



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-17-52 (Hunter)
Zoning By-law Amendment Application ZBA33/17/DN
188 Golf Links Rd, County of Brant

Purpose: **Recommendation Report** on an Application to Amend the County of Brant Zoning By-law 61-16 (i.e. to prohibit the construction of a dwelling to satisfy a Condition of Consent Application B53/17/DN)

Recommendation

That Application ZBA33/17/DN from Brad Hunter Applicant on behalf of Paul Lehmann, Owner of lands described as CON 3 PT LOT 10, geographic former Township of Burford, located at 188 GOLF LINKS ROAD, County of Brant, proposing to modify the zoning on a portion of the subject lands from Agricultural (A) to Agricultural with Special Provision (A-9) to prohibit a dwelling unit, **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 on the remaining farm land to prohibit the construction of a dwelling unit to satisfy a Condition of Consent Application B53/17/DN.

Planning Analysis indicate 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 rezone the retained lands from Agricultural (A) to Agricultural with a Special Provision (A-9) in order to prohibit any new dwellings from being constructed.

The proposed severed surplus lot will have frontage of approximately 76 metres along Golf Links Road with an area of approximately 0.60 hectares.

The retained lands will maintain a frontage of approximately 177 metres with an area of approximately 16.4 hectares (40 acres).

Report

Planning Act

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.

Provincial Policies

Section 2.3.4.1 of the Provincial Policy Statement (2014) deals with Lot Creation, specifically for a surplus farm operation (see attached).

The application has the effect of severing a residence from the farmland which is surplus to the needs of the farming operation. A new building lot is not being created through the approval of this application. As a result, the application is consistent with the PPS.

Official Plan

The site is designated on Schedule 'A' Land Use Plan of the CBOP as Agricultural. Section 6.8.2.1(c)(iv) of the CBOP provides direction when dealing with surplus farm operations (see attached).

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

Zoning By-Law 61-16

The retained parcel will be zoned to Special Provision Agricultural (A-9) to prohibit a dwelling while the severed parcel will remain Agricultural (A) and be in compliance with Section 4.29.

Interdepartmental Considerations (see attached)

Development Engineering Division:

- No objection, noting that staff recommendations were provided under related consent application B53/17/DN.

Zoning Administrator:

- Staff has reviewed the MDS I information submitted with the application for the proposed creation of the new lot and note that there are no concerns with respects to the Minimum Distance Setback required.

Legal Division:

No objections.

Fire Department:

No objections.

Public Considerations

None received.

Conclusions and Recommendations

This application proposes to rezone the retained 16.4 hectares (40 acres) of farmland to prevent its development as a residential building lot. This will allow the completion of a severance of a 0.60 hectare lot with a surplus farm dwelling that is within an existing agricultural area.

A Minimum Distance Separation Analysis was completed and submitted as part of this application. It was determined that the MDS I information submitted with the application for the proposed creation of the new lot and note that there are no concerns with respects to the Minimum Distance Setback required.

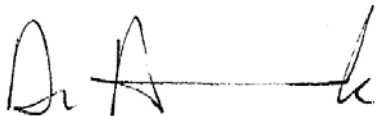
For the Committee's information, the subject lands at the time of purchase was a vacant Agricultural parcel. Each Agricultural parcel is permitted one single detached dwelling. The property is owned by Paul Lehmann who owns other farm parcels within the County of Brant. The policies as they relate to surplus dwelling severances do not provide a date criteria pertaining to the age of the structure as qualification for the surplus dwelling severance process. The benefit to the County of Brant is that the remaining lands are being rezoned to prohibit future development.

The owner currently owns the farmland in addition to having other farm operations in the area; therefore an agreement of purchase and sale was not required at the time of the Consent Application submission. The severed parcel will be sold to the Applicant and the farm parcel is to be retained.

The rezoning and related severance is consistent with the Provincial Policy Statement and the County of Brant Official Plan. None of the agencies and departments raised any concerns.

It is the opinion of Staff that the Zoning By-law Amendment has merit and therefore, Staff is recommending approval of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Namisniak', with a long horizontal stroke extending to the right.

Dan Namisniak

Planner / Secretary-Treasurer, Committee of Adjustment

Attachments

1. Aerial Photo
2. Official Plan Map
3. Legislation Excerpts

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 # ZBA33/17/DN

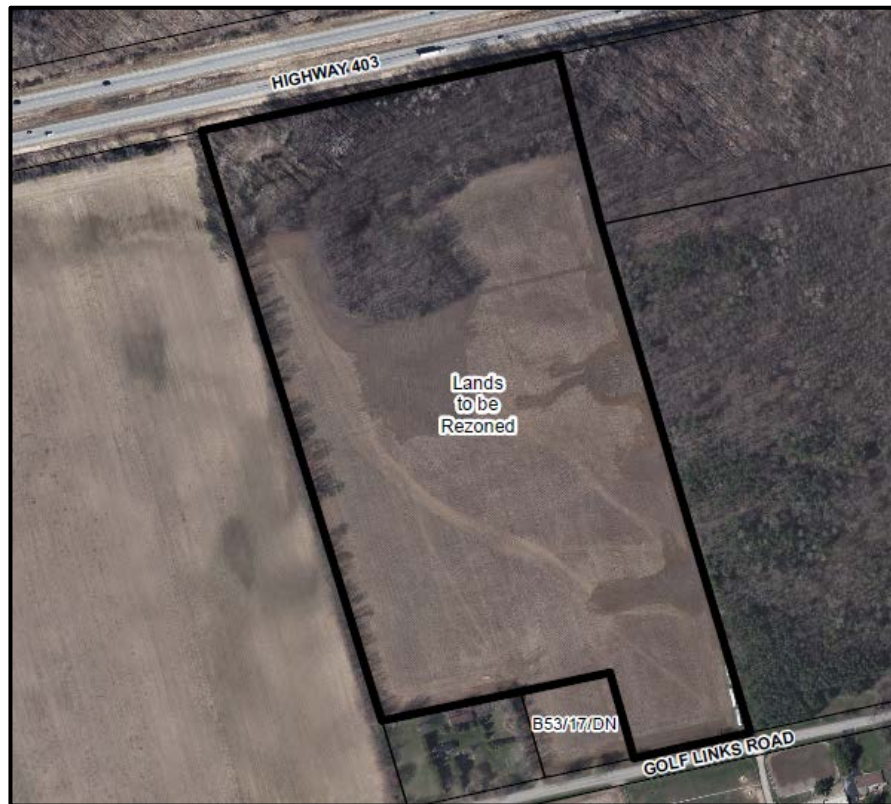
In adopting this report, is a bylaw or agreement required?

By-law required (Yes)

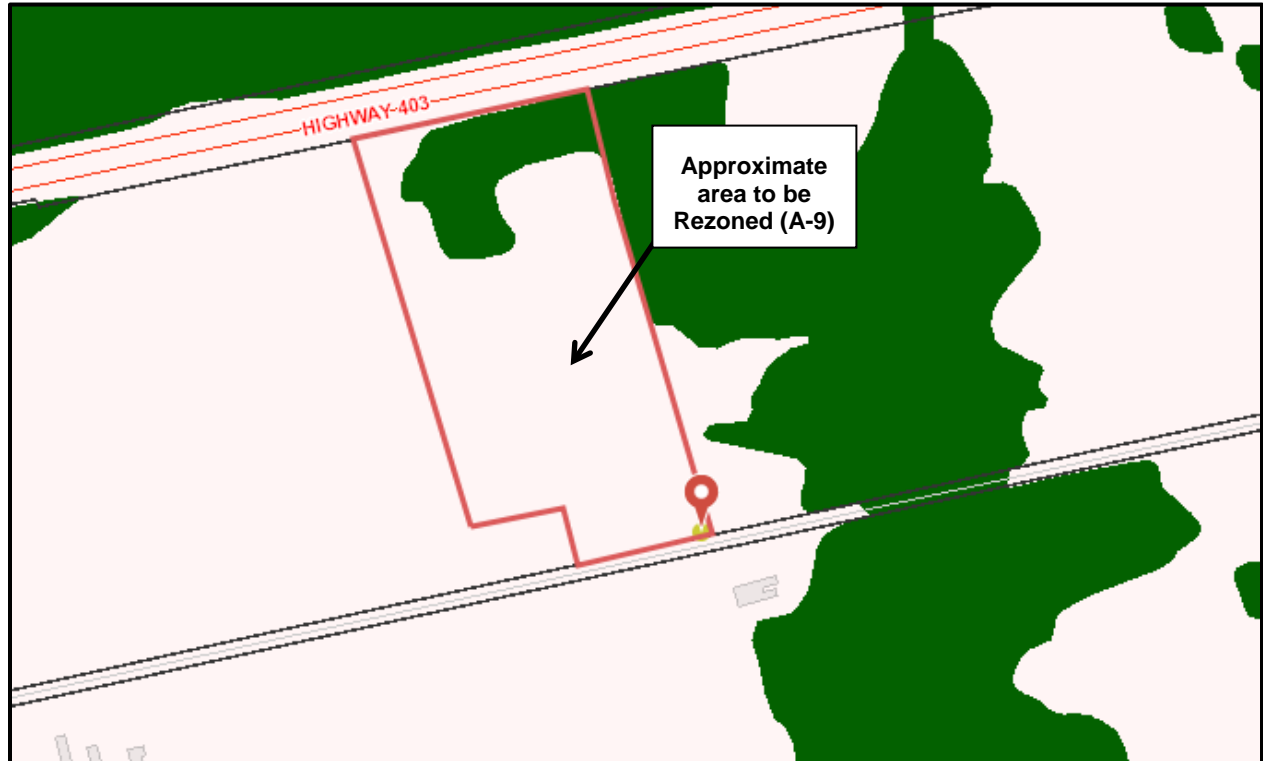
Agreement(s) or other documents to be signed by Mayor and /or Clerk (Yes)

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

AERIAL PHOTO



OFFICIAL PLAN MAP



LEGISLATION EXCERPTS

PLANNING ACT R.S.O.1990

By-law may be amended

(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).

PROVINCIAL POLICY STATEMENT (2014)

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

(c) a residence surplus to a farming operation as a result of a 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 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.

County of Brant Official Plan (CBOP)

6.8.2.1 Consents in the Agricultural Land Use Designation

(c)(iv) where previous or current farm consolidations have rendered a residence surplus to a farming operation, or where an established farm has more than one habitable dwelling which is considered surplus to the needs of the farm operation, a consent may be considered to sever the surplus farm dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:

1. the lot severed for non-farm use is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than 0.6 hectare in size;
 - *In this instance, the lot to be severed is approximately 0.60 hectares in size and is suitably sized to accommodate the existing septic system and well.*
2. the Minimum Distance Separation Formulae can be met with the formulae applied as if the property was zoned or designated as a residential lot;
 - *The closest livestock housing requires 354ft of minimum separation from the proposed residential lot. The proposed surplus severed lot exceeds the setback as required in Implementation guideline #41-4.*

3. the lot severed, for the non-farm use, shall neither create nor add additional dwelling units; and
 - *As the remnant lands are to be rezoned to (A-9) to ensure that no new building lots will be created.*
4. the remnant parcel of farmland created by the severance is rezoned to prohibit the future construction of a new dwelling.
 - *As noted above, a draft condition of approval would require the remnant parcel to be rezoned to (A-9), which would not result in the creation of a new building lot.*

ZONING BY-LAW 61-16

4.29 Reduced Lot Frontage for Surplus Farm Dwellings

Where a lot is created as the result of a consent granted by the Committee of Adjustment with respect to the disposal of a surplus farm dwelling and is located within an Agricultural (A) Zone and has a minimum 20.0 metre frontage then the said lot shall be deemed to comply to the requirements of this By-Law with respect to the lot area or lot frontage however, all other regulations of the By-Law shall apply.