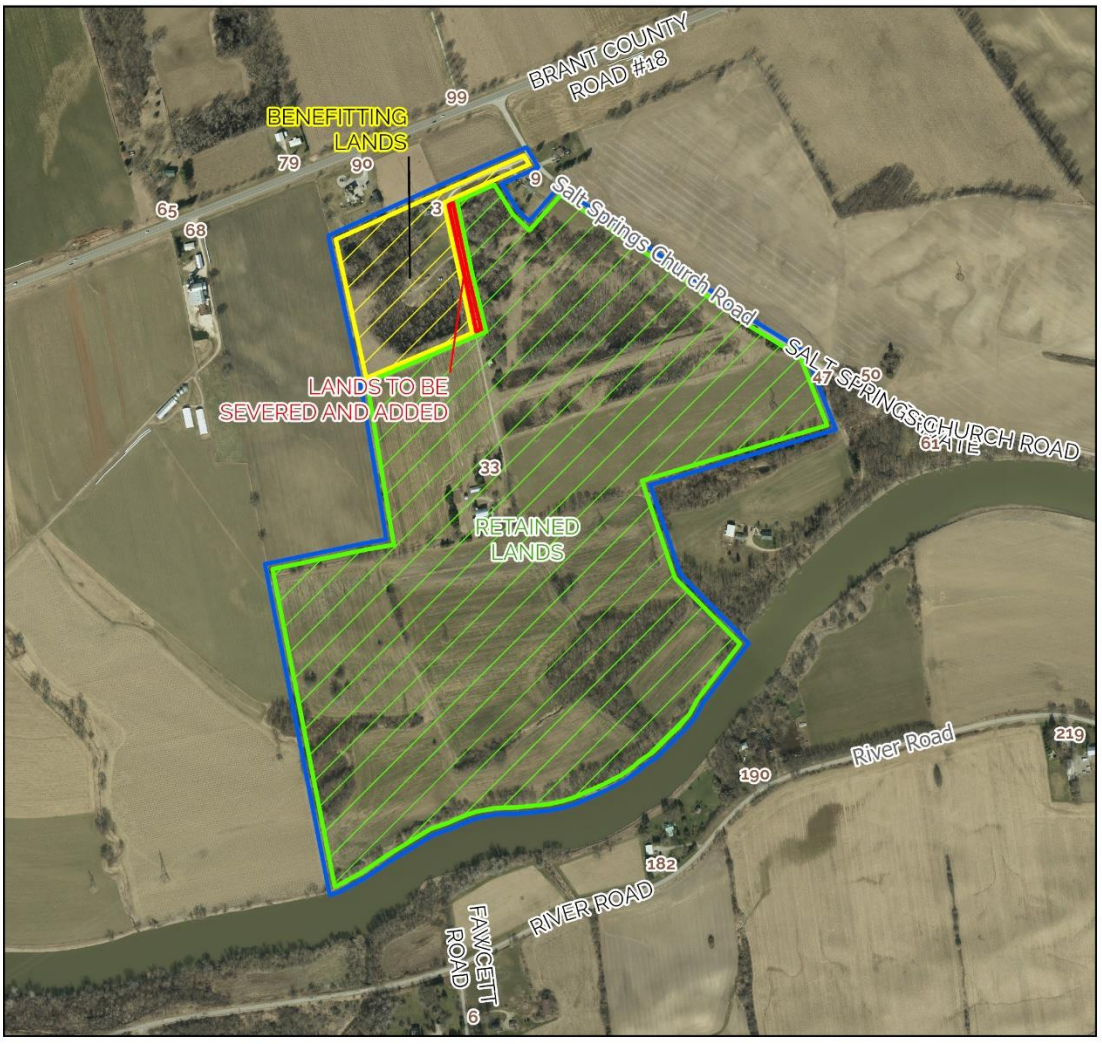
MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B16-24-LK

3 & 33 Salt Springs Church Road
County of Brant
Ontario

N

0 80 160 320
Meters
Date Printed:2024-09-25





Attachment 5 – Proposed Drawings

NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
- THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE

COMMMITTEE OF ADJUSTMENT.

Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-10-17

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: B16-24-LK- 3 Salt Springs

Details of Application:

JH Cohoon Engineering agent on behalf of Debora and Robert Mueller, applicant/ owner of PLAN 210 MARTINS BEND PT BLK C RP 2R-5704 PTS 1,2,3 & 4, County of Brant, in the geographic township of Onondaga, located at 3 Salt Springs is proposing a lot line adjustment of the existing driveway for the land located at 3 Salt Springs Church Road. This application proposes adding a 3-metre strip (642m2) of land containing the existing driveway from the adjoining lands to the Subject Lands.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a “Complete Application” for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Negin Mousavi Berenjaghi <Negin.MousaviBerenjaghi@brant.ca>

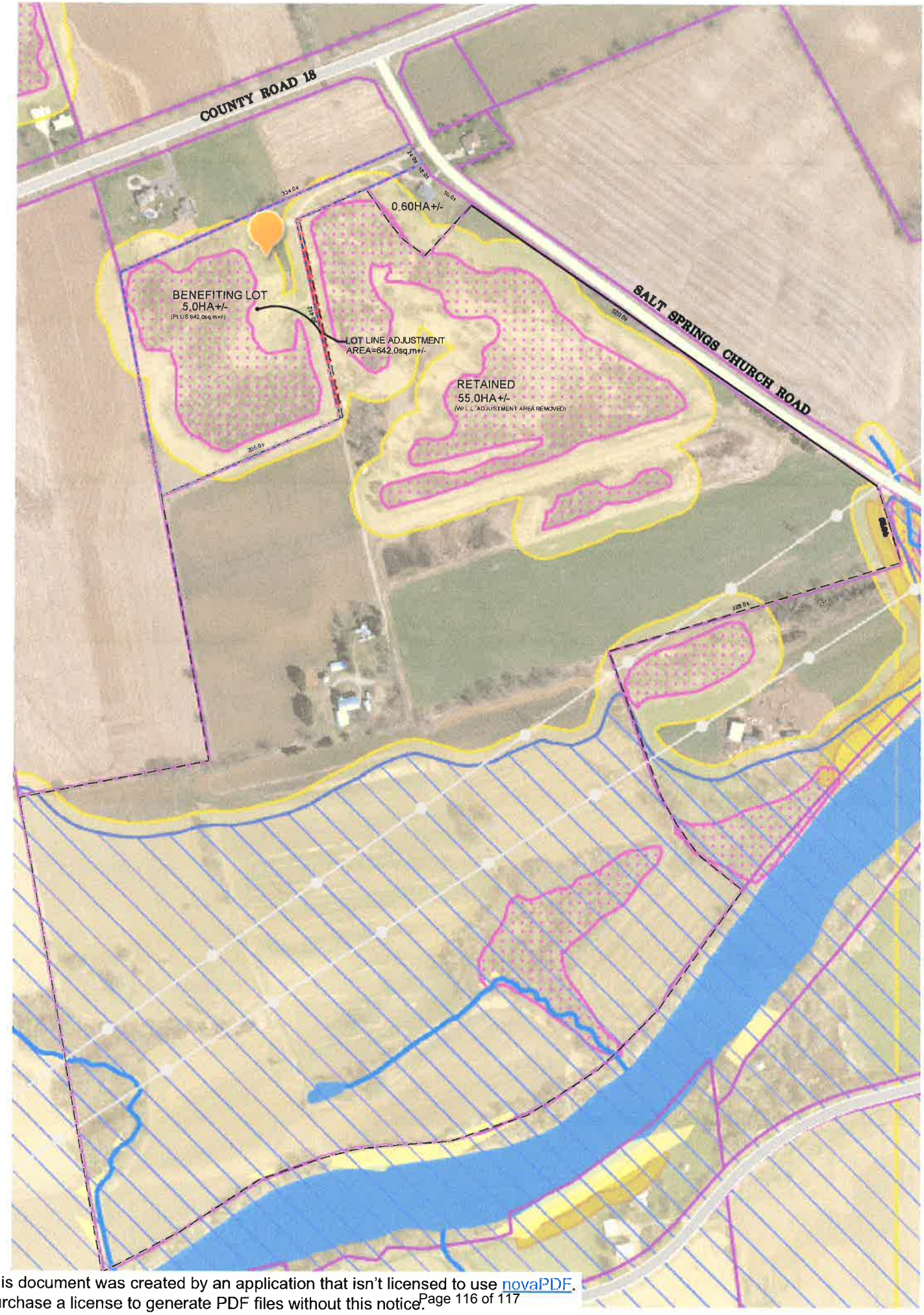
To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of $400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of $267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*



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MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B16-24-LK

3 & 33 Salt Springs Church Road
County of Brant
Ontario

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Meters
Date Printed:2024-09-25