



COMMITTEE OF ADJUSTMENT REPORT

DATE: September 17, 2020

REPORT NO: CA-20-35

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

FROM: Amanda Wyszynski, Planner

APPLICATION TYPE: Consent Application

APPLICATION NO: B28-20-AW

LOCATION: 171 Pleasant Ridge Road & 209 Pleasant Ridge Road, Former Township of Brantford

AGENT / APPLICANT: Neil Sisler

OWNER: Joyce and Daniel Chaplin

SUBJECT: Request for a decision on an application seeking to sever an area of 1.0 hectares (2.47 acres) to facilitate a minor boundary adjustment

RECOMMENDATION

THAT Consent Application **B38-20-AW** from Neil Sisler on behalf of Joyce and Daniel Chapin, Owner of TRACT KERR PT BLK 4 TO 5 RANGE 2 WMP PT LOT 10 PT ROAD ALLOW REG 72.40AC FR D, 209 Pleasant Ridge Road, Former Township of Burford proposing to a lot line adjustment with an area of 1.0 hectares (2.47 acres), **BE APPROVED**, subject to the attached conditions.

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

- The appropriate conditions have been included to ensure that no new building lots are to be proposed on the retained lands; and,
- The proposal is consistent with the *Provincial Policy Statement* and conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

EXECUTIVE SUMMARY / BACKGROUND

The Applicant is seeking to sever an area of approximately 1.0 hectares (2.47 acres) to facilitate a minor boundary adjustment. With this additional land, the subject lands will have an area of approximately 1.9 hectares (4.7 acres) and a frontage of approximately 223 metres (731.6 feet). The retained lands are expected to have an area of approximately 27.3 hectares (67.5 acres) and a broken frontage of approximately 545 metres (1,788.1 feet).

Staff note the applicant was using these lands as part of his business and created a parking lot. That being said, the applicant has purchased a separate property and is

currently finalizing site plan details. The applicant acknowledges in their submission materials as a condition of approval he is willing to remove all of the parking lot and top soil he has accumulated on the property to rebuild the area for landscaping. Furthermore, it is Staff's understanding the current owner was not able to farm this area due to the irregular size and shape and wishes to sell this portion to the applicant.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement (2020)*, Growth Plan for the Greater Golden Horseshoe (2019), Brant County Official Plan (2012), and Zoning By-Law 61-16), consultation with departments, discussion with the applicant. This report recommends the consent application be **Approved** subject to the attached conditions.

LOCATION / EXISTING CONDITIONS

The subject lands are located on the west side of the Pleasant Ridge Road and Shellard Lane intersection within the Former Township of Burford.

171 Pleasant Ridge Road, the benefiting parcel, currently has an area of approximately 0.9 hectares (2.2 acres) with a frontage of approximately 158 metres (518.3 feet). With the additional land post lot line adjustment, 171 Pleasant Ridge Road is expected to have an area of approximately 1.9 hectares (4.7 acres) and a frontage of approximately 223 metres (731.6 feet). Staff note the subject lands are currently occupied by a single detached dwelling and was being used for a business. As noted, the applicant was using the lands to be severed for a parking area for their business but have since purchased a building and will be required to remove all parking areas and landscape to the satisfaction of the County if the application is approved.

209 Pleasant Ridge Road, the retained lands, currently has an area of approximately 28.3 hectares (70 acres), and is an existing undersized farm. Once the lot line adjustment has been completed, 209 Pleasant Ridge Road is expected to have an area of approximately 27.3 hectares (67.5 acres) and a broken frontage of approximately 545 metres (1,788.1 feet).

The subject lands are currently serviced by private water, sanitary and storm water infrastructure.

REPORT

Planning Act

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

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

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

Provincial Policy Statement (PPS) - 2020

Section 1.1.4.1 of the PPS speaking to rural areas being healthy, integrated and viable by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;

- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- e) using rural infrastructure and public service facilities efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

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

- (a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations
- (b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*
- (c) a *residence surplus to a farming operation* as a result of farm consolidation, provided that
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and,
 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective

Section 2.3.4.2 of the PPS allows for Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Legal or technical reasons are defined in the PPS as:

Means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

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

- ***The applicant is not proposing to change the designation or zone of either the severed or retained.***
- ***No new residential building lots will be created, and staff have included appropriate conditions of approval.***
- ***It is Staff's understanding the owner of the lands to be severed cannot farm this area anymore due to its irregular shape and the size of modern farm equipment.***
- ***The lands to be added to the benefiting parcel are approximately 1 hectare (2.47 acres) in size and represents only 3.6% of the retained lands area.***

Growth Plan for the Greater Golden Horseshoe (Growth Plan) - 2019

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

Section 2.2.9.1 of the Growth Plan describes how Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlement areas to serve the needs of rural residents and area businesses.

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

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

This application is in conformity with the Greater Golden Horseshoe for the following reasons:

- ***No land that is actively farmed will be removed to facilitate the lot line adjustment.***
- ***While the severed lands were being used as part of a business, should the minor lot line addition be approved, the applicant will be required to landscape this area.***
- ***No new residential building lots will be created, and staff have included appropriate conditions of approval.***

County of Brant Official Plan (OP) - 2012

The subject lands are designated Agricultural in the County of Brant Official Plan (OP).

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

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

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

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

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

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

conservation of water, soil, wildlife and other natural resources; and resource extraction and resource-based uses.

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

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

Section 6.8.2.1(b) of the County of Brant Official Plan speaks to consent applications being denied for the following reasons:

- i. the lot does not front on a public road;
- ii. the lot is situated in an area where the County of Brant (or its designated agent) believes is unsuitable for sanitary services;
- iii. the lot is entirely contained within the Natural Heritage System designation or Provincially significant woodlands; or
- iv. the lot is entirely contained within an area identified as a primary aggregate resource area.

Section 6.8.2.1(c) of the County of Brant Official Plan speaks to consents being granted for the following:

- i. consents may also be permitted for legal or technical reasons, including severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments. In the case where the minor boundary adjustment is for the purposes of conveying land to an existing non-farm use, only the minimum amount of land required for the enlargement shall be conveyed and reasoning shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.). In all cases, the granting of such a consent shall not be permitted if it results in the creation of a new lot.

This Application conforms to the County of Brant Official Plan (2012) for the following reasons:

- ***It is Staff's opinion the proposed lot line adjustment is a minor boundary adjustment as only 3.6% is being removed from the retained lands.***
- ***No land that is actively farmed will be removed to facilitate the lot line adjustment.***
- ***It is Staff's understanding the severed lands cannot be farmed due to the irregular shape and the size of modern farm equipment.***
- ***The minimum amount of land has been included in the lot line adjustment.***
- ***No new residential building lots will be created, and staff have included appropriate conditions of approval.***

Zoning By-Law (ZBL) 61-16 - 2016

Section 4.16 of the County of Brant Zoning By-Law speaks to home uses being permitted in any Agricultural Zone, Urban Residential Zone and Non-Urban Residential Zone only as an accessory use to a residential use.

Section 4.16.6 of the County of Brant Zoning By-Law speaks to storage and display associated with home occupations, and states the following:

- a) Open storage or display of merchandise, material or equipment is prohibited.
- b) Merchandise may be displayed within the dwelling or accessory building provided it shall not be visible from outside the dwelling or accessory building where it is displayed.
- c) Merchandise, material and equipment shall be stored within an attached or detached garage or other accessory building provided it shall not be visible from outside.
- d) External advertising is prohibited except in accordance with the County’s Sign By-Law.

The subject lands are zoned Agricultural (A) within the County of Brant Zoning By-Law 61-16. Section 6.1, Table 6.1 speaks to the permitted uses on lands zoned as Agriculture. Permitted uses include but are not limited to the following:

- Agricultural use
- Aviary
- Cannabis Production Facility
- Dwelling, Single Detached
- Farm Labour Housing
- Farm Production Outlet
- Forestry Uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber mills;
- Farm Greenhouse;
- Livestock Facility; and,
- Shipping Container in accordance with Section 4.35.

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

Development Standard	Required – All Other Uses	Requested – Retained
Lot Area, Minimum (ha)	40ha	27.3ha
Lot Frontage, Minimum (m)	150m	545m
Street Setback, Minimum (m)	25m	14m – existing dwelling
Interior Side Yard Setback, Minimum (m)	15m	20m
Rear Yard Setback, Minimum (m)	15m	684m

Staff will be requiring a rezoning of the retained lands to address the deficient lot area. Prior to the severance, the lands were viewed as legal non-conforming, but as a result of the severance application, a rezoning will be required as a condition of approval.

Development Standard	Required – Dwelling	Requested – Severed Lands
Lot Area	0.6ha	1.9ha
Lot Frontage, Minimum (m)	20m	158m
Street Setback, Minimum (m)	10m	37m
Interior Side Yard Setback, Minimum (m)	4m	7m
Rear Yard Setback, Minimum (m)	10m	59m
Lot Coverage, Maximum	30%	5%

Staff acknowledge some of the accessory structures on the severed lands may be above what is permitted within the County of Brant Zoning By-Law 61-16. However, these structures would have been constructed prior to the passing of Zoning By-Law 61-16, thus making these structures Legal Non-Complying. Staff note if any of these structures were to be demolished, altered or reconstructed in the future, they would be required to satisfy the provisions of the in effect Zoning By-Law.

It is Staff’s understanding an existing Environmental Services business was being operated out of the dwelling on the lands municipally known as 171 Pleasant Ridge Road. However, the applicant has purchased a building and will be transitioning all equipment to this site. Staff have included appropriate conditions should the applicant be approved.

This Application conforms to the County of Brant Zoning By-Law 61-16 for the following reasons:

- ***No new residential building lots will be created and the retained lands will continued to be farmed.***
- ***The existing parcel was an undersized agricultural parcel and minimal land is being removed for the purpose of the lot line adjustment application.***
- ***As a result of the severance application, Staff will be requiring a rezoning of the retained lands to address the deficient lot area.***
- ***The lands to be severed represent 3.6% of the retained lands.***
- ***It is Staff’s understanding the owner of the retained lands cannot farm this portion due to the size of modern farm equipment and the irregular shape.***

INTERDEPARTMENTAL CONSIDERATIONS

Building Division:

- No comment.

Development Engineering Department:

- Additional comments to be provided upon receipt of draft survey.

Fire Department:

- No comment.

Lot Grading (Development Services):

- There appears to have been a considerable amount of fill material that has been imported to both the original property and the area of the lotline adjustment in the past 5 years. County records indicate that no permits have been issued for the importation of this material. The applicant must provide a topographic survey plan that includes the volume of fill that has been imported to the site to date. The applicant agrees to cease all importing of material to the site until all applicable permits have been obtained and fees have been paid in accordance with the County of Brant Site Alteration By-law.

Real Estate:

- No comment.

Hydro 1:

- No comment.

Union Gas:

- Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

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

- Infrastructure Ontario
- Six Nation/New Credit

PUBLIC CONSIDERATIONS / COMMENTS

21 notices were mailed on August 31, 2020.

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

CONCLUSIONS AND RECOMMENDATIONS

The Applicant is seeking to sever an area of approximately 1.0 hectares (2.47 acres) to facilitate a minor boundary adjustment. With this additional land, the subject lands will have an area of approximately 1.9 hectares (4.7 acres) and a frontage of approximately 223 metres (731.6 feet). The retained lands are expected to have an area of approximately 27.3 hectares (67.5 acres) and a broken frontage of approximately 545 metres (1,788.1 feet).

The subject lands are designated as Agriculture within the County of Brant Official Plan (2012). The Agriculture designation within the County of Brant Official Plan does contemplate for severances, but the policies are restrictive. The Official Plan does allow for minor boundary adjustments on lands designated as Agriculture. It is Staff's opinion the proposed lot line adjustment is a minor boundary adjustment as only 3.6% of the retained lands are being severed and this area cannot be farmed. Furthermore, due to

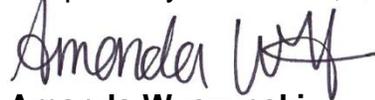
the irregular shape of the lands to be severed, this area cannot be farmed with modern farm equipment.

It is Staff's understanding an existing Environmental Services business was being operated out of the dwelling on the lands municipally known as 171 Pleasant Ridge Road. Under the current Zoning By-Law, establishing this use would not be permitted. That being said, the applicant has purchased a building and is finalizing conditions on a site plan. The applicant will be transitioning all equipment from the subject lands to the new building and appropriate conditions of approval have been included.

Staff acknowledge some of the accessory structures on the severed lands may be above what is permitted within the County of Brant Zoning By-Law 61-16. However, these structures would have been constructed prior to the passing of Zoning By-Law 61-16, thus making these structures Legal Non-Complying. Staff note if any of these structures were to be demolished, altered or reconstructed in the future, they would be required to satisfy the provisions of the in effect Zoning By-Law.

Based on the analysis above, Planning Staff are of the opinion that the requested lot line adjustment has merit. The request is in keeping with the general intent and purpose of the Zoning By-Law and Official plan. Staff is recommending Approval of the lot line adjustment application, subject to the conditions attached to this report as it is consistent with the *Provincial Policy Statement* and in conformity with the Official Plan Policies.

Respectfully Submitted,



Amanda Wyszynski

Planner / Secretary-Treasurer, Committee of Adjustment

Reviewed By: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3, Director of Planning

ATTACHMENTS

- 1. Conditions of Approval
- 2. Aerial Photo and Official Plan Mapping
- 3. Comments
- 4. Drawings
- 5. Circulation Notice

COPY TO

- 1. Mat Vaughan, Director of Planning
- 2. Applicant/Agent

FILE # B38/20/AW

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

- By-Law required (No)
- Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)
- Is the necessary By-Law or agreement being sent concurrently to Council? (No)

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. All parking areas and site alteration associated with the Environmental Services business be removed to the satisfaction of the County of Brant.
3. That the Applicant agrees to landscape the lands to be severed to the satisfaction of the County of Brant.
4. That the retained lands, municipally known as 209 Pleasant Ridge Road, be rezoned to recognize deficient lot area.
5. That the Applicant provide draft transfer documents with legal descriptions of the severed lands utilizing an existing reference plan or new reference plan (if required) prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
6. That the Applicant acknowledges that Development Engineering may provide additional comments upon receipt of a draft survey.
7. That the Applicant provides a copy of the draft reference plan for the severed parcel, including the location of the existing well and septic system by a licensed surveyor for review by the Development Services Department, prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
8. That the Applicant satisfy the comments of the Development Engineering Division – Lot Grading:
 - There appears to have been a considerable amount of fill material that has been imported to both the original property and the area of the lotline adjustment in the past 5 years. County records indicate that no permits have been issued for the importation of this material. The applicant must provide a topographic survey plan that includes the volume of fill that has been imported to the site to date. The applicant agrees to cease all importing of material to the site until all applicable permits have been obtained and fees have been paid in accordance with the County of Brant Site Alteration By-law.
9. That the comments of the Union Gas Limited are understood and agreed to, specifically:
 - Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance.
 - Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance

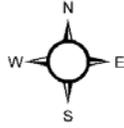
would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

10. That Subsection 50 (3) of the *Planning Act* apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
11. That the current \$308 Deed Stamping Fee be paid to the County of Brant for each lot, prior to the release of the executed Certificate of Official.
12. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within one year of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the *Planning Act, R.S.O. 1990*, otherwise the approval shall lapse.

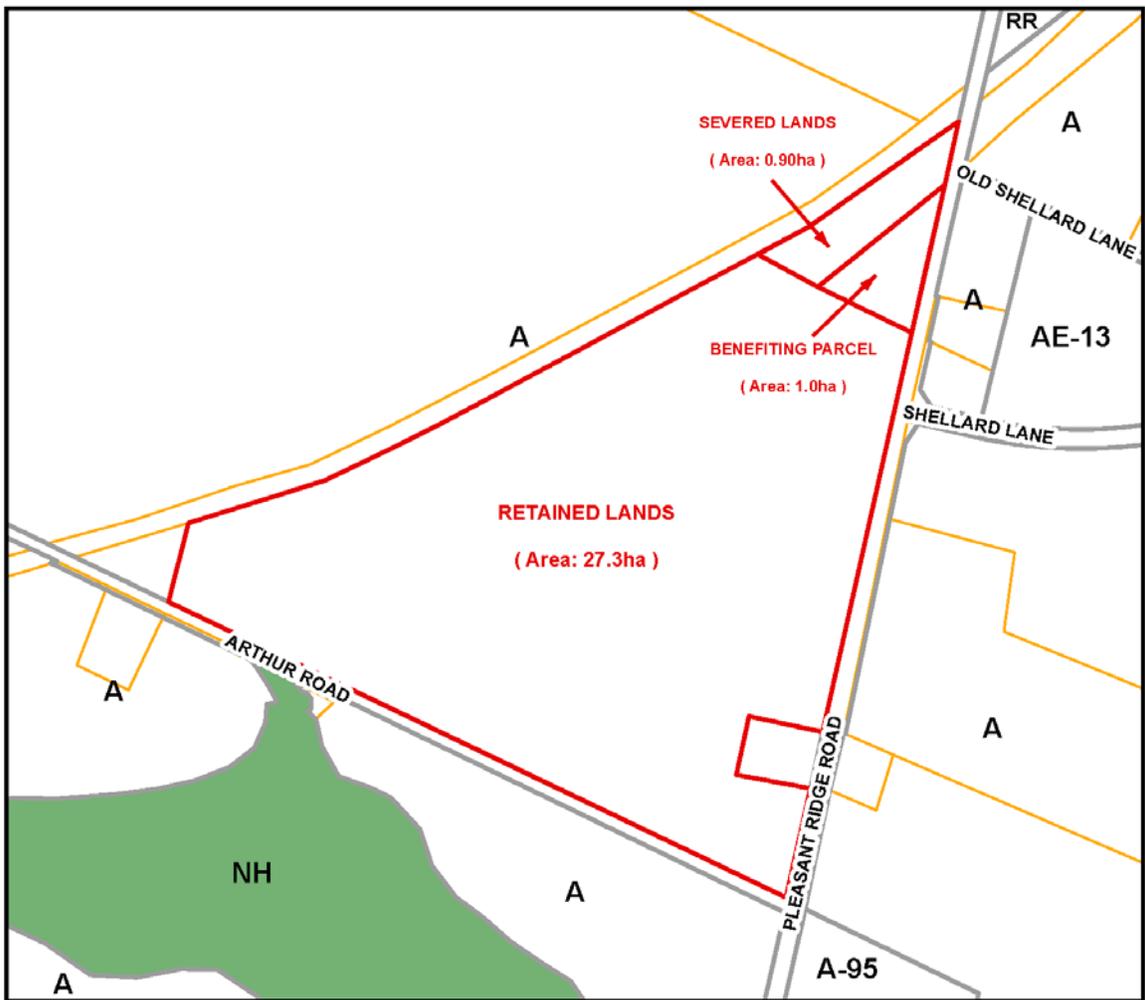
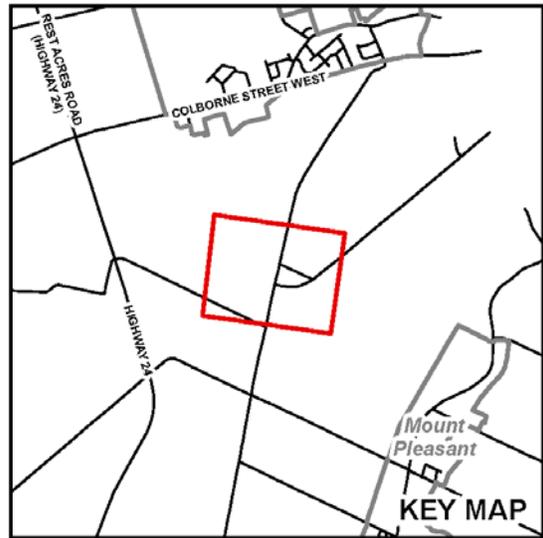
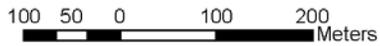
NOTE: Any further *Planning Applications* required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the Consent.

MAP 1: ZONING MAP
FILE NUMBER: B38-20-AW

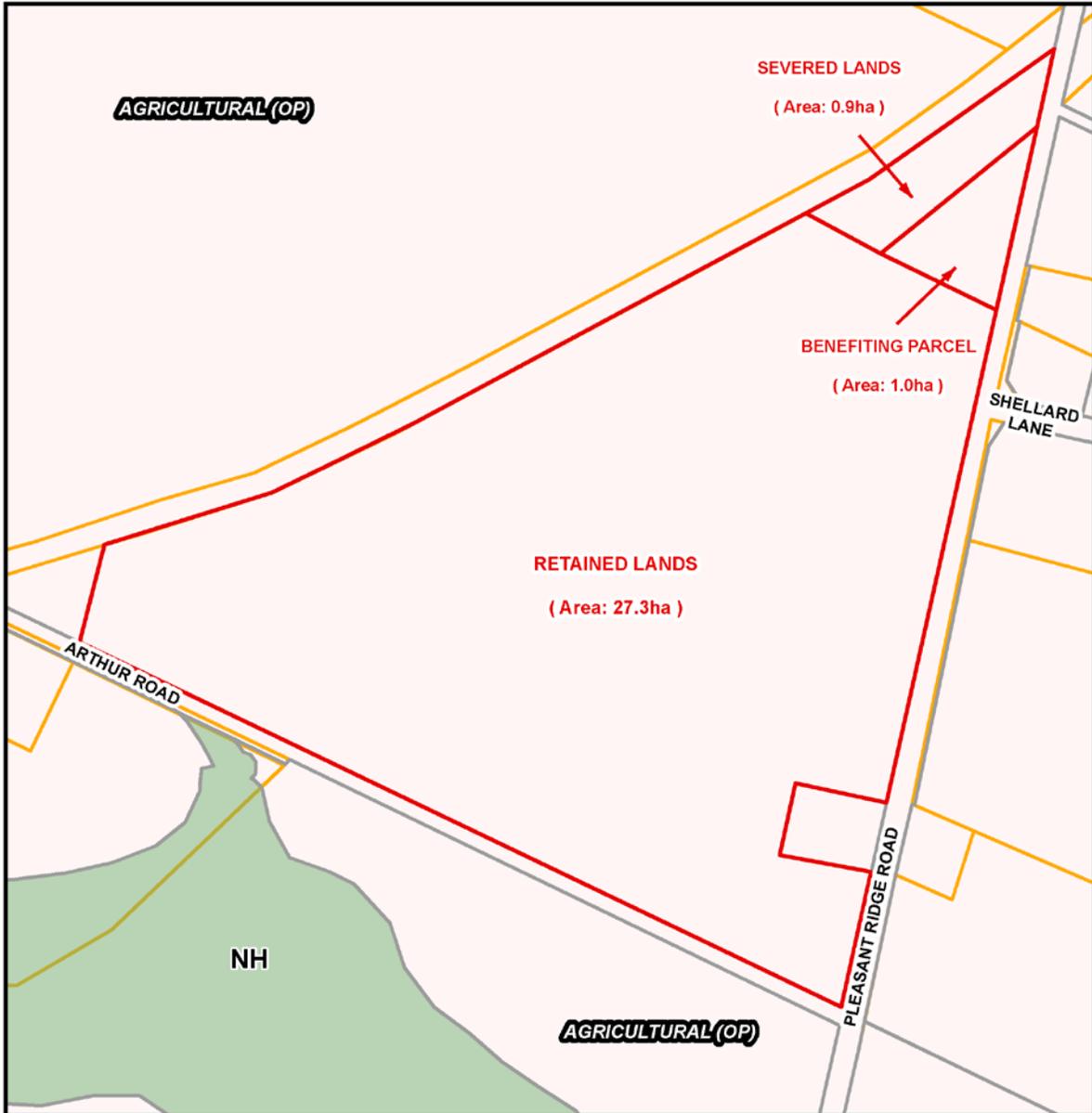
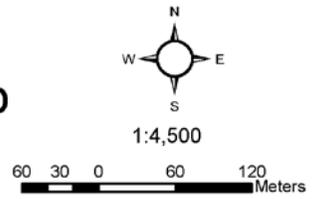
Former Township of
BRANTFORD



1:5,980



Map 2: OFFICIAL PLAN MAP
Address: 171 & 209 PLEASANT RIDGE ROAD
Former Township of BRANTFORD



Map 3: AERIAL MAP
Address: 171 & 209 PLEASANT RIDGE ROAD
Former Township of BRANTFORD

