



## Planning & Development Committee Report

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**To:** To the Chair and Members of the Planning and Development Committee  
**From:** Shannon Labelle, Planning Technician  
**Date:** January 4<sup>th</sup>, 2022  
**Report:** RPT-21-333  
**Subject:** Zoning By-Law Amendment Application ZBA43/21/SL  
29 Fairfield Road, Geographic Township of Burford  
**Purpose:** For Approval

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### Recommendation

That Application **ZBA43/21/SL** from Komienksi Limited on behalf of, Tom Komienksi, Owner of Concession 11 part lot 2, in the Geografic Township of Burford, known as 29 Fairfield Road, County of Brant, proposing to rezone a portion of the subject lands from Agriculture (A) to Agriculture with Site Specific Provision 9 (A-9) to prohibit a dwelling as a permitted use on the retained lands, as well as to remove the Agriculture with Site Specific Provision 23 (A-23) from the severed and retained parcel, which permitted an automobile repair garage and vehicle sales establishment in addition to the uses permitted in the Agricultural (A) zone, **BE APPROVED;**

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

- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

### Strategic Priority

1. Sustainable and Managed Growth

### Financial Considerations

None.

### Executive Summary

The purpose of this report is to provide the Planning and Development Committee and the public with information from the applicant seeking to rezone the subject lands as a condition of a surplus farm dwelling severance. Specifically, the applicant is seeking to rezone the retained farm parcel to prohibit a dwelling as a permitted use through site specific provision A-9, as well as to remove the Agriculture with Site Specific Provision 23 (A-23) from the severed and retained parcel, which permitted an automobile repair garage and vehicle sales establishment

in addition to the uses permitted within the Agriculture (A) zone. The proposed parcel which contains the existing dwelling will be zoned as Agriculture (A).

The surplus farm dwelling severance application, B61-20-KD, was heard by the Committee of Adjustment in February 2021, and was conditionally approved. Conditions of approval included rezoning the retained parcel to prohibit a dwelling through site specific provision A-9 and that the severed and retained lands be rezoned to remove site specific provision A-23.

This rezoning application is proceeding directly for recommendation as it is a condition of approval for a severance application.

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* (2020), *County of Brant Official Plan* (2012), and *County of Brant Zoning By-Law*. This report recommends that the Rezoning Application be **Approved**.

## **Location**

The subject lands are located on the south side of Fairfield Road, east of the Fairfield Road and Maple Avenue south intersection, and are located within the Geographic Township of Burford. The lands municipally known as 29 Fairfield Road are irregular in shape, with a frontage of approximately 527 metres (1,729 feet) along Fairfield Road, and have an area of approximately 48.3 hectares (119.3 acres).

Through the severance, the surplus farm dwelling is expected to have an area of approximately 0.28 hectares (0.69 acres), and a frontage of 34.9 metres (114.5 feet) along Fairfield Road. The retained lands, being the farm parcel, are expected to have an area of approximately 48 hectares (118.6 acres), and a frontage of approximately 492 metres (1,614.2 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.

### **Provincial Policy Statement (2020)**

Section 2.3.1 describes how Prime Agricultural areas shall be protected for long term agricultural use.

***Through the severance application, the retained lands are expected to have an area of approximately 48 hectares (118.6 acres) and will be farmed as part of a larger farming operation. The rezoning application will prevent new residential dwellings being built, as well as remove the Site Specific Provision 23 (A-23) as it is no longer required.***

Section 2.3.3.1 speaks to permitted uses and activities within prime agricultural areas which include agricultural uses, agriculture related uses and on farm diversified use.

***Through the severance application, the retained lands will continue to be farmed as part of a larger farming operation and no new residential building lots will be created. The Agriculture zone with Site Specific Provision 23 (A-23) which permitted an automobile repair garage and vehicle sales establishment is no longer required on the subject lands and is to be removed.***

Section 2.3.3.2 describes how in prime agricultural areas, all types, sizes and intensities of

agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

***The retained lands that are proposed to be rezoned to prohibit a dwelling will be farmed as part of a larger farming operation and is expected to grow cash crops. Site Specific provision A-23 is no longer required.***

Section 2.3.4.1(c) describes how lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operations, 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

***The lands to be severed through severance application B61-20-SL are expected to have an area of approximately 0.28 hectares (0.69 acres) and is able to accommodate all private servicing.***

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

- ***The retained lands will continue to be used for agricultural purposes, and will be farmed as part of a larger farming operation.***
- ***No new residential building lots will be created as the retained lands are to be rezoned to prohibit a dwelling as a condition of severance.***
- ***Site specific provision A-23 is to be removed from the severed and retained parcel as a condition of severance as it is no longer required.***

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

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.

***The severed and retained parcel will continue to be privately serviced.***

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.

***The retained lands are expected to have an area of approximately 48 hectares (118.6 acres) and will be farmed as part of a larger farming operation with cash crops.***

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.

***The retained lands will continue to be farmed as part of a larger farming operation and no new residential building lots will be created as they are being proposed to be rezoned to prohibit a dwelling as a permitted use, as well as proposing to remove site specific provision A-23 on the severed and retained parcel, as it is no longer required.***

***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 retained lands will continue to be used for agricultural purposes, and will be farmed as part of a larger farming operation.***
- ***No new residential building lots will be created as the retained lands are to be rezoned to prohibit a dwelling as a condition of severance.***
- ***Site specific provision A-23 is no longer required, and is to be removed as a condition of severance***
- ***The dwelling is surplus to the larger farming operation.***

### **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 Agricultural in the County of Brant Official Plan (OP).

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.

***The retained lands will continue to be designated Agriculture, and will be farmed as part of a larger farming operation with cash crops.***

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.

***As a condition of severance, the applicant is proposing to rezone the retained lands to prohibit a dwelling, in addition to removing the Agriculture with Site Specific Provision 23 (A-23) from the severed and retained parcel, as it is no longer required.***

Section 1.11.2.6.2(i) of the County of Brant Official Plan requires the development of urban and nonfarm-related land uses to the County's Primary and Secondary Urban Settlement Areas and Hamlets and Villages, or areas specifically intended for the proposed land use, in order to protect the long-term operation and economic role of agriculture.

***The retained lands will continue to be farmed as part of a larger farming operation, with no new residential building lots being created.***

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.

***The retained lands will continue to be designated as Agriculture, and will be farmed as part of a larger farming operation with cash crops.***

Section 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.

***As a condition of severance, the applicant is proposing to rezone the retained lands to prohibit a dwelling. The proposed severed lot has one existing single detached dwelling.***

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.

***As a condition of severance, the applicant is proposing to rezone the retained lands to prohibit a dwelling, as well as to remove Site Specific Provision A-23 from the severed and retained parcel, which permits an automobile repair garage and vehicle sales establishment, as it is no longer required.***

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.

***The severed and retained parcels have frontages along Fairfield Road.***

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

- ***Through the severance, no new residential building lots are being created.***
- ***The retained lands are expected to be farmed with cash crops through part of a larger farming operation.***
- ***The severed and retained parcels have frontage along Fairfield Road.***
- ***The severed parcel is large enough to accommodate private servicing.***
- ***Site specific provision A-23 is no longer required and is to be removed as a condition of severance.***

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

The subject lands are zoned A-23, Agricultural (A) within the County of Brant Zoning By-Law 61-16.

Site Specific provisions A-23 states: Notwithstanding any provisions of this By-Law to the contrary, within any area zoned A-23 on Schedule 'A' hereto, in addition to the uses permitted in the Agricultural (A) Zone, an automobile repair garage and vehicle sales establishment shall also be permitted. All repairs shall be confined to the interior of existing buildings and the storage of vehicles for sale shall be limited to a maximum of 6 vehicles. All other requirements of the By-Law shall apply.

***The site specific provision A-23, is no longer required and as a condition of approved severance application B61-20-KD, is to be removed.***

Section 4.29 of the Zoning By-Law speaks to the following requirements for surplus dwellings:

- a) If the lot has a minimum 20.0 metre frontage, then said lot shall be deemed to comply with the requirements of this By-Law with respect to the lot area or lot frontage
- b) The dwelling shall only be considered surplus to the farming operations if it was constructed a minimum of 15 years prior to the date the application for the surplus farm dwelling consent is received

- c) The dwelling must be considered habitable at the time of application, as determined by the local municipal Chief Building Official
- d) Minimum Distance Separation Guidelines shall apply as if the property were zoned or designated as a residential lot

***The proposed severance satisfies the provisions above as the dwelling is older than 15 years. Additionally, a frontage of 34.9 metres (114.5 feet) is proposed.***

Section 6.1, Table 6.1 speaks to the permitted uses on lands zoned as Agriculture. Permitted uses include:

- 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 - Dwelling	Requested – Surplus Dwelling	Requested – Retained Farm Lands
Lot Area, Minimum (ha)	40ha 0.6ha approx., or less – Surplus Farm Dwelling	0.28ha	48ha
Lot Frontage, Minimum (m)	150m 20m – Surplus Farm Dwelling	34.9m	492m
Street Setback, Minimum (m)	10m	26.5m	
Interior Side Yard Setback, Minimum (m)	4m	5.27m	
Rear Yard Setback, Minimum (m)	10m	10.7m	
Lot Coverage, Maximum	30%	+/- 15%	

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

- ***Through the severance, no new residential building lots are being created.***
- ***The retained lands are expected to be farmed with cash crops through part of a larger farming operation.***
- ***The severed and retained parcels have frontage along Fairfield Road.***
- ***The rezoning application is proposing to rezone the retained lands to prohibit a dwelling, as well as to remove site specific provision A-23, as it no longer applies.***
- ***The severed parcel is large enough to accommodate private servicing.***

## **INTERDEPARTMENTAL CONSIDERATIONS**

### Tax Department

- No comment.

### Development Engineering

- No comment.

### Operations

- No comment.

### Fire

- No comment.

The following agencies did not provide comment:

- Building
- Environmental Planner
- Canada Post
- GRCA
- Parks and Facilities
- Bell Canada
- Brant Haldimand Norfolk Catholic District School Board
- GRCA
- Hydro 1
- Six Nation/Mississaugas of the Credit

## ***Public Considerations***

Notice of the January 4, 2022 recommendation meeting for this application including, Contact information and Public Hearing Date was circulated by mail on December 20, 2021 to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on December 20<sup>th</sup>, 2021.

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

## ***Conclusions and Recommendations***

As a condition of severance application B61-20-KD to facilitate a surplus dwelling severance application, the applicant is seeking to rezone the retained farm parcel to prohibit a dwelling as a permitted use, as well as to remove the Agriculture with Site Specific Provision 23 (A-23), which permitted an automobile repair garage and vehicle sales establishment in addition to the uses permitted within the Agriculture (A) zone, from the severed and retained parcel, as it is no longer required.

The surplus farm dwelling severance application, B61-20-KD, was heard by the Committee of Adjustment in February 2021, and was conditionally approved. Conditions of approval included rezoning the retained parcel to prohibit a dwelling through site specific provision A-9 and that the severed and retained lands be rezoned to remove site specific provision A-23.

I am supportive of the rezoning application as it is consistent with the *Provincial Policy Statement*, conforms to the Growth Plan for the Greater Golden Horseshoe, in conformity with the County of Brant Official Plan (2012), and meets the intent with the County of Brant Zoning By-Law 61-16, and therefore recommend approval of the application.

**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 Development Planning
- 3. Heather Boyd, Clerk/Manager of Council Committee Services
- 4. Alyssa Seitz, Planning Clerk
- 5. Applicant/Agent

**File # ZBA43-21-SL**

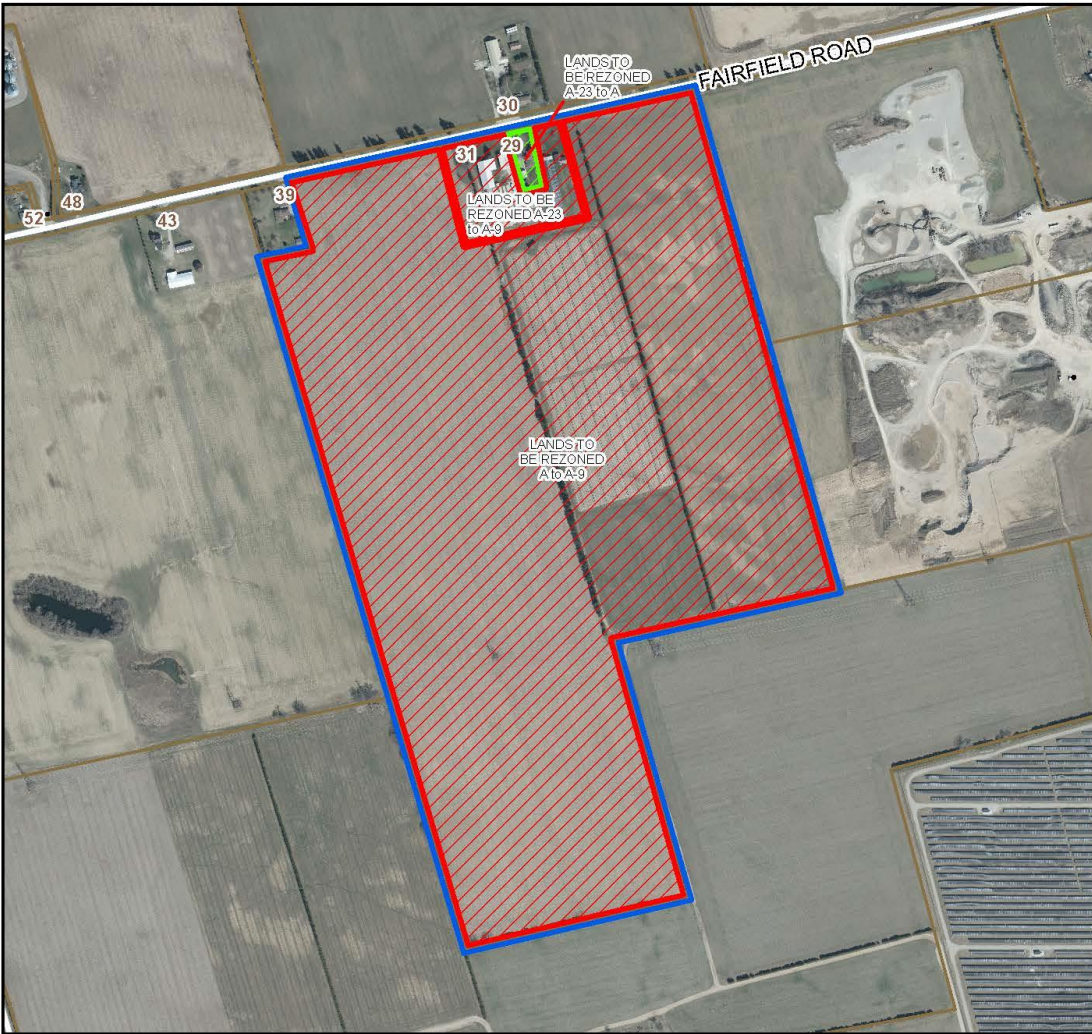
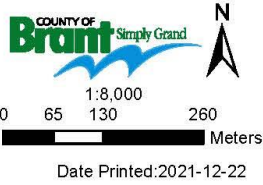
**In adopting this report, is a bylaw or agreement required?**

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)



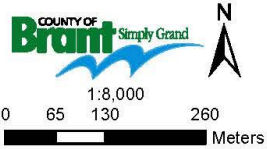
**MAP 3: AERIAL IMAGERY 2020**  
**FILE NUMBER**  
**ZBA43-21-SL**

29 FAIRFIELD  
County of Brant  
Ontario

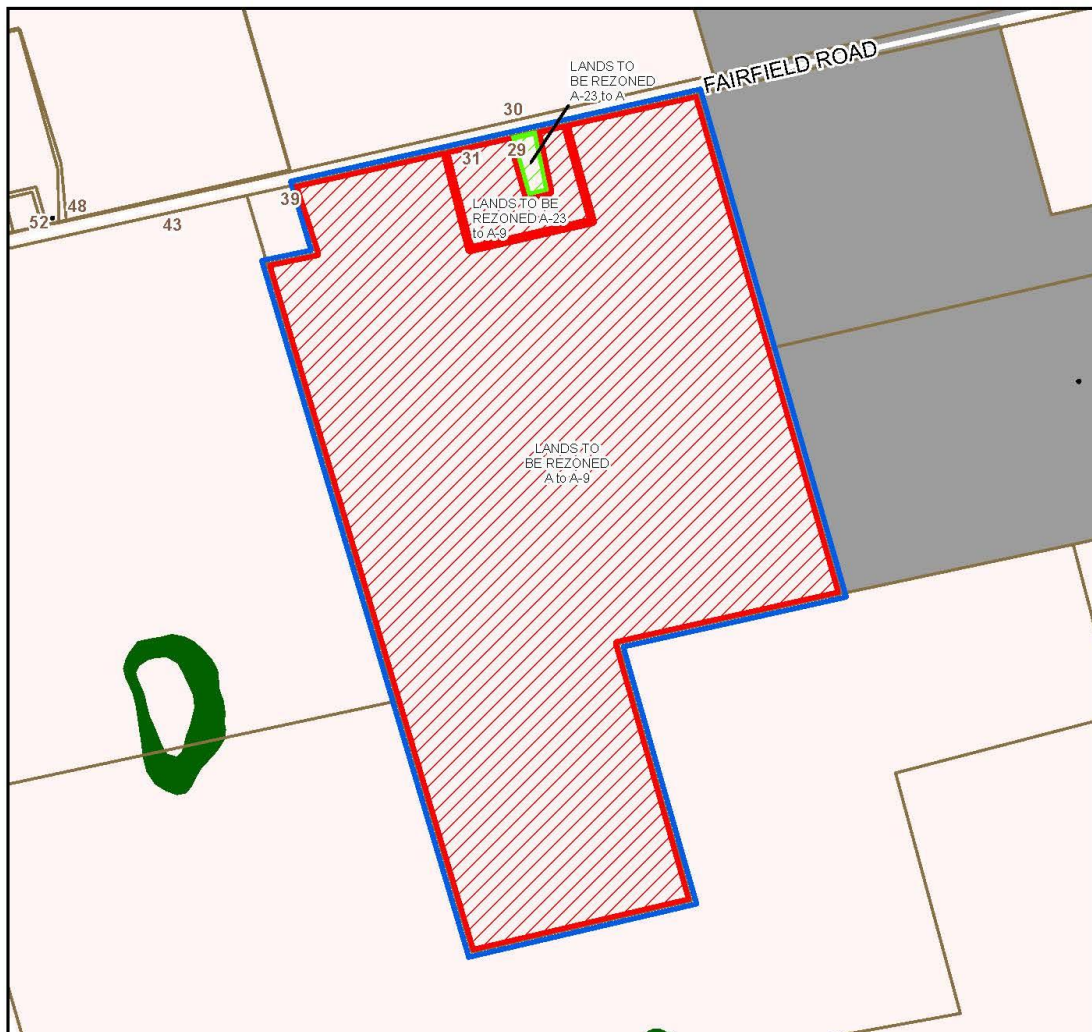
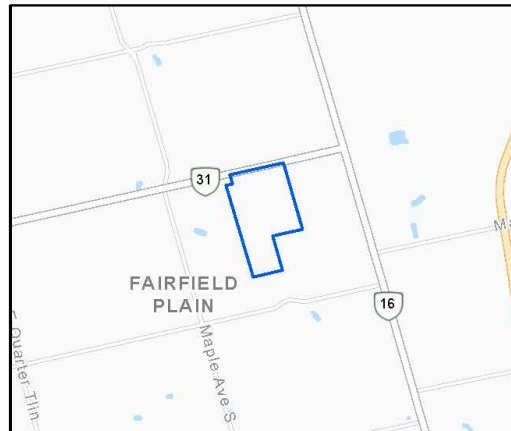


**MAP 2:OFFICIAL PLAN  
FILE NUMBER  
ZBA43-21-SL**

29 FAIRFIELD  
County of Brant  
Ontario



Date Printed:2021-12-22





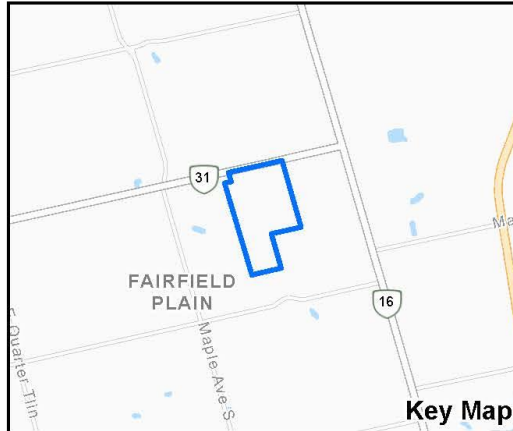
**MAP 1: ZONING  
FILE NUMBER  
ZBA43-21-SL**

29 FAIRFIELD  
County of Brant  
Ontario



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Meters

Date Printed: 2021-12-22



**Key Map**

