



County of Brant Council Agenda

Date: Tuesday, December 3, 2024
Time: 6:00 p.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

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Pages

1. Attendance

2. Land Acknowledgement

As we gather, we acknowledge that we meet on the lands and territory of the Mississaugas of the Credit First Nation, Six Nations of the Grand River, and the traditional territory of the Attiwanderonk.

We remind ourselves that the County of Brant is situated on lands that are full of rich Indigenous history and home to many First Nations, Inuit, and Métis people today; we recognize the significance of their contributions to the past, present, and future of this land.

As a County we have a shared responsibility for the stewardship of the land on which we live and work and a commitment to the Truth and Reconciliation calls to action. We commit to continue learning, reflecting on our past, and working in allyship.

3. Approval of Agenda Recommendation

That the agenda for the December 3, 2024, County of Brant Council meeting be approved.

4. Declaration of Pecuniary Interests

5. Delegations / Petitions / Presentations

6. Adoption of Minutes from Previous Meetings

6.1 County of Brant Council Minutes of November 12, 2024

5 - 14

7. Business Arising from the Minutes

8. Public Hearings Under the Planning Act to Receive Information from the Public

9. Public Hearings Under the Planning Act to Consider Staff Recommendations

9.1 ZBA22-24-DN 304 East River Road - D. Landry, Nethery Planning Recommendation

15 - 36

THAT Zoning By-Law Amendment Application ZBA22-24 received by Matt Reniers & Associates, on behalf of Kelley Vandenberg, Owner of the lands legally described as Part of Lot 1 Concession 4, Geographic Township of St. George, County of Brant, municipally known as 304 East River Road, County of Brant, proposing to amend the Rural Residential-53 (RR-53) zone from Rural Residential (RR-53) to Rural Residential (RR), be APPROVED.

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

- a. The proposed Zoning By-Law Amendment application is consistent with the PPS, 2024, conforms to the County's Official Plan, 2012, is appropriate for the subject lands and is compatible with the surrounding area.
- b. The proposed Zoning By-law Amendment application meets the intent of the Minimum Distance Separation Document, 2017.

9.2 ZBA12-24-KD & PS1-24-KD-29 Recommendation

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That Zoning By-Law Amendment Application ZBA12-24-KD & Draft Plan of Subdivision Application (PS1-24-KD) from J.H. Cohoon Engineering Limited c/o Bob Philips and The Angrish Group c/o Ruchika Angrish on behalf of Haley Elevator Inc. c/o Micheal Haley, applicant/ owner of CONCESSION 13 PART LOT 1 to 3, REGISTERED PLAN 2R1765 PART 1, County of Brant, in the geographic Former Township of Burford, municipally known as 29 Thirteenth Concession Road proposes to change the zoning on the subject lands from 'Special Exception Holding Suburban Residential (h-33-SR)' to the 'Suburban Residential 'SR'', and 'Open Space (OS1)' zones to facilitate the creation of 77 single detached lots, a park block, storm water management block and multiple walkway blocks, **BE DEFERRED, at the applicants request until February 2025.**

AND

THAT the reason(s) for Deferral are as follows: The applicant's request additional time to work through issues related to the technical studies, primary being the following:

- Hydrogeological assessment report (Full report was not submitted to staff in the revised Oct 18th submission)
- Traffic Impact Study
- Stormwater Management
- Final design elements requiring modifications

10. Consent Items

10.1 Consent Items to be Approved

10.2 Consent Items to be Received

11. Committee Reports

12. Staff Reports**13. Communications****14. Resolutions****14.1 Councillor Oakley - Statement from a Coalition of Municipal & Regional Councillors on the Use of the Notwithstanding Clause to Clear Encampments Resolution**

Whereas mayors from several Ontario municipalities have recently petitioned the Premier of Ontario to invoke the notwithstanding clause in relation to proposed measures addressing mental health, addiction, and homelessness;

And whereas the notwithstanding clause is designed to suspend the application of the Canadian Charter of Rights and Freedoms;

And whereas the Charter is intended to protect the fundamental rights of all Canadian citizens, without exception;

And whereas Section 7 of the Charter guarantees everyone the right to life, liberty, and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice;

And whereas the application of Section 7 of the Charter to issues concerning encampments and individuals living in temporary shelters was affirmed in the decision of Justice Valente in *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670;

And whereas individuals experiencing homelessness, mental health challenges, and substance use disorders are among the most vulnerable members of our society, deserving of protection and support rather than further marginalization;

Therefore be it resolved that:

1. The County of Brant strongly opposes the use of the notwithstanding clause by the Government of Ontario in connection with any legislation that would facilitate the eviction or displacement of encampment residents.
2. The County of Brant affirms that all individuals, regardless of their housing status or personal circumstances, are entitled to the full protection of their Charter rights.
3. The County of Brant recognizes that addressing homelessness, mental health issues, and addiction requires compassionate, evidence-based solutions that respect the dignity and rights of all individuals.
4. The County of Brant calls upon the provincial government to work collaboratively with municipalities, health experts, and community organizations to develop comprehensive strategies that address the root causes of homelessness, mental health challenges, and addiction, while upholding the Charter rights of all citizens.
5. The County of Brant commits to advocating for increased funding and support for affordable housing, mental health services, and addiction treatment programs as more effective and humane alternatives to encampment evictions.

And that this motion be distributed to the Ontario government, specifically the Premier of Ontario, the Attorney General, the Minister of Children, Community and Social Services, the Finance Minister the Minister of Health, MPP Will Bouma,

MPP Ernie Hardeman, and MPP Brian Riddell.

15. Other Business

16. In Camera

Deferred at the November 26, 2024 Council meeting.

- 16.1 RPT-0530-24- S.239(2)(b) Personal matters about an identifiable individual, including municipal or local board employees (2024 Market Compensation Survey) - K. Dropko

17. By-laws

- 17.1 By-law Number 121-24, Being a by-law to further amend by-law number 61-16, being the Comprehensive Zoning By-law for the County of Brant, as amended (304 East River Road) 43 - 46

- 17.2 By-law Number 122-24, Being a by-law to confirm the proceedings of Council 47 - 48

18. Next Meeting and Adjournment

Tuesday, December 17, 2024, at 6:00 p.m. at the County of Brant Council Chambers.



County of Brant Council Minutes

Date: November 12, 2024
Time: 6:00 p.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

Present: Mayor Bailey, Councillors Kyle, MacAlpine, Howes, Oakley, Bell, Peirce, Miller, Coleman, and Garneau

Regrets: Councillor Chambers

Staff: Dyjach, Vink, Kortleve, Katikapalli, Namisniak, and Pluck

Mayor Bailey in the Chair.

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1. Attendance

Attendance was taken noting Councillor Chambers was not in attendance.

2. Land Acknowledgement

Councillor Coleman read the land acknowledgement.

3. Approval of Agenda

Councillor Kyle noted she had two items to discuss under other business.

Mayor Bailey added the public meeting protocol to the agenda under item 7.1.

Moved by Councillor Howes

Seconded by Councillor Bell

That the County of Brant Council agenda and addendum for November 12th, 2024, be approved, as amended.

Carried

4. Declaration of Pecuniary Interests

4.1 Councillor Kyle - By-law Number 100-24, Being a By-law to provide for drainage works in the County of Brant (Mitchell Municipal Drain) - 3rd Reading Only

Councillor Kyle declared a conflict of interest due to the Mitchell Municipal Drain running through her property.

5. Delegations / Petitions / Presentations

None.

6. Adoption of Minutes from Previous Meetings

6.1 County of Brant Council Minutes of October 8, 2024

Moved by Councillor MacAlpine
Seconded by Councillor Oakley

That the County of Brant Council minutes of October 8, 2024 be approved.

Carried

7. Business Arising from the Minutes

7.1 Public Meeting Protocol

Spencer Pluck, Deputy Clerk, appeared before Council and read the public meeting protocol.

8. Public Hearings Under the Planning Act to Receive Information from the Public

8.1 ZBA22-24-DN 304 East River Road

Denise Landry, Principal Planner - Nethery Planning

Denise Landry, Principal Planner with Nethery Planning, appeared before Council and presented on the application for information purposes. She noted the property location, the development proposal, a summary of resident comments, and concluded with the next steps.

In response to questions, D. Landry confirmed that the application will fall under the 2012 Official Plan.

Matt Reniers, agent & Matt Robillard, Soil Solutions Plus

Matt Reniers appeared before Council and spoke further to the application, noting the current and proposed Minimum Distance Separation (MDS).

Matt Robillard appeared before Council and spoke to the MDS calculations, noting the setback type, and the setbacks of neighbouring properties.

In response to questions, M. Robillard confirmed that the MDS calculations are based on the livestock present on the neighbouring property, how many box stalls the farm can have, and the type of livestock. In response to further questions, M. Robillard advised that if there were to be new livestock, the owner would apply for a

building permit for supporting infrastructure, and that a MDS2 calculation would be completed.

In response to questions, Jeremy Vink, Director of Planning, advised that there are no concerns regarding road width and that the ability to widen the road in the future is available. He further noted that the application was received prior to the date of approval of the new Official Plan.

Members of the Public

Jane Southgate, 301 East River Road

Jane Southgate appeared before Council and spoke to their opposition to the application. She raised concerns regarding the reduction of the MDS, the impact the application will have on the zoning of her property, the ability to expand her livestock, and the impact on her property value.

Kel Vandenberg, 203 East River Road

Kel Vandenberg appeared before Council and spoke to the application, noting that part of the reasoning behind the application is to have the houses be in line.

Council Consideration

Moved by Councillor Miller
Seconded by Councillor Coleman

That the Zoning By-law Amendment application ZBA22-24-DN - from KVCP Inc. c/o Matt Reiners Agent, on behalf of owner Kelly Vandenberg, of 304 East River Road, to amend the existing Rural Residential-53 (RR-53) zoning to permit a minimum required street setback of 20 metres, where a minimum setback of 49.4 metres (along the north property line) and 75 metres (along the south property line) is required by current MDS standards, be received as information and any comments / submissions regarding this application be referred to staff for review.

Carried

9. Public Hearings Under the Planning Act to Consider Staff Recommendations

9.1 ZBA44-20-DN Block 98-99

Dan Namisniak, Senior Planner

Dan Namisniak, Senior Planner, appeared before Council and presented the zoning by-law amendment application for approval. He presented the property location, application background, Official Plan, current zoning, proposed modifications, public consultations, and the next steps. D. Namisniak highlighted that a revised application was received in late October, proposing a maximum building height of 3.5 stories to facilitate the construction of stacked, back-to-back, and standard townhomes.

In response to questions, D. Namisniak advised that the detailed design is reviewed at the site plan stage to confirm they are meeting the required minimum and maximum requirements. He further noted that the transition policy of the Official Plan allowed the applicant to provide a submission which leveraged policies of the new Official Plan. In response to further questions, D. Namisniak advised that medium

density refers to the build form. He further advised that the current concept may provide a private road width that doesn't accommodate on-street parking, and that it would not count towards the on-street parking targets.

Emily Elliott, MHBC Planning, Agent

Emily Elliott, MHBC Planning appeared before Council and presented on the site location and surrounding area. She presented on the concept plans and conceptual renderings for Block 98 and Block 99, how the proposed application fits into the County of Brant Official plan, the proposed zoning, and concluded with noting that the proposal is consistent with the Provincial Planning Statement and contributes to the range of housing types in the community.

In response to questions, J. Vink advised that the application will meet the parking requirements.

In response to questions, E. Elliott confirmed that there are 164 parking spaces in Block 98 and 187 parking spaces in Block 99. She further confirmed that both blocks exceed the minimum landscaped open space requirements, and that there is a common amenities space.

Members of the Public

Samantha Mota, 10 Edgar Place

Samantha Mota appeared before Council and spoke in opposition to the application. She presented on the site plans of Blocks 98 & 99, and noted her concerns regarding parking, privacy, traffic, transit, and safety.

Kevin Wilson & James Leonetti - Via Zoom

Not in attendance.

Council Consideration

Councillor Peirce requested a recorded vote.

Discussion was held regarding the application, with concerns being noted about parking, density, and continued requests for exemptions to the County's standard requirements.

Moved by Councillor Peirce

Seconded by Councillor Coleman

THAT Zoning By-Law Amendment Application ZBA44-20-DN received from MHBC Planning Ltd. c/o E. Elliott Agent on behalf of, Losani Homes (Paris) Ltd. c/o D. Borrelli, Owner of lands legally described as of PLAN 2M-1956, BLOCK 98 & 99, Town of Paris, County of Brant proposing to modify the existing Mixed-Use Commercial (C5-1) & Residential Multiple Medium Density Site Specific-29 (RM2-29) zone as outlined in the Draft Amending By-Law, to establish a new Residential Multiple Medium Density Site Specific-34 (RM2-34) zone, in order to facilitate development of the subject lands, be **APPROVED**;

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

- a. The application promotes efficient, compact development and land use patterns within a settlement area, utilizing existing infrastructure

contributing to a range of housing types, sizes, and tenure within close proximity to a mix of land uses, supporting the achievement of complete communities;

- b. The application conforms to the policies of the Official Plan (2023) and is in keeping with the intent of the Zoning By-Law 61-16, and;
- c. The application is consistent with the policies of the Provincial Policy Statement (2024).

Yes (6): Councillor Kyle, Councillor MacAlpine, Councillor Oakley, Councillor Miller, Councillor Coleman, and Councillor Garneau

No (4): Mayor Bailey, Councillor Howes, Councillor Bell, and Councillor Peirce

Absent (1): Councillor Chambers

Carried (6 to 4)

9.2 ZBA21-24-DN 1024 Rest Acres

Dan Namisniak, Senior Planner

D. Namisniak appeared before Council and spoke to the application, noting that the application is to extend the temporary use for an additional three years. He advised that the entrance was relocated as part of the previous extension of the temporary use.

Stephanie Mirtitsch, MHBC Planning, Agent

Stephanie Mirtitsch, MHBC Planning, appeared before Council to speak to the application.

Members of the Public

None.

Council Consideration

Moved by Councillor Peirce
Seconded by Councillor Bell

THAT Temporary Use By-Law Amendment Application ZBA21-24-DN received from MHBC Planning, Agent on behalf of LIV Communities, Owner of lands legally described as CONCESSION 1 PART LOT 10, in the geographic former Township of Brantford, municipally known as 1024 REST ACRES ROAD County of Brant, proposing to amend the existing Temporary-98 (T-98) zoning to permit the extension of the temporary use for the purposes of a sales trailer up to three (3) additional years, be APPROVED;

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

- a. The application demonstrates consistency with the Provincial Policy Statement providing opportunity to establish a use on a temporary basis which in order to facilitate orderly development.
- b. The proposed temporary use satisfies the tests outlined in the Official Plan (2012) with respect to the passing of a Temporary Use By-law in accordance with the provisions of the Planning Act.

Carried

9.3 ZBA10-24-HH 8th Concession Road

Dan Namisniak, Senior Planner

D. Namisniak appeared before Council and presented on the zoning by-law amendment application. He presented the property location, the current designation and zoning of the property, the development proposal, and the public consultation. He further advised that the application was is being assessed and was deemed complete under the previous Official Plan.

In response to questions, D. Namisniak advised that the feasibility of private services on any future lot creation is being reviewed. In response to raised concerns in regard to ensuring there is the option for a transportation corridor from the industrial park to Eight Concession Road, D. Namisniak advised that the concern will be kept in consideration.

Scott Puillandre, Vallee Consulting, Agent

Scott Puillandre, Vallee Consulting, appeared before Council and noted that the holding provision on the property would prevent any future development at this time. He further advised that should future development come forward, the holding provision would require the plan of subdivision process which would allow the County to request road connections along the Eighth Concession.

Members of the Public

None.

Council Consideration

Moved by Councillor Howes
Seconded by Councillor Garneau

THAT Zoning By-Law Amendment Application ZBA10-24-DN received from Vallee Consulting c/o Scott Puillandre, Agent on behalf of Ethel Fintas, Applicant/ Owner of the subject lands as identified BURFORD CONCESSION 7 PART LOTS 4 AND 5 AND REGISTERED PLAN 2R5926 PART 2, in the geographic former Township of Burford, County of Brant proposing:

1. To amend the zoning on the entire 17 hectare (42 acre) parcel from Agricultural (A) to Suburban Residential (SR) to conform with the current Suburban Residential Official Plan (2012) Designation to facilitate a future severance application to create two (2) new residential lots, be **APPROVED**; and
2. To apply a Holding Provision (h) to approximately 16 hectare (39 acres), being the future retained lands to ensure orderly future development in recognition of the ongoing Burford Master Environmental Servicing Plan / Study, be **APPROVED**.

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

- a. The application allows for limited development on private services while utilizing a holding provision (h) on the majority of the parcel to ensure orderly future development, in recognition of the ongoing Burford Master Environmental Servicing Plan / Study.
- b. The application conforms to the policies of the Official Plan and is in keeping with the intent of the Zoning By-Law.
- c. The application is consistent with the policies of the Provincial Policy Statement.

Carried

10. Consent Items

10.1 Consent Items to be Approved

None.

10.2 Consent Items to be Received

None.

11. Committee Reports

11.1 Agricultural Advisory Committee Minutes of October 28, 2024

In response to questions, Brandon Kortleve, Manager of Policy Planning, advised that discussion regarding on-farm diversified use was regarding the policy framework and how property owners would be held to the requirements of on-farm diversified use.

Moved by Councillor Coleman
Seconded by Councillor Kyle

That the minutes from the October 28, 2024, Agricultural Advisory Committee be approved.

Carried

12. Staff Reports

12.1 RPT-0477-24 Implementation of the County of Brant's new Official Plan

B. Kortleve appeared before Council and provided an overview of the report.

In response to questions, B. Kortleve advised that the Community Planning Permit System is the combination of zoning and site plan tools, and that the timeline for implementation is two years.

Moved by Councillor Bell
Seconded by Councillor Kyle

Whereas the County of Brant Council approved *A Simply Grand Plan, 2023* ("the OP") as the new Official Plan for the County of Brant on May 30th, 2023, and the Ministerial Decision on the Plan was received on October 18th, 2024.

That RPT 0477-24 be received as information to guide the implementation of the OP;

That staff be directed to initiate an omnibus housekeeping amendment to the OP for presentation to Council in the first half of 2025;

That staff be directed to commence the implementation of the OP through the development of a Community Planning Permit System;

That staff create a new engagement framework to provide alternative measures for public notice and collecting feedback as it relates to development applications and return to Council for approval;

That the list of comprehensive studies outlined in RPT-0477-24 and the preliminary study areas shown on Attachment 4 be endorsed as the next steps in the implementation of the County's Growth Management Strategy and included as an Annex to the OP;

And that staff be directed to formalize a detailed 10-year schedule and the capital budgetary needs for future comprehensive studies as part of the 2025 budget discussions.

Carried

13. Communications

None.

14. Resolutions

None.

15. Other Business

Councillor Kyle - Royal Agricultural Winter Fair

Councillor Kyle shared that the Bite of Brant program received an Excellence in Agricultural Award from the Ontario Ministry of Agriculture, Food and Agribusiness at the Royal Agricultural Winter Fair.

Councillor Kyle - Mock Council Meeting with the Grade Six Class of Hope Reformed Christian School

Councillor Kyle advised that she and Councillor Oakley hosted a mock council meeting in Council Chambers with the grade six class of Hope Reformed Christian School, noting it was a great experience.

Mayor Bailey - Jonny's Gold Ribbon Gala

Mayor Bailey noted he attended the Jonny's Gold Ribbon Gala that took place on November 9, 2024, and advised that County of Brant paramedic Andrew Wood received recognition for his work with the Community Paramedic Palliative Wish Program.

Councillor Peirce - TVO, Who Does What?

Councillor Peirce shared a video from TVO, *Who Does What*, which provides an overview of services provided by Federal, Provincial, and Municipal government.

16. In Camera

None.

17. By-laws

Moved by Councillor Garneau

Seconded by Councillor MacAlpine

That By-laws 104-24, 107-24, 110-24, and 114-24 to 116-24, be read a first time.

Carried

Moved by Councillor Garneau

Seconded by Councillor MacAlpine

That By-laws 104-24, 107-24, 110-24, and 114-24 to 116-24, be read a second time and all preambles and clauses be adopted.

Carried

Councillor Kyle declared a conflict of interest on item 17.1, By-law 100-24 and did not participate in debate or vote.

Moved by Councillor Garneau

Seconded by Councillor MacAlpine

That By-laws 100-24 be read a third time, passed, signed and executed.

Carried

Moved by Councillor Garneau
Seconded by Councillor MacAlpine

That By-laws 104-24, 107-24, 110-24, and 114-24 to 116-24, be read a third time,
passed, signed, and executed.

Carried

18. Next Meeting and Adjournment

Council adjourned at 8:43 pm to meet again on Tuesday, November 26, 2024, at 6:00
p.m. at the County of Brant Council Chambers.

Secretary



County of Brant Council Report

To: The Mayor and Members of County of Brant Council
From: Denise Landry, Nethery Planning Services
Date: December 3, 2024
Report #: RPT-0489-24
Subject: ZBA22-24-DN - 304 East River Rd Zoning Bylaw Amendment Application
Purpose: For Approval

Recommendation

THAT Zoning By-Law Amendment Application ZBA22-24 received by Matt Reniers & Associates, on behalf of Kelley Vandenberg, Owner of the lands legally described as Part of Lot 1 Concession 4, Geographic Township of St. George, County of Brant, municipally known as 304 East River Road, County of Brant, proposing to amend the Rural Residential-53 (RR-53) zone from Rural Residential (RR-53) to Rural Residential (RR), be APPROVED.

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

- a. The proposed Zoning By-Law Amendment application is consistent with the PPS, 2024, conforms to the County's Official Plan, 2012, is appropriate for the subject lands and is compatible with the surrounding area.
- b. The proposed Zoning By-law Amendment application meets the intent of the Minimum Distance Separation Document, 2017.

Executive Summary

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

The application (ZBA22-24-DN) proposes to amend the existing Rural Residential-53 (RR-53) Zone to permit a minimum required street setback of 20 metres. The Rural Residential-53 (RR-53) zone requires a minimum setback of 49.4 metres (along the north property line) and 75 metres (along the south property line).

The subject lands were created through consent in 2021, and a Zoning Bylaw Amendment was required to implement the minimum distance separation setback calculations.

The application was received and deemed complete prior to the provincial approval of the New 2023 Official Plan. As such, the subject application will be reviewed under the 2012 Official Plan.

The planning analysis focuses on literature review of applicable policy, including the Planning Act, Provincial Planning Statement (2024), County of Brant Official Plan (2012) and County of Brant Zoning By-Law 61-16, consultation with departments, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that Zoning By-Law Amendment Application ZBA22-24-DN, as proposed, be APPROVED.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Impacts and Mitigation

Social Impacts

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

Environmental Impacts

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

Economic Impacts

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

Report

Location/Existing Conditions

The subject lands are legally described as Part of Lot 1 Concession 4, Geographic Township of St. George, County of Brant. The subject lands are currently vacant, having an area of approximately 0.4 hectares (0.988 acres) and a frontage of 40 metres along East River Road.

The surrounding land uses include agricultural land to the east and west and rural residential land to the north and south (Figure 1).

The subject lot is located outside of the urban settlement area boundary and is designated Rural Residential in the County's 2012 Official Plan as Rural Residential.

Background

The subject property has been the subject of several consent and zoning by-law amendment applications since 2020, which will be summarized in chronological order below.

The subject lands were formerly located within 310 East River Road. The lands were rezoned from Rural Residential-45 (RR-45) to remove the site-specific provisions and leave the lands as Rural Residential (RR). The purpose of this zoning by-law amendment (file ZBA1-20-AW-2020) was to facilitate the severance of the property. This rezoning application was approved by County Council in 2020.

Subsequently, consent application B41-20-AW was applied for to transfer lands from 310 East River Road to the adjacent property at 304 East River Road, the subject lands. At that time, no development was proposed for the lands being merged to 304 East River Road. The Committee of Adjustment approved the severance application for the lot adjustment in 2020.



Figure 1 Location Map

In 2021, applications B1-21-AW and B2-21-AW were submitted to sever and create two residential building lots. The Committee of Adjustment, in February 2021, approved the severance application, with conditions.

One of the conditions for the severance approval was that 304 East River Road be rezoned (files ZBA16/21/AW & ZBA17/21/AW-2021) to reflect the MDS calculations from the equestrian centre at 301 East River Road. To implement the MDS calculations, the street setback to the southerly property line of 304 East River Road was proposed to be 75 metres and the street setback to the northerly property line was proposed to be 49.4 metres.

In addition to establishing site-specific setbacks for the subject property, the application also proposed to rezone the rear 10 metres of property as Natural Heritage (NH) to protect the existing woodlot. The Natural Heritage zone does not permit any buildings, structures and/or site alteration.

The rezoning application was presented to the Planning and Development Committee in June, 2021. Subsequently, County Council approved Bylaw 77-21 to amend the County's Comprehensive Zoning Bylaw 61-16 to zone the subject lands Rural Residential-53 (RR-53).

All of the conditions of consent were cleared and the two lots were legally created.

Planning Analysis

Planning Legislation

Planning staff reviewed these applications with consideration of several planning documents including the Planning Act, R.S.O., 1990, as amended, the Provincial Planning Statement, 2024 (PPS), the County of Brant Official Plan (2012) and the County of Brant Comprehensive Zoning By-law 61-16. For the application to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act R.S.O. (1990)

Section 2 of the Planning Act (the "Act") outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34(10) of the Act allows for the consideration of amendments to the Zoning By-law

Provincial Planning Statement (2024)

The PPS provides policy direction on matters of provincial interest related land-use planning and development. The PPS is a policy statement issued under the authority of Section 3 of the Planning Act and came into effect on October 20, 2024. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024. Decisions affecting planning matters should be 'consistent with' policy statements issued under the Act.

It is my professional planning opinion that the recommendation is consistent with the policies of the PPS.

- The subject lands are located on rural lands as per the PPS and Policy 2.6.1(c) of the PPS permits residential development, where site conditions are suitable for the provision of appropriate sewage and water services. The suitability of the subject lands

to accommodate private services would have been assessed through the consent process and further confirmed at the building permit stage.

- Policy 2.6.5 of the PPS, states that 'new land uses... shall comply with the minimum distance separation (MDS) formulae'. The PPS defines 'minimum distance separation formulae' meaning formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities. The MDS Document permits planning authorities to consider reductions to the MDS calculations, where it is deemed appropriate. Further analysis of the application as it applies to the MDS Document is provided below.

County of Brant 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 New 2023 Official Plan, 'A Simply Grand Plan', was adopted by County of Brant Council on May 30, 2023. The plan was approved by the Ministry of Municipal Affairs and Housing on October 18, 2024. However, the transition provisions provided in the New Official Plan (Section 1.5.1) indicate that all applications deemed complete prior to Provincial Approval of the New Official Plan shall be reviewed under policies of the 2012 County of Brant Official Plan. As this application was received and deemed complete prior to provincial approval of the New 2023 Official Plan, the subject application will be reviewed under the 2012 Official Plan. Furthermore, the applicant has not requested that the application be considered under the County's New 2023 Official Plan.

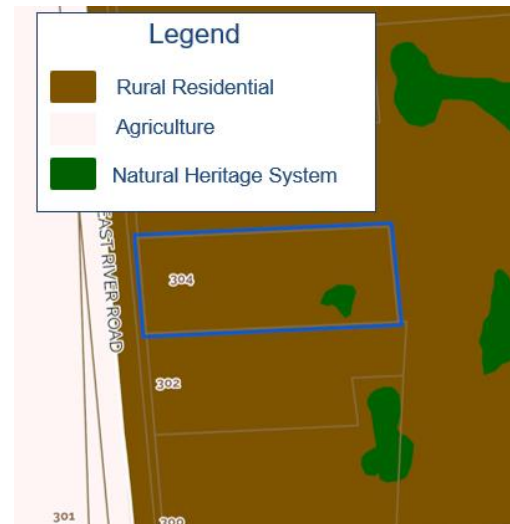


Figure 2 – Official Plan (2012) Mapping

Land Use Designation

Schedule 'A' of the County of Brant Official Plan (2012) designates the subject lands as Rural Residential and Natural Heritage System (Figure 2).

Rural Residential areas consist of existing clusters of large lot residential development serviced by private water and sanitary sewage systems (Section 2.2.3.3). Further, Section 2.2.3.3 indicates that the 'Rural Residential Areas will not accommodate significant additional growth and development during the course of the planning horizon.' Proposed development is to comply with the Minimum Distance Separation Formula.

Section 3.7 indicates that the 'primary intent of the Rural Residential designation is to only recognize existing concentrations of large lot residential development in order prevent scattered land consumption, inefficient use of existing infrastructure, and non-farm development in the Agriculture designation'. Single detached residential dwellings are a permitted use in the Rural Residential designation (Section 3.7.2). The existing lot is considered infill development and is within an area concentrated with rural residential lots.

The objectives of the Agricultural Section 1.11.2.6 speak to ‘ensuring that agricultural operations are protected from surrounding land uses by incorporating the Minimum Distance Separation Formulae in order to prevent adverse effects from odour.’

The MDS Document provides guidance on requests to reduce the minimum distance separation between land uses. An assessment of the subject application to reduce setbacks established per the MDS Document is provided below.

A portion of the subject land is designated Natural Heritage System as there is an existing woodlot at the rear of the property. Those lands are zoned Natural Heritage, prohibiting development and the zoning is not proposed to change.

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

County of Brant Zoning By-Law 61-16

Schedule ‘A’ of the Zoning By-Law 61-16 identifies that the subject lands are zoned as Rural Residential 53 (RR-53) and Natural Heritage.

Proposed Zoning Amendment

The subject application proposes to amend the Rural Residential-53 (RR-53) zoning to permit a minimum street setback of 20 metres, where a minimum setback of 49.3 metres (along the north property line) and 75 metres (along the south property line) is required.

No change is being requested for the natural heritage zone on the subject property.

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

Minimum Distance Separation Document, 2017

The MDS Document is a land use planning tool developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and represents the Minimum Distance Separation Formulae as defined in the PPS. The intent of this document is to prevent land use conflicts and minimize nuisance complaints from odour. The MDS Document provides technical guidance for implementing both the MDS Formulae and Implementation Guidelines as required in the PPS and other applicable provincial plans.

Section 8.2 of the MDS document discusses reducing MDS setbacks where the intent of the MDS Document is maintained. It suggests that it is appropriate to consider the tests for a minor variance that are described in Section 45(1) of the Planning Act, as a mechanism to assess specific situations and potential reductions to MDS setbacks.

The four tests are:

1. Does the reduction in the MDS setback keep with the intent of the Official Plan?
2. Does the reduction in the MDS setback keep with the intent of the Zoning By-law?
3. Is the reduction in the MDS setback desirable and appropriate for the area?
4. Is the reduction in the MDS setback minor in nature?

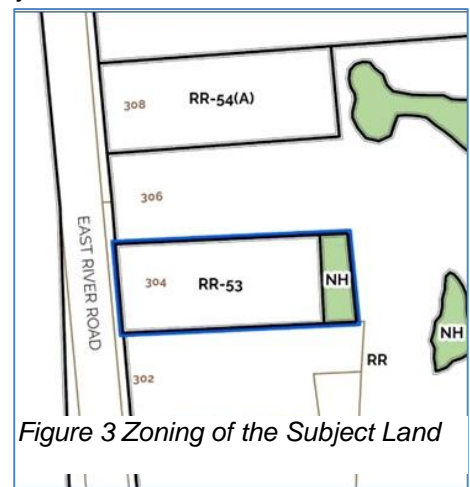


Figure 3 Zoning of the Subject Land

It is my professional opinion that the proposal meets the four tests, noted above for the following reasons:

- The County Official Plan, 2012 speaks to the protection of agricultural lands and to implementing MDS setbacks to protect existing livestock operations from sensitive land uses (such as residential development). The Official Plan also aims to ensure that farm operations are not hindered from further expansion. South and northeast of the equestrian centre are existing dwellings that are located closer to the equestrian centre than the proposed setback would permit on the subject lands. Written comments and verbal comments provided at the public meeting confirm that the residents in the vicinity of the equestrian centre have not had odours concerns. The County By-law Division has also confirmed that odour complaints have not been received as a result of the equestrian centre.
- The expansion potential of the equestrian centre or change in livestock on the property is already impacted by the dwellings located south and east of the equestrian centre. A reduction in the street setback to a proposed dwelling on the subject lands would not further impact expansions or a change in livestock.
- There are several dwellings located to the south and north of the subject lands on East River Road and on Scenic Drive. The proposed setback of 20 metres from the street will align with the setbacks of the two homes to the south of the subject lands.

Interdepartmental Considerations

No comments were received from other departments on this application.

Public Considerations

A Statutory Public Meeting was held on November 12, 2024 to receive feedback and questions from members of the public and Council on the subject application.

Written comments and oral comments provided to staff were also received and are included in the agenda package.

The following summarizes the comments received in favour of the application:

- Aesthetics of the neighbourhood and backyard privacy. If a future dwelling is built on the property within the current zoning limits the immediate neighbours privacy would be impacted;
- Concerns that if the dwelling is built further back on the subject property the existing trees would be cut down causing environmental concerns;
- The farm located across the road has never presented any foul odours since 2020 when the resident purchased their property;

The following summarizes comments received in opposition of the application:

- Dwellings are being built across the road from the resident and as a result their farm is being impacted;
- The resident previously requested that their lands be redesignated from Agriculture to Rural Residential but the application was not approved; and
- The resident would like the County to protect agriculture.

As identified in this report, there are already existing dwellings that are located closer to the equestrian centre than the subject lands. The ability for the existing equestrian centre to

expand or for the barn to accommodate a different type of livestock will not be impacted by the subject application.

Previous decisions of Council on Planning Act applications for neighbouring properties are not an appropriate consideration when forming a planning opinion for the subject application.

The subject lands are designated and zoned for rural residential purposes and therefore, will not result in the loss of any agricultural lands.

Agricultural Advisory Committee Meeting

The Agricultural Advisory Committee met on October 28, 2024 to receive information from staff on the subject application.

The Committee had two questions for staff;

- How do we know for certain that the equestrian centre won't be negatively impacted in its ability to expand? (And related, how does that change if they were to change livestock); and
- What types of crops are being planted to the east of the subject property?

Staff returned to the Agricultural Advisory Committee Meeting on November 25, 2024 to provide additional information on the application and to address the questions received at the prior meeting. Staff indicated that the lands to the east of the subject property are on a crop rotation of corn and soybeans and explained that expansion of the equestrian centre or a change in livestock is already constrained by the existing dwellings to the south and east of the subject lands.

The Committee passed the following motion:

“That the Agricultural Advisory Committee provides the following comment regarding Application Number ZBA22-24-DN, located at 304 East River Road:

- That any dwelling constructed at 304 East River Road be built outside of the MDS setback from the equestrian centre located at 301 East River Road, as per the attached map”

The map referenced in the motion shows conceptually the MDS setback from the barn to neighbouring properties. The current Rural Residential-53 (RR-53) zoning implements the MDS setbacks for the subject lands.

Summary and Recommendations

It is the opinion of Planning staff that the proposed Zoning By-Law Amendment application from Rural Residential (RR-53) to Rural Residential (RR) is consistent with the PPS, 2024, conforms to the County's Official Plan, 2012, is appropriate for the subject lands and is compatible with the surrounding area.

Planning staff recommend that Council approve the application.

Attachments

1. Draft By-Law and Schedule 'A' Mapping

Reviewed By

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

Copied To

- 1. Sunayana Katikapalli, Director of Council Services, Clerk
- 2. Sarah Dymment-Smith, Planning Administrative Assistant
- 3. Applicant/Agent/Owner

By-law and/or Agreement

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

BY-LAW NUMBER XXX-24

-of-

THE CORPORATION OF THE COUNTY OF BRANT

To further amend By-law Number 61-16, being the Comprehensive Zoning By-law for the
County of Brant, as amended.

Matt Reniers & Associates, on behalf of Kelley Vandenberg, Owner of the lands legally
described as Part of Lot 1 Concession 4, Geographic Township of St. George, County of Brant

WHEREAS an application was received from Matt Reniers, Agent on behalf of Kelly
Vandenberg, owner of lands legally described as Part of Lot 1 Concession 4, Geographic
Township of St. George, County of Brant, municipally known as 304 East River Road, proposing
to amend the existing Rural Residential-53 (RR-53) zoning to permit a minimum required street
setback of 20 metres, where a minimum setback of 49.4 metres (along the north property line)
and 75 metres (along the south property line) is required.

WHEREAS Section 34 of *The Planning Act* authorizes the council of the County of Brant to pass
By-Laws restricting the use of land and the erecting, locating, or using of buildings or structures,
for or except for such purposes as set out in the Comprehensive Zoning By-Law, including that
the Comprehensive Zoning By-Law may be amended.

AND WHEREAS this by-law is in conformity with the Official Plan, 2012 for the County of Brant;

AND WHEREAS the Council of the Corporation of the County of Brant recommended approval
of this By-Law on December 3, 2024;

AND WHEREAS the Council of the Corporation of the County of Brant deems it to be desirable
for the future development and use of the lands described above;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT
HEREBY ENACTS AS FOLLOWS:**

1. **THAT** Zoning By-Law 61-16, as amended, is hereby further amended by changing the
zoning of the lands, as illustrated on Schedule 'A' attached to and forming part of this
By-Law from Rural Residential (RR-53) to Rural Residential (RR).
2. **THAT** this By-Law shall come into force on the final passing thereof by the Council of the
Corporation of Brant subject to compliance with the provisions of *The Planning Act*,
R.S.O., 1990, as amended from time-to-time.

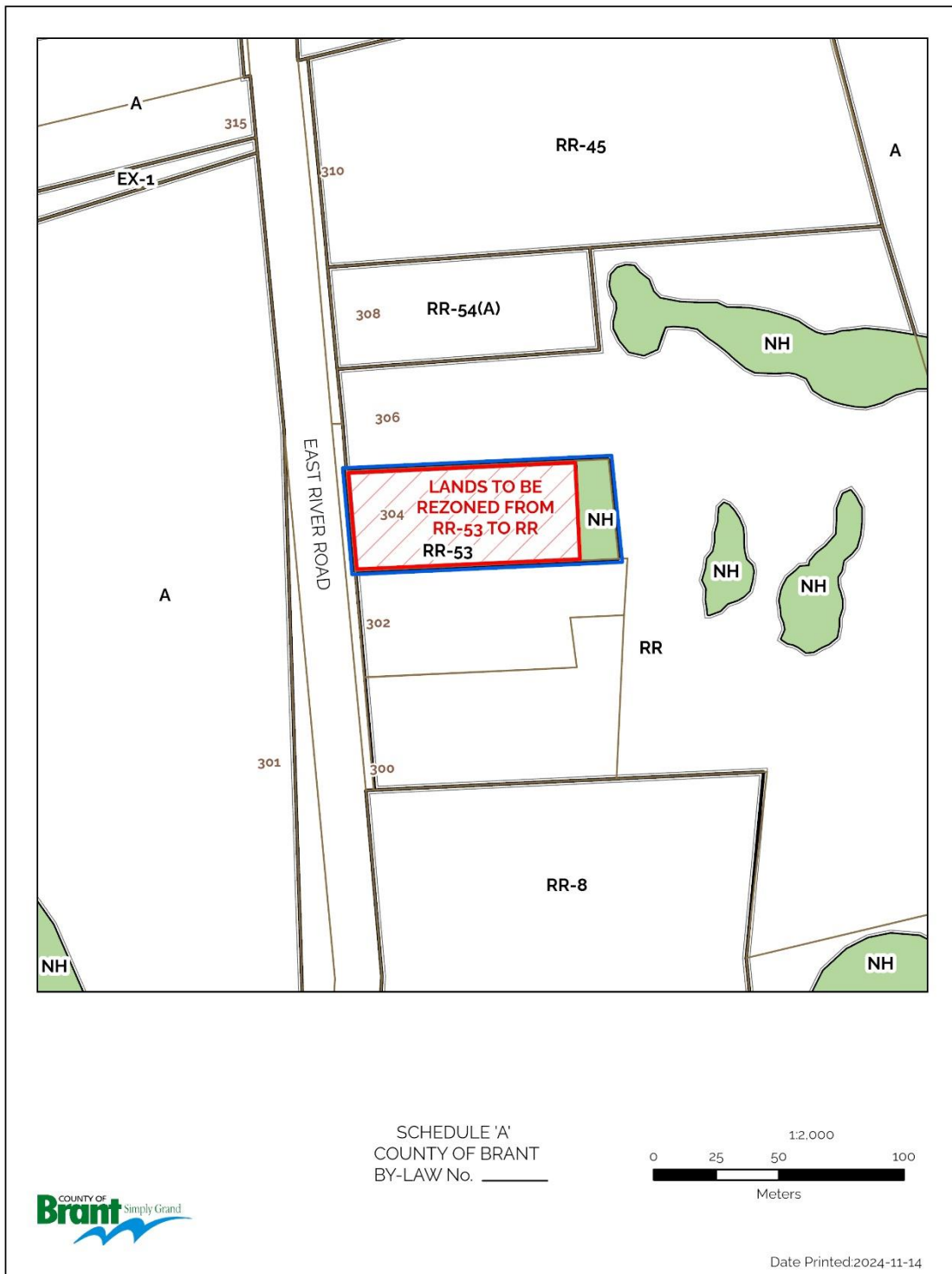
READ a first and second time, this 3rd day of December, 2024.

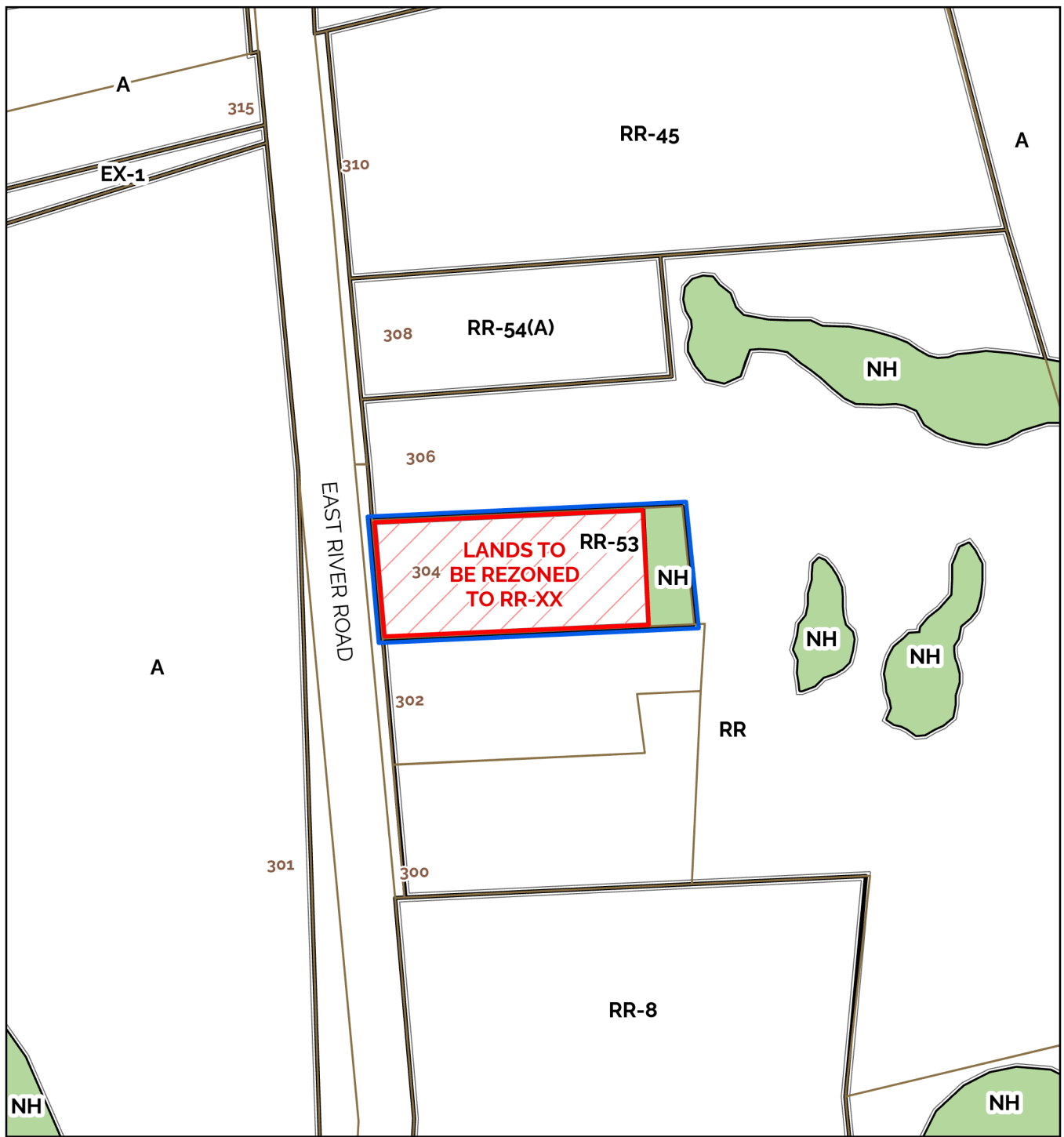
READ a third time and finally passed in Council, this 3rd day of December, 2024.

David Bailey, Mayor

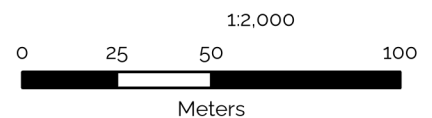
Spencer Pluck, Deputy Clerk

BY-LAW NUMBER XXX-24





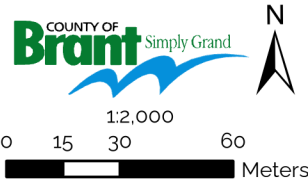
SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. _____



Date Printed: 2024-09-19

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
ZBA22-24-DN

304 East River Road
County of Brant
Ontario



Date Printed:2024-09-19



From: [REDACTED]
To: [Planning; clerks](#)
Subject: 304 East River Rd
Date: October 7, 2024 3:00:40 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Application ZBA22-24-DN-304 East River Rd.

I would like to comment on this application. When you look at the existing neighbouring homes that are within the proximity of the farm and the proposed home is the furthest away from the farm from the existing neighbours I do not see what the concern is.

The homes that have been there for a number of years closer to the farm than the new home have never raised any concerns with the farm.

It seems odd especially for one of the neighbours that instead of having the new home built beside their home now will have to stare at the inside of the garage from their backyard. So when sitting on their back deck they will be staring at the front of the proposed home.

I think that the reduction in the MDS to allow the new home to be built in line with the neighbours warrants the reduction in the MDS bearing in mind that the new home will be the furthest away from the farm vs. the neighbours which are presently living there.

I would like to be on the list for any notifications

Regards Case Vandenberg
Owner of 310 East River Rd

Frank Lamacchia

302 East River Road

St. George, ON N0E 1N0

October 3, 2024

County of Brant

To whom it may concern:

I am writing as the owner of the above noted property, which I have owned since 2020 and resided at since April 2021. Noted in preceding documentation provided to me by Mr. Kelly Vandenberg of the neighboring lot demonstrates a substantially large MDS line, resulting in his proposed residential dwelling to be of significant distance from the hobby farm located directly across from my property on the west side of the road.

It has been brought to my attention that the reasoning behind the MDS is due to concerns surrounding potential offensive odors from the hobby farm. Since 2021 I have been subject to all four seasons and weather conditions, having never been aware of any offensive odors from the said property. The property across the road is a significantly small hobby farm incapable of generating odors that will reach a dwelling located in the same position as my home, or surrounding homes.

Further to this, no such MDS restrictions existed when I purchased my land and constructed my home. At the time of purchase, I was presented with drawings of my property and adjacent lots with proposed development. These approved plans demonstrated a parallel dwelling located along a singular plane, increasing road appeal, and providing privacy to neighbors' backyard areas. The MDS should most definitely be reduced in this case to preserve both mine and my neighbors' backyard privacy.

In closing, the hobby farm located across the road has never presented any foul odors or any odors whatsoever on any part of my property. The MDS line that has been imposed on the neighboring lot should be reduced as there exists no reason for the non-existent odors to push back the location of the home, resulting in the loss of my backyard privacy.

If you wish to discuss this matter further, please feel free to contact me via telephone at [REDACTED]

Sincerely,

Frank Lamacchia

From: [REDACTED]
To: [Planning](#)
Cc: [REDACTED]
Subject: Notice of Complete Application Planning Act Application (ZBA22-24-DN-304 East River Road
Date: October 3, 2024 5:28:29 AM

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To whom it may concern:

Thank you for notifying us of the proposed zoning amendment for 304 East River Road here in Brant County. As immediate neighbours, we have a vested interest in what happens on the property. We agree with the proposed amendment for two reasons:

- 1) The aesthetic of the neighbourhood - it would be best for this new house to be built in alignment with the two houses immediately south of 304 East River Road. This also protects the current neighbours' privacy that would otherwise mean they could look into their neighbours' back windows if 304 East River Road would be built further back than the other houses.
- 2) Cutting of Trees - To build further back on the 304 East River Road lot would mean that they would have to cut many of the trees next our property potentially causing some environment concerns.

Sincerely,

Jonathan & Lori Stairs
Owners and Taxpayers for 306 East River Road
[REDACTED]

From: [REDACTED]
To: Sarah Dymment-Smith
Cc: [REDACTED]
Date: Re: Notice of Complete Application Planning Act Application (ZBA22-24-DN-304 East River Road - Received October 6, 2024 6:44:28 AM

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Thank you Sarah! I forgot to mention that we love the Horse farm across the road from us and it does not present any type of smell that we have noticed.

Sincerely,

Jonathan Stairs

> On Oct 3, 2024, at 10 06 AM, Sarah Dymment-Smith <sarah.dymment-smith@brant.ca> wrote

>

> Good morning,

>

> Your written submission has been received and will form part of the agenda for the November 12th Information meeting (notices to be circulated in advance).

>

> Thank you.

>

> Sarah Dymment-Smith

> Planning Administrative Assistant/ Secretary Treasurer to the Committee of Adjustment

>

> Development Services Department

> County of Brant

> 66 Grand River Street North, Paris, On N3L 2M2

>

> T 519.442.7268 x 3014 | sarah.dymment-smith@brant.ca | https://linkprotect.cudasvc.com/url?u=https%3a%2f%2fwww.brant.ca&e=E1jCTxaUxtmnkc7fv_FzhPw4O_Mj3csbusqGbB5EhDMc89ajl15gOJLTchqjeaUek15StiAxXikeVkpC-sCQv6QYcUW-mX1uf_JXvOEuVTsRlqFCD6tndFZcuVg_&typo=1

>

> The County of Brant is here for you.

>

> Stay connected. Follow us on social media @BrantCommunity, subscribe to our news https://linkprotect.cudasvc.com/url?u=https%3a%2f%2f%2fbrant.ca%2fSubscribe&e=E1xLp3rVPkDrPBxC2WmgwQAQPjwWlhDOZrMvkhPDRJEaARd18qbRIEuLlkpeK_rH3YUCXuvjQbhvpgAFVziP8yBOF6s0f3sO_1LAaiKStTKA_&typo=1.

> -----Original Message-----

> From Jonathan Stairs [REDACTED]

> Sent: October 3, 2024 5:28 AM

> To: Planning <planning@brant.ca>

> Cc: Lori Stairs [REDACTED]

> Subject: Notice of Complete Application Planning Act Application (ZBA22-24-DN-304 East River Road)

>

> CAUTION This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

>

> To whom it may concern

>

> Thank you for notifying us of the proposed zoning amendment for 304 East River Road here in Brant County. As immediate neighbours, we have a vested interest in what happens on the property. We agree with the proposed amendment for two reasons

> 1) The aesthetic of the neighbourhood - it would be best for this new house to be built in alignment with the two houses immediately south of 304 East River Road. This also protects the current neighbours' privacy that would otherwise mean they could look into their neighbours' back windows if 304 East River Road would be built further back than the other houses.

> 2) Cutting of Trees - To build further back on the 304 East River Road lot would mean that they would have to cut many of the trees next to our property potentially causing some environment concerns.

> Sincerely,

>

> Jonathan & Lori Stairs

> Owners and Taxpayers for 306 East River Road

[REDACTED]

From: [Spencer Pluck](#)
To: [Sarah Dymont-Smith](#)
Subject: Fw: Application Number ZBA22-24-DN-304 East River Rd
Date: October 4, 2024 8:46:43 AM
Attachments: [Outlook-County-of-.png](#)

Good morning Sarah,

Do you have a file going by chance for comments regarding the application for 304 East River Rd?

Thank you!

Spencer Pluck
Deputy Clerk
Corporate Services Department – Council Services Division
County of Brant
66 Grand River Street North, Paris, ON, N3L 2M2

C: 519.732.4828 T: 519.442.7268 x3043 | 519-44BRANT x3043
F 519.449.2454 | www.brant.ca | spencer.pluck@brant.ca



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 advises 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.

From: Haynes, Wesley [REDACTED]
Sent: Thursday, October 3, 2024 3:02 PM
To: clerks <clerks@brant.ca>
Cc: Martina Wilson [REDACTED]
Subject: Application Number ZBA22-24-DN-304 East River Rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon.

My wife Martina Wilson and I live at 300 East River Rd. We received the above planning application.

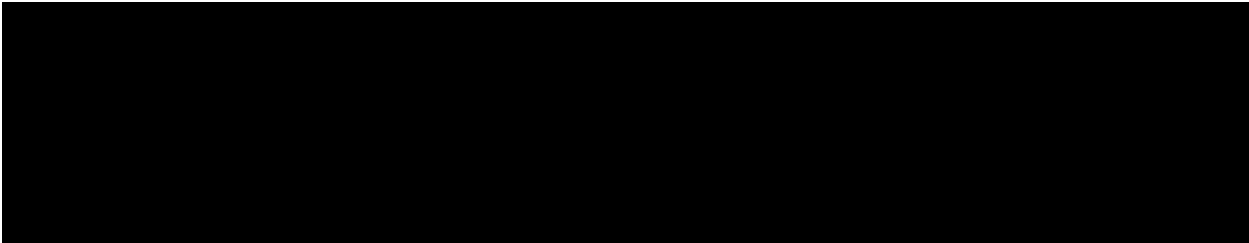
We would like to see the setback amended to 20 meters from the road. We would like to see the MDS setback at the proposed 160 meters. The houses that will be built on the lots that are for sale beside us would look a lot aesthetically better if they were approximately on the same line as ours and our direct neighbor.

In addition we are within the set back and we do not get any smell at all from the horse farm and are not impacted at all by the farming operations.

This is our feedback.

Thank you and have a great day!

Wesley



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County of Brant Council Report

To: The Mayor and Members of County of Brant Council
From: Kayla DeLeye, Supervisor of Development Planning
Date: December 3, 2024
Report #: RPT-0361-24
Subject: Zoning By-Law Amendment Application ZBA12-24-KD & Draft Plan of Subdivision Application PS1-24-KD
Purpose: For Deferral

Recommendation

That Zoning By-Law Amendment Application ZBA12-24-KD & Draft Plan of Subdivision Application (PS1-24-KD) from J.H. Cohoon Engineering Limited c/o Bob Philips and The Angrish Group c/o Ruchika Angrish on behalf of Haley Elevator Inc. c/o Micheal Haley, applicant/ owner of CONCESSION 13 PART LOT 1 to 3, REGISTERED PLAN 2R1765 PART 1, County of Brant, in the geographic Former Township of Burford, municipally known as 29 Thirteenth Concession Road proposes to change the zoning on the subject lands from 'Special Exception Holding Suburban Residential (h-33-SR)' to the 'Suburban Residential 'SR', and 'Open Space (OS1)' zones to facilitate the creation of 77 single detached lots, a park block, storm water management block and multiple walkway blocks, **BE DEFFERED, at the applicants request until February 2025.**

AND

THAT the reason(s) for Deferral are as follows: The applicant is requesting additional time to work through issues related to the technical studies, primary being the following:

- Hydrogeological assessment report (Full report was not submitted to staff in the revised Oct 18th submission)
- Traffic Impact Study
- Stormwater Management
- Final design elements requiring modifications

It is noted that County staff are not yet in receipt of the County initiated peer review findings of many of these technical studies. As a result, planning staff are not able to provide a final recommendation at this time, and therefore are in support of the applicant's position for a deferral. Once all comments are received on the October 2024 revised submission, the County will continue to work with the applicants on a favorable plan.



Submitted by:

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



WATEROUS HOLDEN AMEY HITCHON^{LLP}
LAWYERS

November 15, 2024

BY EMAIL kayla.deleye@brant.ca; dan.namisniak@brant.ca

County of Brant
26 Park Avenue
Burlford, ON N0E 1A0
Attention Kayla DeLeye & Dan Namisniak
CC: Rochelle Welchman

P.O. Box 1510
20 Wellington Street,
Brantford, ON N3T 5V6
t. (519) 759-6220
f. (519) 759-8360
www.waterousholden.com

Dear County Council:

RE: Haley's Elevator Inc. - 29 Thirteenth Concession Road
File No. ZBA12-24 & PS1-24-KD
Our File No. 517637-136201

We are writing to request a deferral of the decision for the Applicant's Zoning Bylaw Amendment and Draft Plan of Subdivision Application on the agenda for the December 3, 2024 Council meeting to the February 2025 Council meeting.

You may recall that this matter was deferred from the September 10, 2024 meeting to December 3, 2024 meeting to allow for the opportunity to address both staff and public feedback received through the process. A resubmission was made on October 18, 2024.

The Applicant has been working with County staff to address several of these items and request additional time to allow for these discussions to continue. At this time, the Applicant has not received comments from County staff on the resubmission. In discussions with County staff, it has been requested that the Applications be deferred to the February 2025 Council meeting to allow for comments to be received.

The Applicant is in agreement with the deferral to the February 2025 Council meeting for a decision on the Applications.

As a deferral of the decision will result in a lapse in the deadlines for decisions under the *Planning Act*, R.S.O. 1990, c. P.13, the Applicant is prepared to undertake not to appeal until after February 4, 2025. Any appeal filed by the Applicant would be on the decision or non-decision as at the February 2025 meeting. In other words, the Applicant would temporarily waive appeals rights to allow the matter to return to Council on February 4, 2025 for decision.

For further clarity, should the deferral not be granted, then the Applicant would be permitted to appeal in the ordinary course under the *Planning Act*.

We will be in attendance at the December 3, 2024 meeting to address any further questions from either staff or Council.

We trust that the above is satisfactory.

Yours truly,

WATEROUS HOLDEN AMEY HITCHON LLP

Per:

A handwritten signature in blue ink, appearing to read 'Courtney Boyd', with a stylized flourish at the end.

Courtney Boyd, Associate Lawyer

CJB/cjb

Email: cboyd@waterousholden.com

Direct: (519) 751-6413

Agricultural Advisory Committee Report

The Agricultural Advisory Committee makes the following recommendation from its meeting on November 25, 2024:

1. That the Agricultural Advisory Committee provides the following comment regarding Application Number ZBA22-24-DN, located at 304 East River Road:
 - That any dwelling constructed at 304 East River Road be built outside of the MDS setback from the equestrian centre located at 301 East River Road, as per the attached map.

Respectfully Submitted,

Ross Miller
Vice Chair

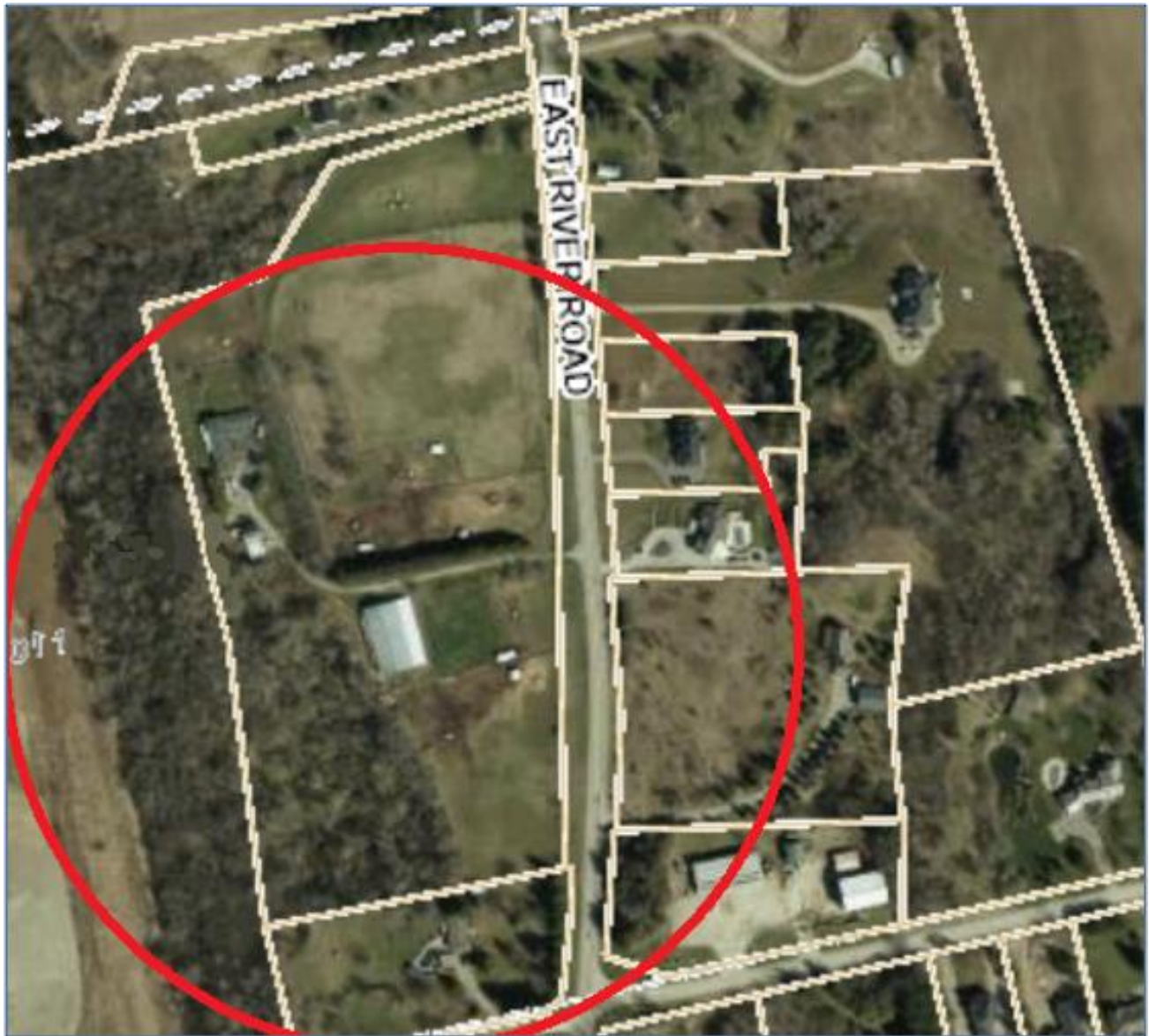


Figure 1 - Approximation of MDS Setbacks from the equestrian centre located at 301 East River Road

BY-LAW NUMBER 121-24

-of-

THE CORPORATION OF THE COUNTY OF BRANT

To further amend By-law Number 61-16, being the Comprehensive Zoning By-law for the
County of Brant, as amended.

Matt Reniers & Associates, on behalf of Kelley Vandenberg, Owner of the lands legally
described as Part of Lot 1 Concession 4, Geographic Township of St. George, County of Brant

WHEREAS an application was received from Matt Reniers, Agent on behalf of Kelly
Vandenberg, owner of lands legally described as Part of Lot 1 Concession 4, Geographic
Township of St. George, County of Brant, municipally known as 304 East River Road, proposing
to amend the existing Rural Residential-53 (RR-53) zoning to permit a minimum required street
setback of 20 metres, where a minimum setback of 49.4 metres (along the north property line)
and 75 metres (along the south property line) is required.

AND WHEREAS Section 34 of *The Planning Act* authorizes the council of the County of Brant
to pass By-Laws restricting the use of land and the erecting, locating, or using of buildings or
structures, for or except for such purposes as set out in the Comprehensive Zoning By-Law,
including that the Comprehensive Zoning By-Law may be amended.

AND WHEREAS this by-law is in conformity with the Official Plan, 2012 for the County of Brant;

AND WHEREAS the Council of the Corporation of the County of Brant recommended approval
of this By-Law on December 3, 2024;

AND WHEREAS the Council of the Corporation of the County of Brant deems it to be desirable
for the future development and use of the lands described above;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT
HEREBY ENACTS AS FOLLOWS:**

1. **THAT** Zoning By-Law 61-16, as amended, is hereby further amended by changing the
zoning of the lands, as illustrated on Schedule 'A' attached to and forming part of this
By-Law from Rural Residential (RR-53) to Rural Residential (RR).

2. **THAT** this By-Law shall come into force on the final passing thereof by the Council of the Corporation of Brant subject to compliance with the provisions of *The Planning Act*, R.S.O., 1990, as amended from time-to-time.

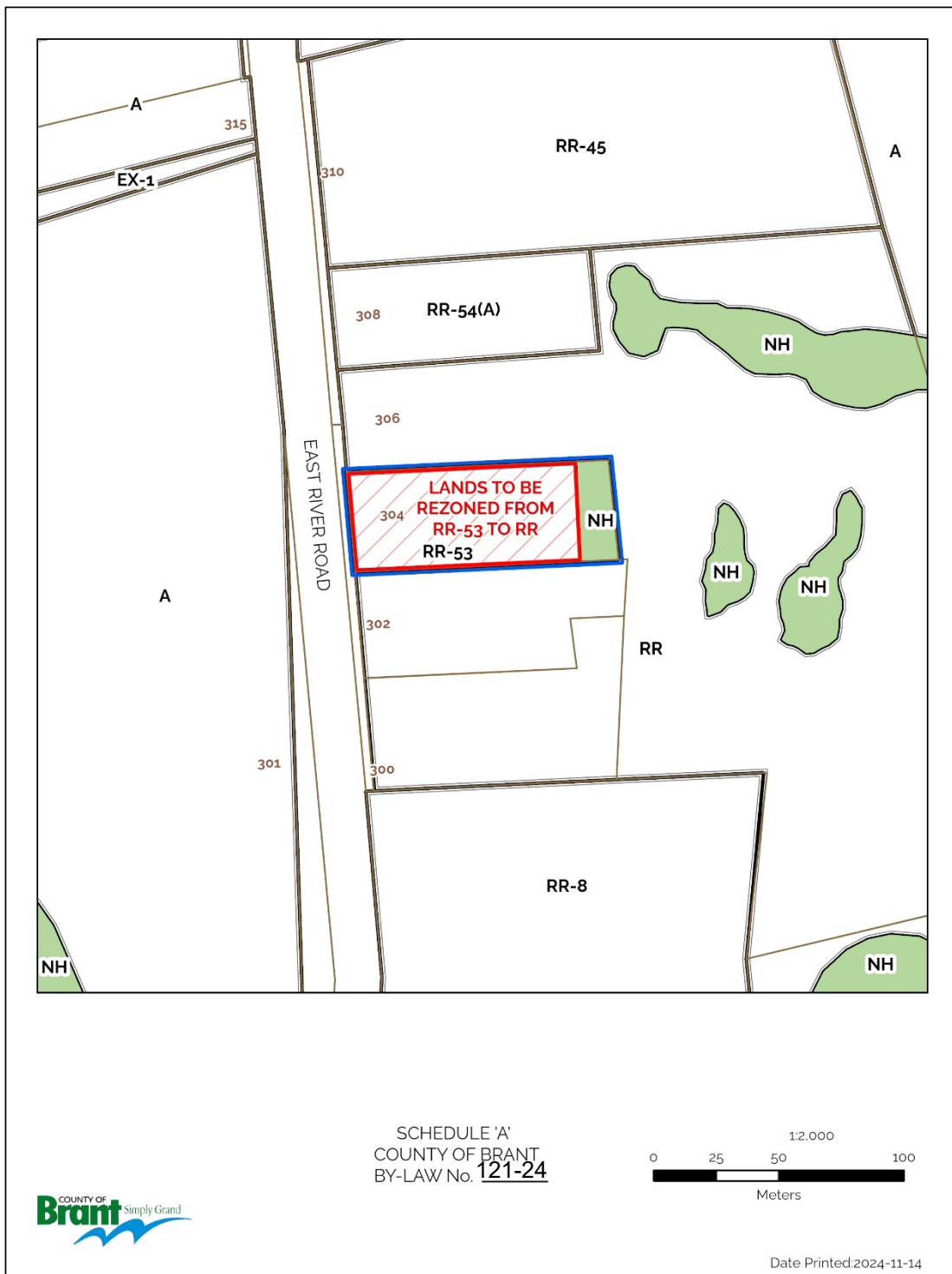
READ a first and second time, this 3rd day of December, 2024.

READ a third time and finally passed in Council, this 3rd day of December, 2024.

David Bailey, Mayor

Spencer Pluck, Deputy Clerk

BY-LAW NUMBER 121-24



BY LAW NUMBER 122-24

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To confirm the proceedings of Council

WHEREAS by Section 5 of The Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Section 11 of The Municipal Act 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the County of Brant at this meeting be confirmed and adopted by by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **THAT** the action of the Council of the Corporation of the County of Brant in respect of each recommendation contained in the reports of the Committees and each motion and resolution passed and other action taken by Council of the Corporation of the County of Brant, at its regular meeting held on December 3, 2024 are hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law;
2. **THAT** the Mayor and proper officials of the Corporation of the County of Brant are hereby authorized and directed to do all things necessary to give effect to the action of the Council referred to in the preceding section hereof;
3. **THAT** the Mayor and the Clerk be authorized and directed to execute all documents in that behalf and to affix thereto the seal of the Corporation of the County of Brant.

READ a first and second time, this 3rd day of December 2024.

READ a third time and finally passed in Council, this 3rd day of December 2024.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Spencer Pluck, Deputy Clerk