



## Planning and Development Committee Report

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**To:** To the Chair and Members of the Planning and Development Committee  
**From:** Amanda Wyszynski, Planner  
**Date:** October 5<sup>th</sup>, 2021  
**Subject:** RPT-21-219, Zoning By-Law Amendment Application ZBA28/21/AW  
602 Mount Pleasant Road, geographic Township of Brantford  
**Purpose:** **For Approval**

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### Recommendation

That Application ZBA28/21/AW from George Ziotek on behalf of Andrzej and Malgorzata Paluch, Owner of lands described as RANGE 1 EMP PT LOT 9 RP 2R-5907 PT 2 IRREG 1.27AC 122.53FR D, in the geographic Township of Brantford, known as 602 Mount Pleasant Road, County of Brant, be approved to rezone the subject lands from Agriculture (A) to:

Suburban Residential with site specific provision 57 (SR-57)

- To permit a frontage of approximately 18.6 metres along Mount Pleasant Road, whereas a minimum of 20 metres (65.6 feet) is required.
- All other provisions of the By-Law apply;

Holding - Suburban Residential with site specific provision 58 (h-SR-58)

- To rezone the retained lands with a holding due to capacity restraints
- To permit a frontage of approximately 18.6 metres along Mount Pleasant Road, whereas a minimum of 20 metres (65.6 feet) is required.

All other provisions of the By-Law apply;

And that the reason(s) for approval are as follows:

- The application is consistent with the *Provincial Policy Statement* (2020).
- The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2020).
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012); and,
- The application maintains the intent of the County of Brant Zoning By-Law 61-16.

### Key Strategic Priority

Sustainable and Managed Growth.

## Financial Considerations

None

## Executive Summary / Proposal

The purpose of this report is to provide Council and the Public with information from the applicant and staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16. The purpose of this rezoning is to permit reduced frontages in order to facilitate a severance on the subject lands. The applicant is proposing lot frontage of approximately 18.68 metres (61.29 feet) on the severed and retained. Through discussions with the GRCA and the Environmental Planner, the applicant is proposing lot areas of approximately 1,513 square metres (16, 285.8 square metres) and 3,358 square meters (36, 145.2 square feet) due to an existing environmental feature at the rear of the subject lands.

I do note I am recommending a holding on the severed parcel, the property to the north, due to servicing capacity constraints in Mount Pleasant. This approach is consistent with other similar applications and has been confirmed with the Director of Environmental Services.

Staff presented the application for information in September 2021.

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), Brant County Official Plan (2012) and Zoning By-Law 61-16), consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and I am recommending approval of the application.

## Location

The subject lands are located on the east side of Mount Pleasant Road, south of the McGill Road and Mount Pleasant Road intersection, within the Former Township of Brantford. Currently, the subject lands are vacant after a demolition permit for the dwelling was issued in 2018.

The subject lands are rectangular in shape, and currently have a frontage of approximately 37.2 metres (122 feet) along Mount Pleasant, a maximum depth of approximately 151.9 metres (498.4 feet), and an area of approximately 4,871 square metres (52, 431 square feet).

## Report

### **Planning Act R.S.O (1990)**

Section 34(10) 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 Policy Statement “PPS” (2020)**

Section 1.1.1(c) of the PPS describes how healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and have access to municipal servicing infrastructure.***

Section 1.1.1(d) of the PPS describes how healthy, liveable and safe communities are sustained by 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.

***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant, and specifically south the Mount Pleasant Road and McGill Road intersection. If the Secondary Urban Settlement Boundary were to be expanded in the future, the proposed rezoning would not have an impact on the potential for an expansion.***

Section 1.1.1(g) of the PPS describes how healthy, liveable and safe communities are sustained by ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

***The subject lands are located within Mount Pleasant, and will have access to municipal water once capacity becomes available.***

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

***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and are seeking the rezoning application to facilitate a severance.***

Section 1.1.3.2(a) of the PPS speaks to Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

***The subject lands are located within Mount Pleasant, and will have access to municipal water once capacity becomes available.***

Section 1.1.3.2(b) of the PPS speaks to Land use patterns within settlement areas shall be based on densities and a mix of land uses which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

***The subject lands are located within Mount Pleasant, and will have access to municipal water once capacity becomes available. No further expansion to the existing infrastructure service is required to service the proposed development.***

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

***The proposed rezoning is being sought to facilitate a severance which will facilitate the creation of a new residential building lot that will be partially municipally serviced.***

Section 1.4.3(c) of the PPS speaks to directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

***The subject lands are located within Mount Pleasant, and will have access to municipal water once capacity becomes available. No further expansion to the existing infrastructure service is required to service the proposed development.***

***It is my 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 Suburban Residential which contemplates for residential development.***

- ***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant.***
- ***The proposed rezoning will align the current zoning with the current designation.***
- ***The proposed holding provision will limit development until water capacity is available.***

### **Growth Plan for the Greater Golden Horseshoe (2020)**

Section 2.2.1.2(a)(ii) of the Growth Plan speaks to the vast majority of growth being directed to settlement areas that have existing or planned municipal water and waste water systems.

***The subject lands are located within Mount Pleasant, and will have access to municipal water once capacity becomes available.***

Section 2.2.1.2(d) of the Growth Plan states that development will be directed to settlement areas, except where the policies of the plan permit otherwise.

***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and are seeking the rezoning application to facilitate a severance.***

***It is my opinion that the proposal is in conformity with the policies in the Growth Plan for the Greater Golden Horseshoe (2020) for the following reasons:***

- ***The subject lands are designated as Suburban Residential which contemplates for residential development.***
- ***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant.***
- ***The proposed rezoning will align the current zoning with the current designation.***
- ***The proposed holding provision will limit development until water capacity is available.***

### **Source Water**

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.

### **County of Brant Official Plan (2012)**

The subject lands are designated Suburban Residential and Natural Heritage, are located within the Secondary Urban Settlement Area of Mount Pleasant. I do note the lot to be severed is located within the area designated as Suburban Residential. The intent of the Suburban Residential designation is to recognize existing clusters of suburban development within the County and to provide policies that will ensure efficient and orderly future growth. Lands designated Suburban Residential will function predominantly as low density residential areas.

Section 2.2.3.1.2 of the County of Brant Official Plan describes that the Secondary Urban Settlement Areas have been identified based on their servicing capacity and ability to accommodate projected growth through development, redevelopment and intensification opportunity. County shall promote development that is orderly, efficient and sustainable. Secondary Urban Settlement Areas shall not function as the main areas for growth.

***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and will have access to partial municipal servicing.***

Section 2.2.3.1.2(c) of the Official Plan describes how a limited amount and type of growth and development shall be permitted in the County's Secondary Urban Settlement Areas.

***The rezoning application is being sought in order to facilitate a severance on lands designated as Suburban Residential.***

Section 2.2.3.1.2(d) of the Official Plan describes how Secondary Urban Settlement Areas shall contribute to achieving the County's goals with respect to intensification, as established in Section 2.2.5.2 of this Plan, by accommodating limited infill development, and small scale intensification within the built boundary/built-up area, subject to the availability of appropriate servicing systems.

***The rezoning application is being sought in order to facilitate a severance, which represents the opportunity for infilling on lands that are partially serviced.***

Section 2.2.3.1.2(g) of the Official Plan states all development shall be consistent with and guided by the Servicing System policies in Section 5.2 of this Plan.

***The subject lands are partially serviced and the rezoning is being sought to facilitate a severance, which represents an opportunity to maximize municipal servicing.***

Section 2.2.5.2(h) of the Official Plan states small scale intensification shall be permitted in all areas of the Primary and Secondary Urban Settlement Areas, except where infrastructure is inadequate or there are significant constraints such as natural hazards, heritage resources, or other constraints.

***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and will have access to municipal servicing. The holding provision is being recommended on the severed parcel due to servicing constraints. This approach is consistent with similar applications.***

Section 3.5.1 of the Official Plan describes how the intent of the Suburban Residential designation is to recognize existing clusters of suburban development within the County and to provide policies that will ensure efficient and orderly future growth. Lands designated Suburban Residential will function predominantly as low density residential areas.

***It is my understanding the rezoning and the severance is being sought in order to construct a single detached residential dwelling on the severed and retained lands.***

Section 3.5.2 of the Official Plan states the predominant use of land in the Suburban Residential designation shall be for low density residential dwellings, including single detached dwellings, semi-detached dwellings, duplex/triplex/fourplex dwellings and additional residential units in accordance with Section 2.4.5.1.

***It is my understanding the rezoning and the severance is being sought in order to construct a single detached residential dwelling on the severed and retained lands.***

Section 3.5.3(a) of the Official Plan describes how development on partial systems will be limited to infilling or minor rounding out of existing development on partial County services in accordance with the servicing requirements in Section 5.2.3 of this Plan.

***The rezoning application is being sought in order to facilitate a severance, which represents the opportunity for infilling on lands that are partially serviced.***

Section 5.2.3.3(a)(ii) of the Official Plan describes how partial services shall be permitted within Secondary Urban Settlement Areas, to allow for infilling and minor rounding out of existing development on partial County services.

***The rezoning application is being sought in order to facilitate a severance, which represents the opportunity for infilling on lands that are partially serviced.***

Section 5.2.3.3(d) of the Official Plan states priority shall be given to the development, redevelopment and intensification of land that is currently serviced by a County system, or to areas that can most easily be serviced at minimal expense.

***The subject lands are partially serviced and the rezoning is being sought to facilitate a severance, which represents an opportunity to maximize municipal servicing.***

***It is my opinion that the proposal conforms to the policies in the County of Brant Official Plan (2012) for the following reasons:***

- ***The subject lands are designated as Suburban Residential which contemplates for residential development.***
- ***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant.***
- ***The proposed rezoning will align the current zoning with the current designation.***
- ***The proposed holding provision will limit development until water capacity is available.***

### **County of Brant Zoning By-Law 61-16**

The subject lands are currently zoned Agriculture (A) and Natural Heritage (NH). The following site specific provisions are being proposed:

Suburban Residential with site specific provision 57 (SR-57)

- To permit a frontage of approximately 18.6 metres along Mount Pleasant Road, whereas a minimum of 20 metres (65.6 feet) is required.
- All other provisions of the By-Law apply.

Holding - Suburban Residential with site specific provision 58 (h-SR-58)

- To rezone the retained lands with a holding due to capacity restraints
- To permit a frontage of approximately 18.6 metres along Mount Pleasant Road, whereas a minimum of 20 metres (65.6 feet) is required.
- All other provisions of the By-Law apply.

Based on Section 9.1.1 of the Zoning By-Law, the following uses are permitted:

- Dwelling, Single Detached.

Section 9.2, Table 9.2.1 speaks to development standards for lands zoned as Suburban Residential (SR) in relation to the proposed development based on the draft concept site plan.

Development Standard – Partial Services	Required	Proposed – SR-57	Proposed – h-SR-58
Lot Area, Minimum	1,000	3,358 sq.m	1,513 sq.m
Lot Frontage, Minimum	20m	18.6m	18.6m
Street Setback, Minimum	7.5m	27m	27m
Interior Side Yard Setback, Minimum	1.5m	2m	1.5m
Rear Yard Setback, Minimum	7.5m	101m	33m
Lot Coverage, Maximum	30%	5%	11%

***It is my opinion that the proposal maintains the intent of the County of Brant Zoning By-Law 16-61 for the following reasons:***

- ***The subject lands are designated as Suburban Residential which contemplates for residential development.***
- ***The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant.***
- ***The proposed rezoning will align the current zoning with the current designation.***
- ***The proposed holding provision will limit development until water capacity is available.***
- ***All provisions of the Zoning By-Law are being met with the exception of frontage.***

## **Interdepartmental Considerations**

### Community Services:

- If a severance is approved cash-in-lieu of parkland will apply.

### Development Engineering:

- The County of Brant Official Plan Schedule B Section 5.3.2.1.6 identifies Mount Pleasant Road as a Rural Collector Road. Rural Collector Roads should have a road allowance width from 24m to 45m. A Road Widening of 4.94m will be required across the frontage of the Subject Lands from the south limit to the bend in the Right of Way and then join to the existing Road Widening on #600 Mount Pleasant Road, being Part 1, 2R-7847
- A Public Works Permit will be required for the removal or construction of any new entrances and any water service connections.”

- The subject lands are located within the Grand River Conservation Authority Regulation Limit.
- The subject lands are subject to Drain F of the Award Drain No. 3 Municipal Drain.
- A Drainage easement in favour of the County crosses the Subject Lands at the rear and is identified as Part 2, 2R-61.
- A new Water service connection will be required for the south parcel. The existing Water service on the north parcel may be required to be relocated. Any Road Restoration will be at the Applicant's Cost.
- The existing well on the property is required to be decommissioned as per MECP standards.
- The existing curbstops may be located within the new proposed driveway on the north parcel.
- The location of the existing septic system will be required to be shown on the "Proposed Site/Lot Layout Configurations 1" plan submitted.

#### Environmental Planning:

- That site-specific zoning be applied in which the wetland plus a 30 metre vegetation protection zone, is zoned as Natural Heritage. The text should state that a 30 metre vegetation protection zone is required from the boundary of the wetland as delineated to the satisfaction of GRCA. The vegetation protection zone shall be maintained as natural self-sustaining vegetation in which no buildings, structures and/or site alteration are to be permitted.
- If an EIS is not required prior to rezoning, staff recommend that a scoped EIS be submitted as part of the subsequent consent application. As part of a future consent application, to maintain and enhance the connectivity of natural heritage features, it is recommended that the wetland and vegetation protection zone remain entirely within either the severed or retained lot

#### Fire:

- No comment.

#### Operations:

- Water capacity is not available until possibly 5 plus years into the future.
- There is no sanitary sewer in Mt Pleasant.
- The residential property will be eligible for solid waste pickup on the normal schedule.

#### Canada Post:

- Please have the customer contact our Customer Service department at 1-800-267-1177 to register for mail delivery when ready.

#### Energy Plus:

- Energy+ Inc. has no objection to the proposal by the Applicant/Owner to re-zone the property to suburban residential with a site specific amendment to allow a reduced lot frontage.
- The Owner/Applicant will be responsible for all costs associated with the relocation and/or upgrade of the existing electrical plant, if required as a result of this proposal.

All ESA and Energy+ Inc. approved clearances to existing and proposed hydro plant must be met.

- The Owner/Applicant will be required to grant easements to the satisfaction of Energy+ Inc., if required as a result of this proposal.

#### GRCA:

- The Grand River Conservation Authority (GRCA) staff does not object to the Zoning By-law Amendment application. In the absence of an Environmental Impact Study in support of the proposal, we recommend the mapped wetland feature and associated 30 metre adjacent lands be zoned NH in the County Zoning By-law.

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

- Building Division
- Field Services
- Union Gas
- Infrastructure Ontario
- Six Nation/New Credit

#### **Public Considerations**

Staff attended the site on August 20<sup>th</sup>, 2021 and posted the public notice meeting the *Planning Act* requirements.

19 notices were mailed on August 23<sup>rd</sup>, 2021. Through this circulation, the following concerns were identified through public 4 comments:

- Frontage
- Interior side yard setbacks
- Front yard setback

The purpose of this rezoning is to rezone the subject lands from Agriculture (A) to Suburban Residential (SR) to be aligned with the Official Plan. The applicant is also seeking site specific provisions for a reduced frontage of approximately 18.68 metres (61.29 feet), whereas a minimum of 20 metres (65.6 feet) is required. In regards to the concerns relating to interior and front yard setbacks, based on the concept plan submitted, the minimum development standards for lands zoned as Suburban Residential (SR) are being satisfied.

Staff attended the site on September 15<sup>th</sup>, 2021 and posted the public notice meeting the *Planning Act* requirements.

19 notices were mailed on August 23<sup>rd</sup>, 2021. Through this circulation, the following concerns were identified through public 1 comment:

- Frontage
- Interior side yard setbacks
- Front yard setback

## Conclusions and Recommendations

The purpose of this rezoning is to permit reduced frontages in order to facilitate a severance on the subject lands. The applicant is proposing lot frontage of approximately 18.68 metres (61.29 feet) on the severed and retained. Through discussions with the GRCA and the Environmental Planner, the applicant is proposing lot areas of approximately 1,513 square metres (16, 285.8 square metres) and 3,358 square meters (36, 145.2 square feet) due to an existing environmental feature at the rear of the subject lands. The applicant is proposing to rezone a portion of the subject lands from Agriculture (A) to the following site specific provisions:

Suburban Residential with site specific provision 57 (SR-57)

- To permit a frontage of approximately 18.6 metres along Mount Pleasant Road, whereas a minimum of 20 metres (65.6 feet) is required.
- All other provisions of the By-Law apply.

Holding - Suburban Residential with site specific provision 58 (h-SR-58)

- To rezone the retained lands with a holding due to capacity restraints
- To permit a frontage of approximately 18.6 metres along Mount Pleasant Road, whereas a minimum of 20 metres (65.6 feet) is required.
- All other provisions of the By-Law apply.

The subject lands are designated Suburban Residential within the County of Brant Official Plan. They are also located in a Secondary Urban Settlement Area of Mount Pleasant. The Suburban Residential designation contemplates for infill development, and specifically development of low density such as single detached dwellings. I am recommending a holding on the severed parcel due to capacity restraints. Through discussions with the GRCA and the County's Environmental Planner, the proposed lot fabric was revised to ensure the existing Natural Heritage Feature is solely contained on the retained parcel. These two approach are consistent with other similar applications. I do note should the rezoning be approved, the applicant will be required to proceed through the Committee of Adjustment for approval of the severed parcels.

Based on the analysis above, Staff can confirm that the appropriate measures have been taken to ensure that the proposed rezoning is consistent with the *Provincial Policy Statement*, in conformity with the Growth Plan for the Greater Golden Horseshoe, conforms to the County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law.

It is my opinion that the Zoning By-Law Amendment has merit and therefore, I am recommending approval of the application.

Prepared by:

  
**Amanda Wyszynski, BATech, MES(PI)**

Planner

**Reviewed by:** Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Development Planning

**Submitted By:** Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

**Attachments**

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

**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. Alyssa Seitz, Planning Clerk
- 5. Applicant/Agent

**File #** ZBA28/21/AW

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

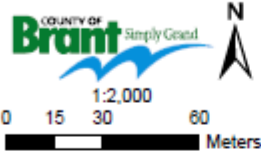
If so, it should be referenced in the recommendation section.

- |  |       |
|--|-------|
| 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) |

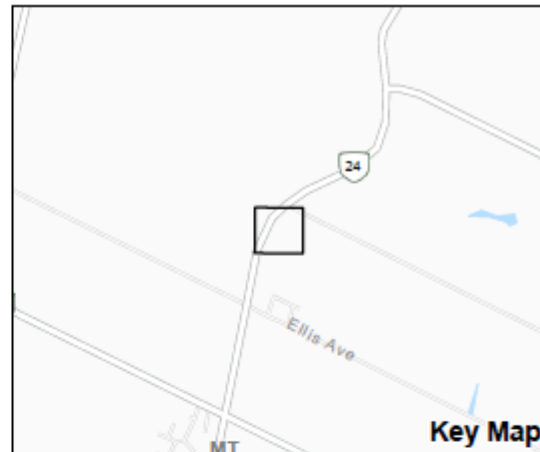
**MAP 1: ZONING MAP**  
**FILE NUMBER: ZBA28-21-AW**

**602 MOUNT PLEASANT ROAD**

Former Township of  
**Mount Pleasant**

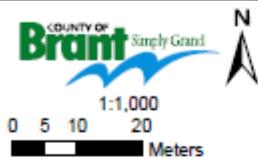


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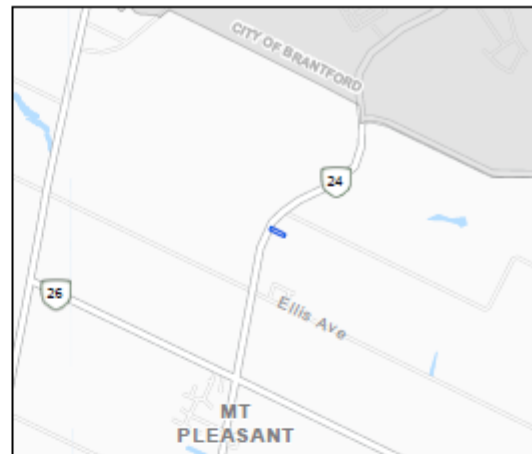


**MAP 2:OFFICIAL PLAN  
FILE NUMBER  
ZBA28-21-AW**

602 MOUNT PLEASANT ROAD  
County of Brant  
Ontario

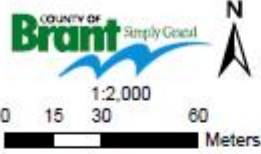


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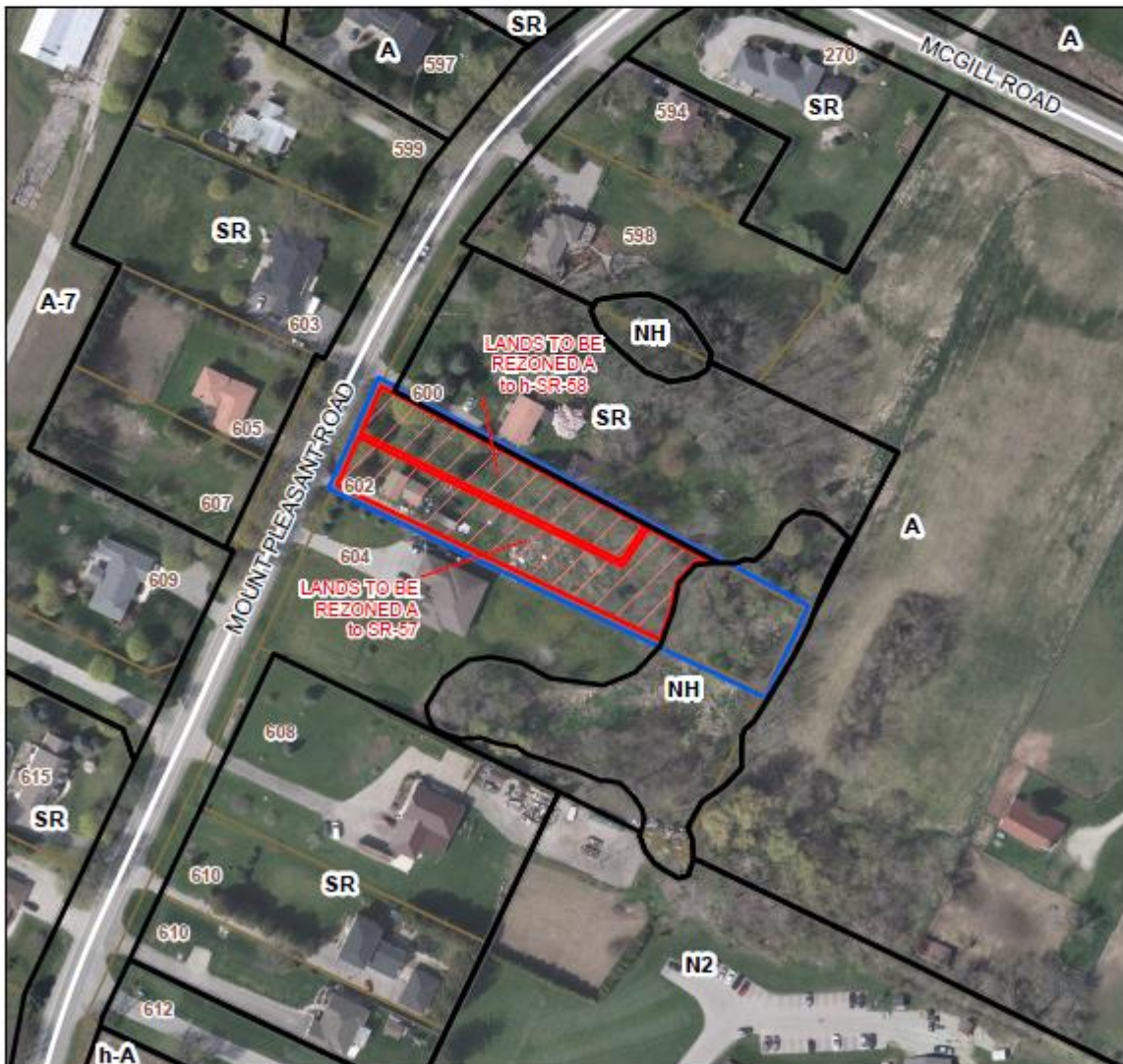


**MAP 3: Aerial Map**  
**FILE NUMBER: ZBA28-21-AW**

**602 MOUNT PLEASANT ROAD**  
Former Township of  
**Mount Pleasant**



Date Printed: 8/31/2021



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**PROPOSED  
SITE / LOT LAYOUT  
CONFIGURATIONS**