



Brant County Council Report

To: To the Mayor and Members of Brant County Council
From: Amanda Wyszynski, Planner / Secretary Treasurer
Date: August 04, 2020
Subject: RPT-20-83
Zoning By-Law Amendment Application ZBA14/20/AW
5 Melissa Avenue, Former Township of Burford
Purpose: **Recommendation Report** for an application proposing to amend the County of Brant Zoning By-Law 61-16 to temporarily rezone a portion of the subject lands to permit a garden suite for a period of twenty (20) years.

Recommendation

That Application ZBA14/20/AW from J.H. Cohoon Engineering on behalf of William and Catharine Ritchie, Owner of lands described as PLAN 727 PT LOTS 300,301 RP 2R3750 PART 1 REG 1.35AC 57.99FR D, in the Former Township of Burford, known as 5 Melissa Avenue, County of Brant, proposing a Garden Suite for a period of up to twenty (20) years, **BE APPROVED**, subject to the following condition:

1. That the Applicants enter into a Garden Suite Agreement, to be registered on Title, and provide five thousand dollars (\$5,000.00) security deposit to be held by the County of Brant.

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

- The application is consistent with the Provincial Policy Statement.
- The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan; and,
- The application complies with the policies of the County of Brant Zoning By-Law.

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

None

Executive Summary / Proposal

The purpose of this report is to provide Council and Public with information from the applicants and Staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16.

The applicant is proposing the following:

- To temporarily rezone the subject lands to permit a garden suite for a period of twenty (20) years.

It is Staff's understanding the applicant is proposing a self-contained mobile home with an area of approximately 90 square metres (968 square feet) to allow for a parent to reside in a separate dwelling on the subject lands.

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Brant County Official Plan (2012) and Zoning By-Law 61-16), consultation with departments and discussions with both the agent/public.

The planning analysis, as outlined in this report, indicates that the proposal is consistent with the Provincial Policy Statement, in conformity with the Growth Plan, and maintains the intent of the County of Brant Official Plan and Zoning By-Law 61-16. Staff are of the opinion the proposal represents good planning and are recommending approval of the application subject to the aforementioned condition.

Location

The subject lands are located north of the Melissa Avenue and Kimberly Road intersection, and immediately south of the Home Hardware Facility on Brian Drive, within the Former Township of Burford.

The subject lands are irregular in shape, and currently have a frontage of approximately 18 metres (59 feet) along Melissa Avenue, a maximum depth of approximately 115 metres (377 feet), and an area of approximately 0.55 hectares (1.4 acres).

The subject lands currently contain an existing dwelling and one accessory structure (shed) and are currently serviced by private water and sanitary infrastructure.

Background & Related Applications

Staff note the subject lands have a shared access agreement with 7 Melissa Avenue per severance application B52-17-DN. Staff have confirmed the shared access agreement does not need to be updated to reflect this garden suite as the existing agreement grants access to all of the property known municipally as 5 Melissa Avenue.

Report

Planning Act R.S.O (1990)

Section 39 of the *Planning Act* allows Council to temporarily rezone land to permit the use of land, buildings or structures that is otherwise prohibited by existing zoning. Section 39.1 permits the use of garden suites in such zones for periods of up to 20 years, with the possibility of three (3) year extensions thereafter.

Section 39.1(1) also permits Council to require that applicants enter into an agreement with the County dealing with matters related to the Garden Suite, including monetary security. Staff is of the opinion that there are no outstanding legislative matters with respect to this application,

aside from the necessary garden suite agreement and securities being lodged with the County, which will be a condition of approval for this application if approved.

Provincial Policy Statement (2020)

Section 1.1.3.1 of the PPS speaks to Settlement areas being the focus of growth and development.

Section 1.1.3.2 (a) of the PPS speaks to land use patterns within settlement areas efficiently using land and resources.

Section 1.1.3.4 of the PPS describes how appropriate development standards are to be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.4.3(b)(1) of the PPS speaks to providing an appropriate range and mix of housing options and densities by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.

Section 1.4.3(b)(2) of the PPS speaks to permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment.

It is Planning Staff's opinion that the proposal is consistent with the policies in the Provincial Policy Statement (2020) for the following reasons:

- ***The subject lands are designated as Urban Residential which contemplates for residential development.***
- ***The proposed garden suite contributes to an appropriate range and mix of housing to meet the needs of the applicant.***
- ***The proposed garden suite represents a form of residential intensification as encouraged by the PPS.***

Growth Plan for the Greater Golden Horseshoe (2019)

Section 2.2.1.2(a)(i) of the Growth Plan describes how the vast majority of growth is to be directed to settlement areas that have a delineated built boundary.

Section 2.2.1.2(c)(i) of the Growth Plan describes how growth will be focused in settlement areas with delineated built up areas.

Section 2.2.2.3(c) of the Growth Plan encourages intensification throughout the delineated built-up area.

Section 2.2.6.1 of the Growth Plan speaks to supporting housing choice through the achievement of the minimum intensification and density targets.

It is Planning Staff's opinion that the proposal is in conformity with the policies in the Growth Plan for the Greater Golden Horseshoe (2019) for the following reasons:

- ***The subject lands are located within the Burford Secondary Urban Settlement Area Built Boundary and are designated as Urban Residential which contemplates for residential development.***
- ***The proposed garden suite represents a permitted form of intensification.***
- ***The proposed garden suite represents an additional form of housing choice.***

County of Brant Official Plan (2012)

The subject lands are designated Urban Residential and are located within the Burford Secondary Urban Settlement Area Built Boundary on Schedule 'A-3' of the County of Brant Official Plan.

Section 2.2.5.1(b) of the Official Plan speaks to the built boundary for the Secondary Urban Settlement Area of Burford being identified on Schedule 'A-3'.

Section 2.4.5.2(a) of the Official Plan speaks to garden suites only be permitted in association with a single detached residential dwelling on a lot. Where another special housing form, including an accessory dwelling unit or mobile home exists on the lot, a garden suite unit shall not be permitted.

Section 2.4.5.2(b) of the Official Plan describes how garden suites shall be permitted by way of a Temporary Use By-Law in accordance with Section 6.5.3 of the Official Plan and Section 39 of the *Planning Act*.

Section 2.4.5.2(c) of the Official Plan describes how garden suites may be permitted for up to ten years from the date of passage of a Temporary Use By-Law.

Section 2.4.5.2(d) of the Official Plan speaks to approval requirements for a garden suite:

- i. a legitimate and justified need exists to accommodate a person, who is most likely disabled, elderly or retiring, in a separate garden suite unit that is in close proximity to the principal unit;
- ii. appropriate water and sanitary sewage systems shall be provided to the garden suite, to the satisfaction of the approval authority having jurisdiction;
- iii. the garden suite shall comply with the minimum yards and lot coverage provisions as required by the Zoning By-Law;
- iv. the siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards;
- v. the unit shall be removed upon the expiration of the implementing Temporary Use-By-Law or once the legitimate need no longer exists; and,
- vi. the owner enters into an agreement to remove the unit, including a security deposit.

Section 3.4.1 of the Official Plan describes how the intent of the Urban Residential designation is to accommodate safe and well-designed neighbourhoods and to contribute to the creation of complete communities. The Urban Residential designation shall ensure that the required services and amenities, including parks, educational facilities, and neighbourhood-oriented commercial uses, shall be available to residents in order to support functional residential areas and promote walkability.

Section 3.4.2(a) of the Official Plan describes how 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 in the following Urban Residential designation policies and in the County Zoning By-Law.

Section 6.5.3(a) of the Official Plan speaks to the County being satisfied that the proposed use is temporary, and shall not create detrimental impacts on the surrounding area.

It is Planning Staff's 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 Burford Secondary Urban Settlement Area which encourages intensification.***
- ***The subject lands are currently occupied by a single detached dwelling and no other secondary dwelling.***
- ***While the Official Plan permits a maximum of ten years, the Planning Act has since been revised to permit a maximum of twenty years, and this policy in the Official Plan has not been updated to be in conformity. This approach is consistent with past garden suite applications.***
- ***The applicant will be required to enter into a garden suite agreement with the County of Brant, and have that agreement registered on title.***

County of Brant Zoning By-Law 61-16

The subject lands are zoned Suburban Residential within the County of Brant Zoning By-Law.

Section 4.11(a) of the Zoning By-Law permits a garden suite on a lot that does not contain a second unit and shall comply with the provisions of the Zone.

Section 4.11(b) of the Zoning By-Law requires one parking space be provided for the garden suite in addition to the parking required for other uses.

The following chart is an analysis of the development standards for lands zoned as Suburban Residential.

Development Standards – Rural Residential	Required – Private Services	Provided – Garden Suite
Lot area - minimum	3,000 sq.m	5,472 sq.m
Lot frontage – minimum	30m	17.7m (existing lot of record)
Street setback – minimum	7.5m	35m
Interior Side Yard – Minimum	1.5m	4.8m
Rear Yard – Minimum	7.5m	62m
Lot Coverage - Maximum	30%	7%
Building Height	10.5m	3.5m
Parking	1 additional space	1 additional space

It is Planning Staff's opinion that the proposal complies with the policies in the County of Brant Zoning By-Law 16-61 for the following reasons:

- ***No new residential building lots are proposed.***
- ***The proposed garden suite will be secondary to the existing dwelling.***

- ***The proposed garden suite satisfied all development standards for lands zoned as Suburban Residential.***
- ***The proposed garden suite satisfied all additional requirements for a garden suite, including providing an additional parking space.***

Interdepartmental Considerations

Community Services:

- No comment.

Development Engineering Department:

- No comment.

Fire Department:

- No comment.

Real Estate:

- If approved the owners should enter into a Temporary Use Agreement setting out the terms of the Garden Suite.
- This agreement may be registered on title.

Brant Haldimand Norfolk Catholic District School Board:

- No comments.

Energy Plus:

- Prior to approval Energy+ Inc. will need to see a drawing showing the proposed garden suite and the location of the easement registered as BC366729 in favour of Energy+ Inc., as Part 1 on 2R8179 to ensure there is no encroachment.
- If relocation or upgrade is required as a result of this Application the Applicant will be responsible for 100% cost. As per Energy+ Inc's Current Conditions of Service, only one service per property is permitted. Early consultation with Energy+ Inc's Service coordinator is recommended. All ESA clearances to existing hydro plant must be maintained.
- If easements are required as a result of this Application the Applicant will be responsible for 100% cost.

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

- Building Division
- Lot Grading
- Union Gas
- Infrastructure Ontario
- Bell Canada
- Brant Heritage Committee
- Six Nation/New Credit

Public Considerations

32 notices were mailed on June 19, 2020 notifying the public of the proposed garden suite.

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

Conclusions and Recommendations

The purpose of this rezoning application is to permit a temporary self-contained mobile home with an area of approximately 90 square metres (968 square feet) to allow for a parent to reside in a separate dwelling on the subject lands for a maximum of twenty years. Staff note since the approval of the County of Brant Official Plan, the *Planning Act* has since been updated to permit Temporary Use By-Laws for a maximum of 20 years with possible 3 year extensions, rather than the 10 permitted in the County of Brant Official Plan. The County has taken a consistent approach and permitted Temporary Use By-Laws for a maximum of 20 years to be in conformity with the *Planning Act* since the Official Plan has not been updated to address this.

The subject lands are designated as Urban Residential and are located within the Burford Secondary Urban Settlement Area built boundary. Lands designated as Urban Residential contemplate for different types of residential development, including temporary garden suites. The impact of the proposed garden suite will be minimal, as the proponents wish to utilize the existing access to the property for both the existing residence and the proposed garden suite.

To ensure the proposed garden suite is temporary for a maximum of 20 years, the applicant will be required to enter into a garden suite agreement with the County and provide securities. Staff notes the *Planning Act* does allow for three year extensions of Temporary Use By-Laws.

Based on the analysis above, Staff can confirm that the appropriate measures have been taken to ensure that the proposed garden suite is consistent with the Provincial Policy Statement, in conformity with the Growth Plan for the Greater Golden Horseshoe, conform to the County of Brant Official Plan and complies with the County of Brant Zoning By-Law. No agencies and departments circulated 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,


Amanda Wyszynski

Planner / Secretary Treasurer

Reviewed by:

Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3

Director of Planning

Attachments

1. Zoning Figure
2. Official Plan Figure
3. Aerial Figure
4. Draft By-Law

Copy to

1. Pam Duesling, General Manager of Development Services
2. Mat Vaughan, Director of Planning
3. Heather Boyd, Clerk/Manager of Council Committee Services
4. Jennifer Mayhew, Planning Clerk
5. Applicant/Agent

File # ZBA14/20/AW

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

If so, it should be referenced in the recommendation section.

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)

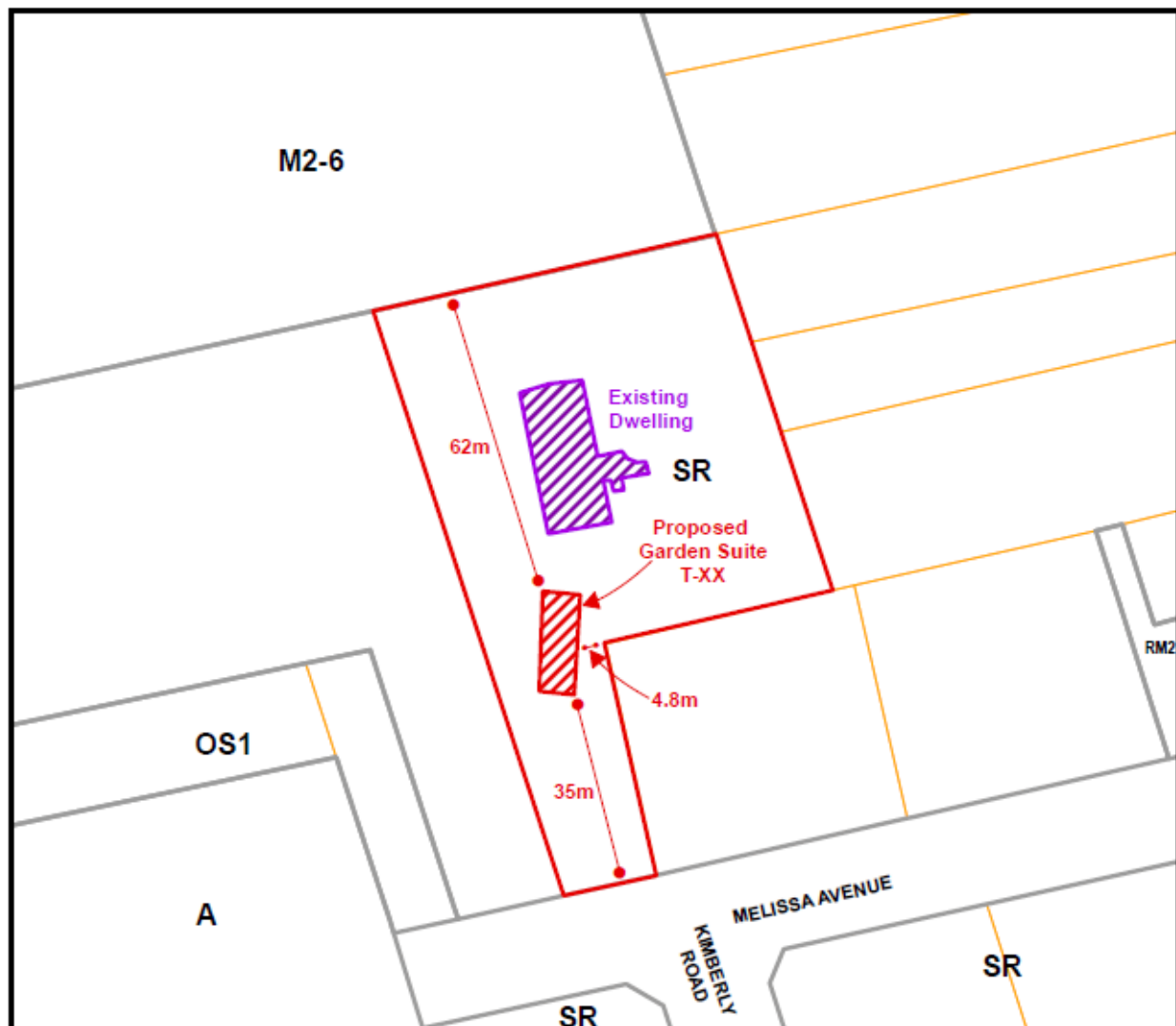
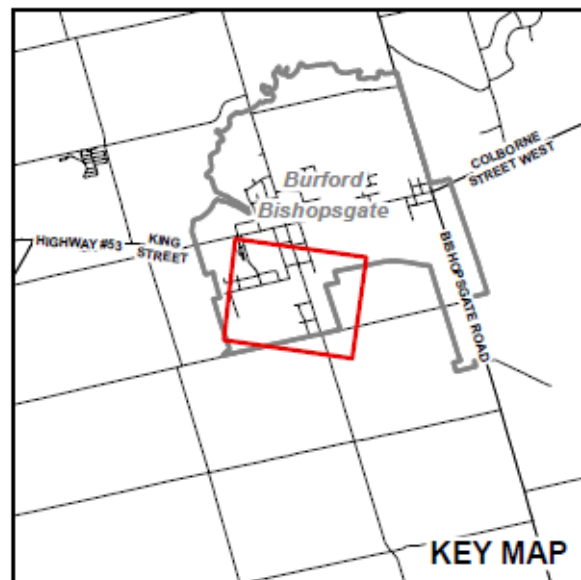
MAP 1: ZONING MAP
FILE NUMBER: ZBA14-20-AW

Former Township of
BURFORD

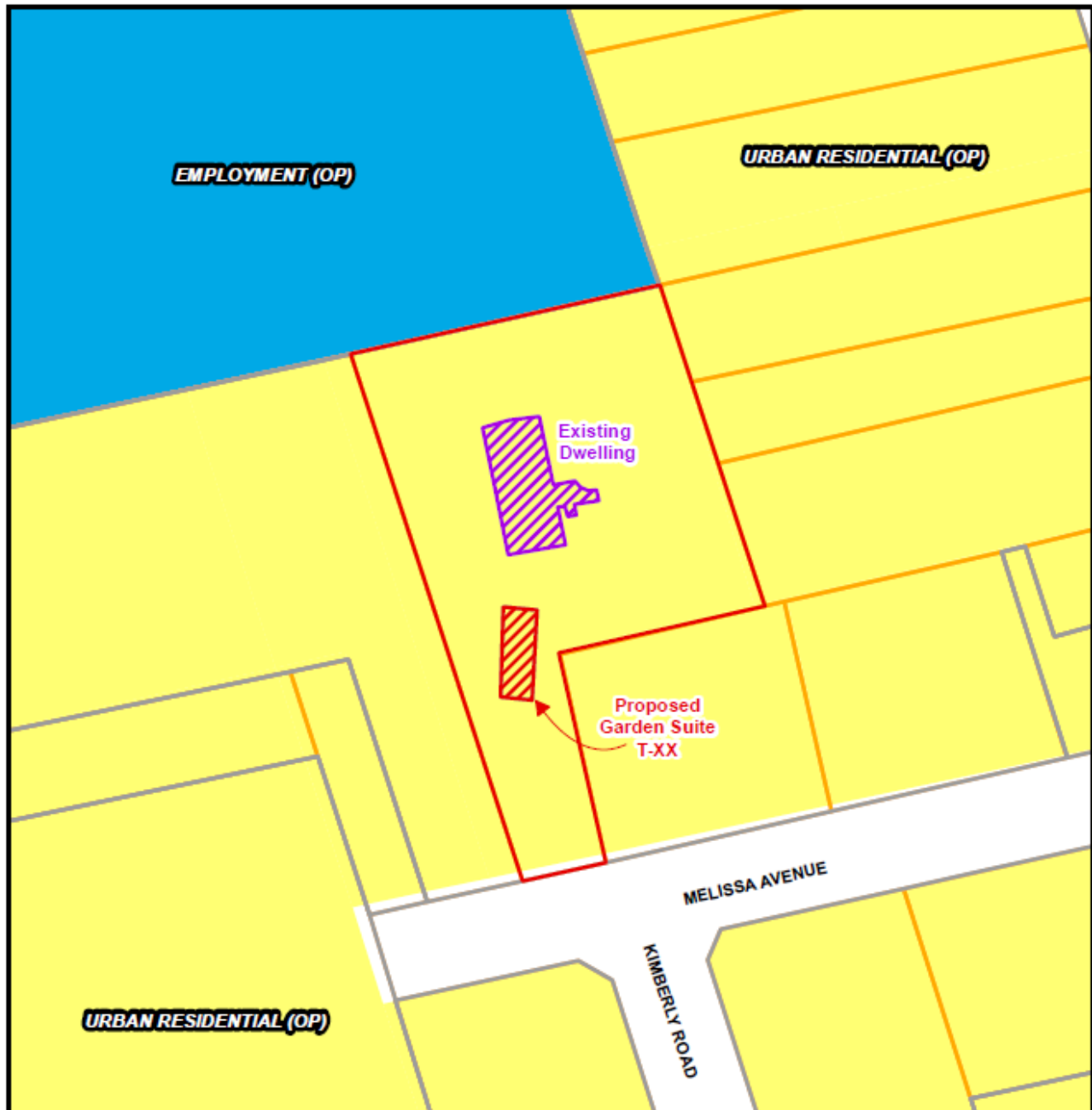
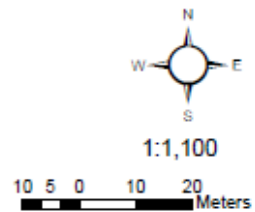


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MAP 2: OFFICIAL PLAN MAP
File Number: ZBA14-20-AW
Former Township of BURFORD



MAP 3: AERIAL MAP
File Number: ZBA14-20-AW
Former Township of BURFORD

