



Planning Advisory Committee Report

To: To the Chair and Members of the Planning Advisory Committee
From: Dan Namisniak, Planner/Secretary-Treasurer – Committee of Adjustment
Date: November 7, 2017
Subject: PA-17-53 (Ritchie)
Zoning By-law Amendment Application ZBA32/17/DN
309 Cockshutt Rd, County of Brant
Purpose: **Recommendation Report** on an application to amend the County of Brant Zoning By-law 61-16 (i.e. to permit a total area of 352m² for all accessory structures and permit a storage accessory structure with a maximum height of 8.5 metres).

Recommendation

That Application ZBA32/17/DN from Ken Ritchie, applicant/owner of BRANTFORD RANGE 2 E MOUNT PLEASANT RD PT LOTS 7 AND 8, geographic FORMER TOWNSHIP OF BRANTFORD, County of Brant, located at 309 COCKSHUTT ROAD, proposing to rezone the subject lands from Agricultural (A) to Special Exception Agricultural (A-___) requesting the following relief from Section 4, Table 4.1 of the Zoning By-law 61-16:

- To permit a total area of 352m² for all accessory structures, whereas, a gross floor area of 75% of the dwelling, would be permitted up to a maximum of 292.5m².
- To permit one (1) accessory structure with an overall maximum height of 8.5 metres, whereas, 5 metres is permitted.

BE APPROVED.

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

Not applicable.

Executive Summary

The purpose of this report is to provide the Committee with a recommendation from Staff regarding details of the application to amend the County of Brant Zoning By-law 61-16.

This application proposes to change the zoning of the subject lands in order to permit a total area of 352m² for all accessory structures and a storage accessory structure with a maximum height as defined in the Zoning By-law of 8.5 metres.

Planning Analysis indicates that the proposal is in conformity with the policies of both the Provincial Policy Statement (2014) and the County of Brant Official Plan. This report recommends that the proposed amendment be approved.

Proposal

The Applicant is proposing to change the zoning of the subject lands in order to permit a total area of 352m² for all accessory structures and a storage accessory structure with a maximum height of 8.5 metres.

A rezoning from Agricultural (A) to Special Exception Agricultural (A-___) is required to request the following relief from Section 4, Table 4.1 of the Zoning By-law 61-16:

- To permit a total area of 352m² for all accessory structures, whereas, a gross floor area of 75% of the dwelling, would be permitted up to a maximum of 292.5m².
- To permit one (1) accessory structure with an overall maximum height of 8.5 metres, whereas, 5 metres is permitted.

The applicant recently purchased the subject lands and has proceeded with the construction of a new single detached dwelling. The applicant wishes to construct an oversized accessory structure for storage of personal items. The request for additional height is to ensure adequate clearance for the indoor storage of a mobile home. Additional Gross Floor Area has been requested for at this time to allow for the construction of future uncovered deck space.

Location

The subject property is located on the west side of Cockshutt Road, North of Burtch Road in the former Township of Brantford. The surrounding area consists of Agricultural to the East, Natural Heritage to the South and Rural Residential settlement to the North.

Report

Planning Act R.S.O.1990 Chapter P.13

Section 34(10) (see attached) of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-law Amendment Applications.

The proposal is in keeping with the policies of *Planning Act* as it meets the criteria for an amendment to the Zoning By-law.

Growth Plan for the Greater Golden Horseshoe 2017

Policy 2.2.9.3 deals with development outside of settlement areas permitted on rural lands.

This area is located outside of an Urban Settlement Boundary Area in an area with established rural residential uses.

Provincial Policy Statement 2014

Section 1.1.1 of PPS (see attached) provided policy direction for planning authorities to consider matters relating to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. In accordance with PPS, land use must be carefully managed to accommodate appropriate

development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Staff is of the opinion that the proposed land use is in keeping with the Provincial Policy Statement.

Staff is of the opinion that the application is consistent with the PPS policies.

Official Plan (2012)

The lands are designated in part as Agricultural and Natural Heritage within the County of Brant Official Plan. Section 2.2.3.4 (see attached) sets out the policies in the Official Plan for the Agricultural designation.

It is Planning Staff's opinion that the requested rezoning is consistent with the policies in the CBOP.

Zoning By-Law 61-16

The subject lands are proposed to be rezoned from Agricultural (A) to Special Exception Agricultural (A-___) is required to request the following relief from Section 4, Table 4.1 of the Zoning By-law 61-16:

- To permit a total area of 352m² for all accessory structures, whereas, a gross floor area of 75% of the dwelling, would be permitted up to a maximum of 292.5m².
- To permit an accessory structure with an overall maximum height of 8.5 metres, whereas, 5 metres is permitted.

It is Planning Staff's opinion that the requested rezoning is consistent with the policies in Zoning By-law 61-16.

Interdepartmental Considerations

Zoning Administrator: No objections

- Staff's understanding is that the proposed use of the accessory structure will be residential storage and the structure will not contain a commercial business, livestock, or a second dwelling.

Grand River Conservation Area (GRCA): No objections

- The subject lands are located within the Ontario Regulation 150/60 limit. The GRCA have reviewed the application and have no concerns. A subsequent review by GRCA is required if further revisions are made the approved plan (June 20, 2017).

Development Engineering Division: No objections.

Legal Division: No objections.

Fire Department: No objections.

The following departments/agencies did not provide any comments with regard to this application:

- Infrastructure Ontario

- Bell Canada
- Brant Heritage Committee
- Six Nation/New Credit

Public Considerations

None Received

Conclusions and Recommendations

The application proposes to change the zoning of the subject lands in order to permit a total area of 352m² for all accessory structures and a storage accessory structure with a maximum height of 8.5 metres.

A rezoning from Agricultural (A) to Special Exception Agricultural (A-___) is required to request the following relief from Section 4, Table 4.1 of the Zoning By-law 61-16:

- To permit a total area of 352m² for all accessory structures, whereas, a gross floor area of 75% of the dwelling would be permitted up to a maximum of 292.5m².
- To permit one (1) accessory structure with an overall maximum height of 8.5 metres, whereas, 5 metres is permitted.

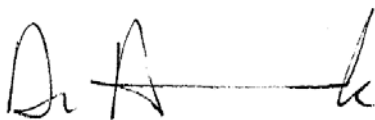
The applicant recently purchased the subject lands and has proceeded with the construction of a new single detached dwelling. The applicant wishes to construct an oversized accessory structure for storage of personal items. The request for additional height is to ensure adequate clearance for the indoor storage of a mobile home. Additional Gross Floor Area has been requested for at this time to allow for the construction of future uncovered deck space.

The property is located on a large property with significant natural buffering between neighbouring properties; therefore, the size and height of the structure will have no impact on the surrounding community.

The application has been circulated to commenting agencies and neighboring properties within the circulation radius and no concerns have been raised. The subject lands are located within the Ontario Regulation 150/60 limit. The GRCA have reviewed the application and have no concerns. A subsequent review by GRCA is required if further revisions are made the approved plan (June 20, 2017).

The proposed rezoning is consistent with the Provincial Policy Statement and the County of Brant Official Plan. It is the opinion of Staff the Zoning By-law amendment has merit and therefore, Staff is recommending approval of the application.

Respectfully Submitted,



Dan Namisniak

Planner / Secretary-Treasurer, Committee of Adjustment

Attachments

1. Correspondence
2. Aerial Photo
3. Official Plan Map
4. Legislation Excepts

Copy to

1. Rob Trotter, Director of Planning
2. Applicant/Agent
3. Heather Boyd, Clerk/Manager of Council Services
4. Mark Pomponi, General Manager of Development Services
5. Jennifer Mayhew, Planning Clerk

File # ZBA32/17/DN

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

By-law required (Yes)

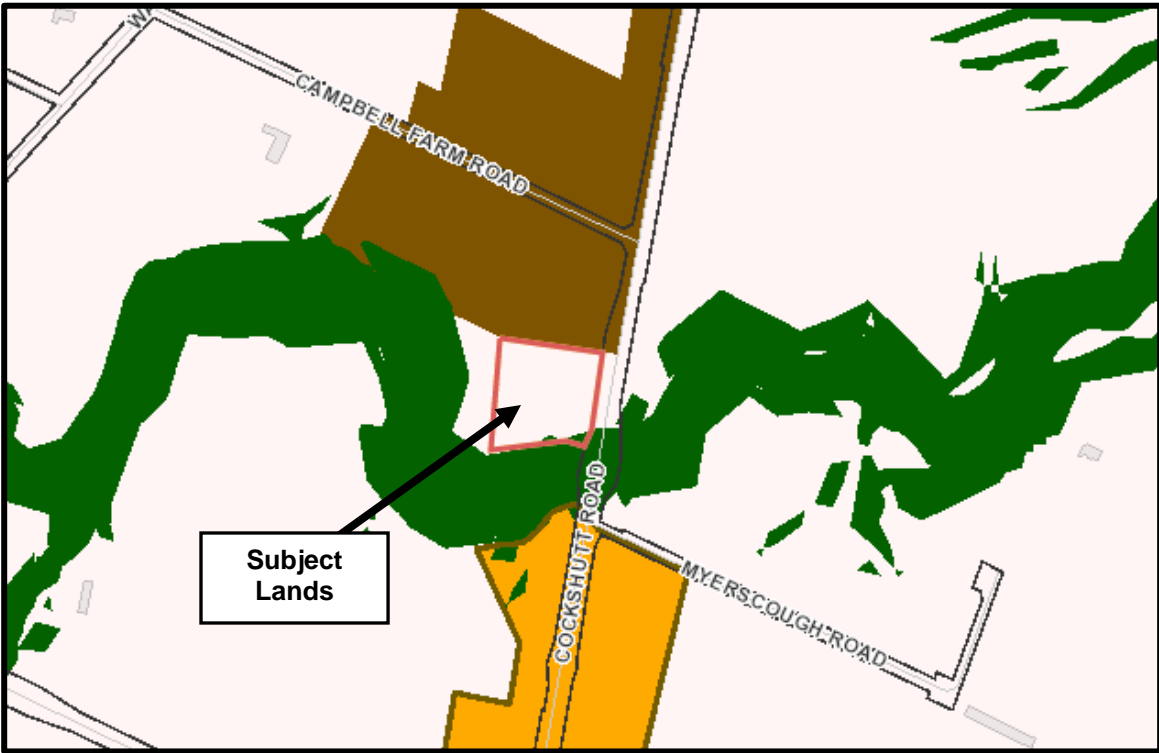
Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (Yes)

Aerial Photography



Official Plan Map



Legislative Excerpts

Planning Act R.S.O.1990 Chapter P.13

Section 34(10) states that:

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed. R.S.O. 1990, c. P.13, s. 34 (10).

Growth Plan for the Greater Golden Horseshoe 2017

Policy 2.2.9.3 states that:

Subject to the policies in Section 4, *development* outside of *settlement areas* may be permitted on *rural lands* for:

- a. the management or use of resources;
- b. resource-based recreational uses; and
- c. other rural land uses that are not appropriate in *settlement areas* provided they:
 - i. are compatible with the rural landscape and surrounding local land uses;
 - ii. will be sustained by rural service levels; and
 - iii. will not adversely affect the protection of *agricultural uses* and other resource-based uses such as *mineral aggregate operations*.

Provincial Policy Statement 2014

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and

h) Promoting development and land use patterns that conserve biodiversity and consider the impacts of impacts of a changing climate

County of Brant Official Plan (2012)

3.3 AGRICULTURE

The Agriculture designation has been applied to land that is either prime agricultural land (Canada Land Inventory Classes 1, 2 and 3), that is currently under agricultural production (or that is surrounded by land in agricultural production), and associated agricultural and rural uses. Land designated Agriculture is illustrated on Schedule A. The Agriculture designation is a significant part of the County's prime agricultural area.

The intent of this designation is to ensure that prime agricultural land and the agricultural activities and lifestyle of the County of Brant are protected and have the opportunity to flourish. The purpose of the County's land use policies for the Agriculture designation is to encourage and promote agricultural land for agricultural activities. Provincial policy requires that agricultural land be protected for agricultural uses unless appropriate justification is provided for alternative uses.

The County of Brant endorses the "right-to-farm" principle, which acknowledges that farming involves activities that produce dust, noise, light, flies, conflicts due to traffic, smoke, vibration and odours. The Agriculture designation shall ensure that agricultural land and activities are promoted and that potential conflicts between land uses are avoided.