

**From:** [Marian H](#)  
**To:** [Dan Namisniak](#); [clerks](#); [Planning](#)  
**Subject:** Application Number ZBA21-21-DN - Notice of Complete Application and Statutory Public Meeting  
**Date:** Thursday, December 30, 2021 5:10:56 PM  
**Attachments:** [Jan 4 2022 Harschnitz Presentation RE App ZBA21-21-DN CoB Dev Services Meeting.pdf](#)  
**Importance:** High

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Dan and County Staff,

We would like to request that this application be deferred to the next meeting since the shutdowns of the County offices over the holidays have restricted the ability to have questions answered in a reasonable amount of time prior to this Jan. 4<sup>th</sup> meeting.

ALSO: We would like to register to be a delegation to make a presentation regarding this application below:

January 4<sup>th</sup>, 2022 at 6:00 pm regarding Application Number ZBA21-21-DN  
Attached is a written submission to be included in the meeting agenda package.

THREE QUESTIONS:

1. Can you please provide a better quality severance plan map where the measurements are clearly legible.
2. We received two packages for this meeting, why are all 4 maps provided different? In the first package, Map 3 shows 3 parcels of land to be rezoned. In the second package, Map 3 shows only two large parcels of land to be rezoned, yet the severance plan map indicates the vacant lands to be rezoned are being severed into two parcels. This application makes no reference to further severance of the vacant land to be rezoned into two lots as it did back in September of 2021.
3. Please explain what the difference is between the current Notice of Complete Application and Statutory Public Meeting scheduled for January 4<sup>th</sup> and the one that was issued for the meeting scheduled for September 7<sup>th</sup>, 2021 which was deferred?

Look forward to your reply to our questions above, thank you for adding us as a delegation for this Jan. 4<sup>th</sup> meeting if the application is not deferred as requested.

Regards,

Bruce and Marian Harschnitz  
[marianhar@outlook.com](mailto:marianhar@outlook.com)  
519-759-2438  
417 McBay Road



Presentation to County of Brant Planning and Development Services Meeting  
January 4th, 2022 Re: **Application Number: ZBA21-21-DN**  
Presented by: Bruce Harschnitz, [REDACTED]

Thank you, Chair, councillors and members of the planning committee, for allowing us to present our objections to this proposal to rezone the lands and then potentially further split off into two additional lots. My name is Bruce Harschnitz and with my partner Marian, we live at [REDACTED].

This is our 2<sup>nd</sup> presentation (September 7, 2021 application was deferred), we spoke previously in June of 2021. We expressed our reasons for requesting refusal of this application including proximity to livestock facilities, traffic concerns and no additional wells being drilled due to low water supply in existing wells.

As per the information provided by the County, the details submitted in the documentation still do not show newly built residences within the MDS zone, only lots created. The aerial photograph continues to be approximately 2+ years old and does not show the current development in this area.

Previously, we have opposed the severance of the property at 239 Langford Church Road where a new large estate residence has been constructed within the agricultural land and is still not shown in these photographs. This new build was for the parents of a family member from the farm. This also impacts the potential addition of more residential properties within the MDS limit. When we expressed concern regarding more development taking place along McBay Road, we were specifically told by this council not to worry, that there would be no further construction on this side of McBay Road. The council is now considering permitting exactly that to happen.

By allowing this application, it would create two more properties within the MDS restricted zone. There are already two lots to the north of the subject property on Langford Church within the MDS zone that are approved for future development. These MDS setbacks have been set to protect agricultural areas and are an approved measurement to control development. If these systems are in place and council continues to make exceptions, why have these restrictions been created?

Allowing this proposal will seriously impact the agricultural use of 237 Langford Church Road. We feel the information shown on the Severance Plan map submitted is incorrect as per the points below:

The location of the farm building which should be used in the MDS calculation, is the building to the north east, as it also **houses livestock**, not the current building as submitted in the Severance Plan. This has not been changed with the new information submitted between September and this January meeting.

Since this application is proposing to change the zoning **on the entire parcel** from the current Agriculture (A zone) and also receive special permission to reduce the MDS minimum setback where no new dwelling shall be located, the reduction would be far greater than indicated when using the building to the northeast of the existing reference point.

Also, the MDS calculation on the Severance Plan appears to be for Type A Land Use, and according to the OMAFRA Publication 853 (Implementation Guideline #34), we feel this should be Type B Land Use which would increase the MDS limit 2.2 times farther than indicated. There are already 4 properties within the MDS calculation shown in the Severance Plan – 235, 237, 239 and 241 Langford Church Road. This would create a significantly larger exemption request.

In the OMAFRA publication 853-Minimum Distance Separation Document, it states that: **“In accordance with the PPS**, new land uses in *prime agricultural areas* and on *rural lands* shall comply with the *Minimum Distance Separation Formulae*. Consequently, both the formulae and Implementation Guidelines contained in this MDS Document shall be referenced in municipal official plans, and detailed provisions included in municipal comprehensive zoning by-laws such that, **as a minimum, MDS setbacks are required in all designations and zones where livestock facilities and anaerobic digesters are permitted.**”

As in a previous similar application to rezone properties on West Harris Road, proposing to reduce minimum distance separation requirements, planning staff recommended **refusing** the application for the following reasons:

The application does not maintain the intent of the Minimum Distance Separation Guidelines.

The application does not conform to policies of the Provincial Policy Statement.

Quoted in this report were sections of Provincial Policy Statement (2014) that would also apply to this application are:

Section 1.1.5.9 of the Provincial Policy Statement states “new land uses, including the creation of new lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”

Section 2.3.3.2 of the Provincial Policy Statement 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.

Section 2.3.3.3 of the Provincial Policy Statement describes how new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

The report stated:

**It is Planning Staff’s opinion that the proposal does not comply with the policies in the PPS for the following reasons:**

- ***Staff acknowledge the Provincial Policy Statement does contemplate for limited residential development on rural lands.***
- ***The PPS requires new development to comply with the minimum distance separation formulae. Staff note this application is seeking to reduce the required minimum distance separation from 514m (1,86ft) to 248m (814ft); therefore the application does not meet this policy.***

- ***Since the application is seeking to reduce the minimum distance separation, it is staffs belief the application would contradict the policies within the PPS that require prime agricultural areas and normal farm practices to be protected.***

The County itself, has defined strategic priorities in their 2019 report – see below:

1. Sustainable and Managed Growth

Objective 1: Develop a robust policy framework that manages growth responsibly, sustainably, **and in a manner that protects and enhances the unique attributes of each community and the natural environment.**

This area is zoned agriculture and rural residential homes continue to be built in this area at an unsustainable level. There is significant wildlife that is losing habitat at a rate that already threatens many species. The eastern meadowlark, bobolink, green heron, eastern blue birds all use this area to reproduce and survive.

It is for these same reasons above, we feel that this application should also be refused.

Thank you.

Bruce and Marian Harschnitz

██████████