

File Number: ZBA2-22-KD  
Location: 283 McLean School Road  
Applicant: IBI GROUP  
Agent: Hugh MacNeil

We are the owners of 293 McLean School Road, located on the west side of the subject lands as identified in File Number ZBA2-22-KD.

We wish to acknowledge that sourcing information/definitions from Brant County website was our challenge. We also wish to acknowledge that we did not get out a measuring tape to confirm that the overall severance sketch created by IBI Group was accurate with respect to lot sizes etc. or whether the information contained in the reports were accurate in relationship to definitions, allowance, by-laws, etc.

It must be acknowledged that there are errors on the Notice of Complete Application, the IBI document, the Notice of Public Meeting and the Environmental Impact Study. We are not engineers, technicians or planning experts etc, but errors are a cause for concern.

We further note that with the exception of the "Public Notice of Complete Application" and the "Notice of Public Meeting" documents we received, we are not aware of any documentation or research completed by the County of Brant to examine/evaluate this application.

Below, please find a list of our concerns based on the information received to date.

Zoning: The planning justification brief is titled "Zoning By-law Amendment and Consent to Sever Applications". If I understand this correctly, the applicant is asking for the subject property to be rezoned from Agricultural and Natural Heritage to Rural Residential. The Natural Heritage zone to be maintained. To us this appears to be an application for the approval of a sub-division, 3 lots in a confined space.

Ontario [gov.ca](http://gov.ca) cites the following:

*When you divide a piece of land into two or more parcels and offer one or more for sale, you are subdividing property, and the provisions of the Planning Act come into play. If your proposal involves creating only a lot or two you may seek approval for a "land severance".*

Can the County please address whether this application meets the conditions of a severance and/or a sub-division.

Compatibility with rural landscape: The IBI document repeatedly references that the lots will be in keeping with the existing neighbourhood. We disagree. The building envelopes for lots # 1, 2 & 3 have a 10m metre clearance between the proposed envelopes. No where in this community area are houses located in such close proximity to each other.

This proposal for 3 building lots is not consistent with the rural nature of the existing neighbourhood/community. This neighbourhood has ecosystems and natural environments throughout the landscape that separate existing homes. Placing three new homes, squeezed together in a tight space beside the existing retained farm house will result in 4 houses side by side. This is definitely not compatible with the existing rural landscape.

Variance, Frontage: The applicant is requesting a variance of the 40 m frontage requirement for lots #2 & #3. The application has not demonstrated a mitigating factor to allow for a such variance. The only justification for a variance appears to be the desire to fit three building lots into a pre-determined space.

Asking for variance permission on two lots totalling 8m to compensate for an adjoining lot that sits on a floodplain, borders a significant woodland and requires a 30m “buffer zone” seems counterproductive with acknowledging and respecting Natural Heritage’s intended function to “maintain, restore and enhance ecosystems and natural environments throughout the landscape”. If there isn’t enough room for three lots based on Brant County’s rules and land use designations then there simply isn’t enough room.

Lot Sizes: An email inquiry was sent to the County to request clarification regarding the parameters of a building lot (size, setbacks, etc) as they related to this zoning and severance application. The County forwarded a chart outlining the permitted and requested parameters specific to this particular zoning and severance application. The chart was the same chart provided by the IBI Group in the Planning Justification Brief.

In reviewing the chart it must be noted that the IBI Planning Justification Brief chart and the County of Brant Notice of Application severance schedule are not consistent in their documentation/calculation respecting the size of the planned severed lots #1, #2 & #3. As an example, Lot #1 is recorded by IBI as 12,500 sq m (3.6 acres) The County of Brant records the same Lot #1 as 5,271 sq m (1.2 acres). Similar discrepancies in size exist for Lots #2 & #3.

Our inquiry to the County to clarify these discrepancies and to confirm the correct lot measurements specific to this application was subsequently forwarded onto the IBI Group to seek their clarification. Although we are not fully knowledgeable on the process of seeking approval for a Zoning and Severance application we find this disconcerting. Perhaps a discrepancy of this nature is caught or clarified at another step in the process, however it would seem logical that there is a vetting process prior to acknowledging that an application has been deemed completed prior to inviting comments.

Can the County please provide clarification with respect to the what the actual zoning and severance application is intended to address.

Wooded Area Buffer: As per the Natural Heritage Reference Manual, buffers are recommended around woodlands to protect the structural integrity of vegetation along the edge, as well as to minimize impacts on woodland functions. It has been found that if a minimum buffer is not specified, the result is often no buffer at all. The appropriate buffer may vary with the location, character of the woodland and the nature of proposed adjacent uses. Some of the services that buffers may provide include:

- protection of root zone of edge trees;
- reduction in the effects of hydrological changes from site alterations;
- area where trees and limbs can fall without causing damage (tree fall zones);
- filtering of contaminants such as nutrients from lawn fertilizers;
- extension of edge, thus increasing potential for woodland interior conditions to develop; and
- protection for wildlife use.

As you are aware, the ORMCP and the Greenbelt Plan require a minimum 30 m buffer (vegetation protection zone) around significant woodlands. For both plans, additional buffer width may be required subject to the findings of natural heritage evaluations undertaken where

development or site alteration is proposed within 120 m of the woodland edge. Has this been addressed or considered in the re-zoning and severance application?

Further, the severance sketch and the environmental impact study and planning justification brief all document an encroachment into the 30m wooded area buffer to permit the construction of a garage on Lot #1. This encroachment is a 10m X 15m area inside the required 30m buffer zone. This is not compliant with the requirements of the buffer zone. The follow is quoted from the applicant's Environmental Impact Study:

*As identified during the site walk with County of Brant staff, the Significant Woodland dripline along the west property boundary extends roughly 2m east the property line. The VPZ buffers have been provided to each feature to ensure the form and function of that feature is protected. Specifically, the Significant Woodland feature has been provided a 20m VPZ, inside of which no building envelope will occur (Map 2). This reduced buffer has been provided in order to allow the construction of a small garage, to compliment the future residential development in the western most proposed lot (Map 3). It is understood that this does not conform with the minimum VPZ width of 30m required in Section 4.2.3 of the Growth Plan (2020).*

This application does not address a request for such an exclusion to the established rules. Can the County please address this. This appears to be in conflict with acknowledging and respecting Natural Heritage's intended function to "maintain, restore and enhance ecosystems and natural environments throughout the landscape". If there isn't enough room for three lots based on Brant County's rules and land use designations then there simply isn't enough room.

If I understand the rules correctly, there can be no additional building on the west side of Lot #1 due to the 30m buffer zone, on the north side of Lot #1 due to the required 15m rear yard setback and on the east side due to the 5m interior side yard setback.

My novice calculations suggest that due to the 30m buffer zone 3/5ths of Lot #1's 1.2 acres is not suitable or permissible for development. This would leaves 2108 sq.m of habitable space equating to a bit more than 1/2 an acre (again my novice calculations). If the significant woodland buffer zone does not permit development why then is it included as part of the overall composition/calculation of lot #1 acreage?

I would suggest that for the purposes of this application the parameters of lot #1 should be reevaluated to reflect the true habitable space so as to conform with the required lot acreage and to prevent encroach on a protected natural heritage area buffer zone.

Safety: Our property, 293 McLean School Road, is located against the entire west side of the proposed Lot #1. This property is a natural heritage wooded forest with native Red Oaks, Maples, Cherry and other native trees and bushes and plants. The following is quoted from the Environmental Impact Study:

*Based on the description of Significant Woodlands outlined in the PPS and County of Brant Official Plan, this woodland should be considered significant and a key natural heritage feature (OMMAH 2020) (County of Brant 2012). Development and site alteration may be permitted adjacent to this feature, if it can be demonstrated that there will be no negative impact on the natural feature or its ecological function (County of Brant 2012).*

These trees are an estimated 100 to 130 ft (40m +/-) in height and present a significant safety hazard to any building or person(s) located within that distance should a tree fall. As mentioned previously, a garage is scheduled to be build within the 30m buffer zone (15m X 10M encroachment). This structure would be within the tree fall zone. All of these trees have a significant south easterly lean given they boarder an open meadow/orchard. Data for environment Canada reports that the prevailing damaging winds in Ontario are traditionally from the west.

Is it the County's desire that these stately specimens of natural heritage be removed to accommodate the introduction of the buildings on this proposed site?

Septic placement: All three lots abut a floodplain and natural heritage area on the north side, Lot #1 also has floodplain on the west side. Has the County and GRCA studied the impact of this on the surrounding wetlands, wildlife habitat and the water table?

Water resource Impact: I am concerned with the impact 3 additional wells will have on the existing water table. Has the County studied this?

Environmental Impact Study: We note with interest that the aerial maps provided in the study failed to point out our house or driveway. It did print out all other residences within the study zone but failed to identify ours. We note that a 2 metre drip line has been identified for the significant woodland on the west side of lot #1. We would suggest that 2 metres is an under estimation of the actual drip line requirements. We note that the report does not address the protection of the critical root zone for this significant woodland.

With reference to the lists of animals, amphibians birds etc listed in the environmental assessment, many were listed as "suitable habitat not present within the study area. This is not accurate. All three lots abut a floodplain and natural heritage wetland area on the north side, Lot #1 in particular has floodplain and natural heritage area on the west and north.

These wetlands, contained within the 120m study zone, are a nesting and breeding area for waterfowl, trumpeter swans, snapping turtles, western painted turtles, landing turtles, songbirds, owls, dragon flies, fish, blue heron, etc and a variety of other aquatic wildlife. The pond is also used by waterfowl and birds during spring and fall migration. We can assure you that this area has a tremendous capacity to provide suitable habitat for a wide variety of wildlife.

Thank you for your time and the opportunity to comment. We look forward to hearing from you.

Heather Russell  
D. Keith McLeod

## Proposed Zoning Amendment

File Number: ZBA2-22-KD

Location: 283 McLean School Road

Applicant: IBI Group

Agent: Hugh MacNeil

Why IBI Group named as applicant? This corporation's mission is "Defining the cities of tomorrow".

First page of proposed zoning amendment states 2 residential lots with a change in frontage from minimum of 40m. The overall severance sketch indicates 3 lots (with lot 1 being part of Natural Heritage) as well as retained lot of 186.1 acres as Natural Heritage to be maintained as such. No indication on map of trees aligning the back of proposed lots.

Lot 1 proposed building envelope within wildlife habitat & **metres** of designated GRCA floodplain.

Natural Heritage Features have been identified on the Subject Lands and the features are located within proposed Lot 1 severed area. No development is proposed within the Feature(s). It is important to note that all environmental and ecological functions and features on the site will be preserved. Continued consultation with the County of Brant and the GRCA will be held to ensure all requirements are met. Additional native plantings will be placed in the Vegetation Buffer as further protection of the adjoining NH lands. A Consent Agreement with the County will ensure that proper grading and plantings will occur to minimize any further impact. Does County have the man power to oversee this

transformation over the years?

Questioning 125m offset for circulation which goes beyond property. Should it not be included within property boundary lines?

Zoning bylaw states that lots created within this designation must be consistent with the size & nature of surrounding lots while being consistent with the minimum size & frontage requirements. Minimum lot area for RR is 4000m<sup>2</sup>. One acre is 4046.85m<sup>2</sup> if I am correct (legend of map is extremely conflicting). Lot frontage is set at 40m for a reason.

Applicant asking for a reduction of frontage, reduced West woodlot buffer in order to **SQUEEZE** 3 lots in proposed area. The proposed new lots will be sustained by rural services. Three wells & three septic systems will have adverse effects to sensitive wildlife habitat (forest, wetland, grassland).

The side yard setback is 5m. Turkey vultures use the pines between existing dwelling & old apple orchard (proposed lots) as roosting habitat Spring through to Fall. Deer, fox, coyotes & other animals use the orchard (proposed lots) as access points North & South crossing McLean School Road. Indigo Bunting have returned to this area recently as they adore open meadows (proposed lots). Existing woodlot on West contains flora & fauna which will also be disturbed. Zoning also states that owners are **encouraged to protect & expand woodlots & forests located within designated area**. Will this happen...probably not!!

Ducks Unlimited Conservation has been involved with the property since the 70's and I am assuming Hugh MacNeil has no intention of renewing this agreement or if he even knows it exists.

*"GRCA regulations will restrict building activity around the wetlands and I believe they will have a 100- metre buffer as well given they are Provincially Significant wetlands."* (Italics info. received from DUC inquiries).

Would also like to point out that Sandhill Cranes, Great Blue Herons have inhabited the large pond on East closest to road in the past. This is now home to beautiful Trumpeter Swans. A den of Red Fox is located high on the hill amongst the cover of trees next to this pond.

Noticing confusing information between original 4 pg. document received in the mail & the Justification Brief requested. No indication of Agricultural Zoning, yet chart below shows Agricultural – Single Detached Dwelling. Assuming the proposed lot area **ONLY** is requested to be re-zoned as Rural Residential and the remaining property to be left as Agriculture/Natural Heritage.

Following the severances, the following regulations will apply to the retained and severed parcels of land:

Finding this chart confusing as it states larger severed lots than what is mentioned in the Proposed Zoning Amendment received in the mail.

Retained Dwelling 76.6ha – Is this not the **total** amount of property currently zoned Agricultural/Natural Heritage? Chart does not indicate Natural Heritage.

Rural Residential (RR) - Single Detached Dwelling				
Regulation	Permitted	Severed (Lot 1)	Severed (Lot 2)	Severed (Lot 3)
Lot Area, Min. (sq.m)	4,000m <sup>2</sup>	±14,500m <sup>2</sup>	±19,000m <sup>2</sup>	±10,000m <sup>2</sup>
Lot Frontage, Min. (m)	40.0m	±52m	±37m	±35m
Street Setback, Min. (m)	20.0m	±20m min.	±20m min.	±20m min.
Interior Side Yard Setback, Min. (m)	5.0m	±22m min.	±5m min.	±5m min.
Rear Yard Setback, Min. (m)	15.0m	±15m min.	±39m min.	±40m min.
Lot Coverage, Max.	30%	✓	✓	✓
Landscape Open Space, Min.	30%	✓	✓	✓
Building Height, Max. (m)	10.5m	TBD	TBD	TBD

Table 3-6-1 Non-Urban Residential – Rural Residential ("RR") – Single Detached Dwelling

Agricultural (A) – Single Detached Dwelling				
Regulation	Permitted	Retained Dwelling		
Lot Area, Min. (sq.m)	40.0ha	±76.6ha		
Lot Frontage, Min. (m)	150.0m	±657m		
Street Setback, Min. (m)	10.0m	±17.7m		
Interior Side Yard Setback, Min. (m)	4.0m	±29.9m		
Rear Yard Setback, Min. (m)	15.0m	± m		

### Policy 3.16.1 Natural

Heritage System – Permitted Uses. The following policies shall apply in determining uses that are generally permitted on land that is designated Natural Heritage System: a) The primary form and predominant use of land in the **Natural Heritage System designation shall be limited to conservation uses, fish and wildlife management areas, and passive open space uses, such as trails and bike paths.**

Specific rules regarding the protection of Natural Heritage are provided in section 2.3 of the Provincial Policy Statement (PPS). For example, the policy broadly states that “natural heritage features and areas will be protected from incompatible development.” 2.1.1 Natural features and areas shall be protected for the long term.

We must ensure that our resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes, minimize environmental impacts and meet its long-term needs. Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Our county is unique as we are part of the Carolinian Forest.

It is in the interest of all communities to use land resources wisely, protect resources, flora and fauna & promote green spaces.

A mini subdivision of 3 lots may not seem like a huge impact to some. I believe if this re-zoning is allowed to go through, a sea of houses will appear via private road entrance as no Agriculture zoning is mentioned as being retained.

One must live on McLean School Road & surrounding rural roads to truly appreciate what we have as country living.