



## Planning and Development Report

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**To:** To the Chair and Members of the Planning and Development Committee  
**From:** Amanda Wyszynski, Planner  
**Date:** February 01, 2022  
**Subject:** RPT-22-006  
Zoning By-Law Amendment Application ZBA40/21/AW  
571 Mount Pleasant Road, Geographic Township of Brantford  
**Purpose:** **Recommendation Report for Approval**

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### Recommendation

That Application ZBA40/21/AW from Waterous Holden on behalf of Darek and Denise Lesiak, Owners of lands described as range 1 WMP part lot 10, in the geographic Township of Brantford, known as 571 Mount Pleasant Road, County of Brant, proposing to rezone the subject lands from Agriculture (A) to holding - Suburban Residential (h-SR) to facilitate a severance and to place a holding on the severed parcel **BE APPROVED;**

AND 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

1. 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 rezone the subject lands from Agriculture (A) to Suburban Residential (SR) to facilitate a severance for an additional residential building lot, and to place a holding on the additional lot due to current servicing capacity restraints. 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 December 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 are recommending approval of the application.

## **Location**

The subject lands are located on the west side of Mount Pleasant Road, north of the McGill Road and Mount Pleasant Road intersection, within the Former Township of Brantford. Currently, the subject lands are currently occupied by a single detached dwelling and accessory structures.

The subject lands are rectangular in shape, and currently have a frontage of approximately 94.41 metres (309.7 feet) along Mount Pleasant, a maximum depth of approximately 80.7 metres (264.8 feet), and an area of approximately 10,200.8 square metres (109,800.23 square feet).

The subject lands are partially serviced by municipal water.

Surrounding land uses are residential and agricultural.

## **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 north 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 facilitate the creation of an additional residential building lot within a Secondary Urban Settlement Area.***
- ***The proposed holding provision will limit development until water capacity is available.***
- ***The rezoning will align the zoning on the subject lands with the Official Plan designation.***

### **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 facilitate the creation of an additional residential building lot within a Secondary Urban Settlement Area.***
- ***The proposed holding provision will limit development until water capacity is available.***
- ***The rezoning will align the zoning on the subject lands with the Official Plan designation.***

### **Source Water**

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

### **MDS**

Through public circulation, clarification was sought regarding the impact of the proposed rezoning and associated severance on an existing horse barn on an adjacent property. It is my understanding since the subject lands, 571 Mount Pleasant Road, is located within a Secondary Urban Settlement Area, Mount Pleasant, MDS is not applicable per Guideline #36. Furthermore, clarification was sought from OMAFRA regarding the potential for an expansion to the existing horse barn and they confirmed MDS would not be applicable as the existing horse barn is also located within the Secondary Urban Settlement Area.

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

The subject lands are designated Suburban Residential and are located within the Secondary Urban Settlement Area of Mount Pleasant. 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 parcel.***

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 parcel, with the existing dwelling to remain on the retained parcel.***

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 facilitate the creation of an additional residential building lot within a Secondary Urban Settlement Area.***
- ***The proposed holding provision will limit development until water capacity is available.***
- ***The rezoning will align the zoning on the subject lands with the Official Plan designation.***

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

The subject lands are currently zoned Agriculture (A), with the applicant proposing to rezone the subject lands to Suburban Residential (SR) to facilitate a severance, and to place a holding on the severed parcel due to capacity restrictions. The following is being proposed for the severed parcel:

Holding - Suburban Residential (h-SR)

- To rezone the severed lands with a holding due to capacity restraints
- 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 Retained	Proposed – h-SR Severed
Lot Area, Minimum	1,000	8,365.8 sq.m	1,835 sq.m
Lot Frontage, Minimum	20m	70.4m	24m
Street Setback, Minimum	7.5m	24.1m	n/a vacant
Interior Side Yard Setback, Minimum	1.5m	24.7m	n/a vacant
Rear Yard Setback, Minimum	7.5m	75.3m	n/a vacant
Lot Coverage, Maximum	30%	3%	n/a vacant

***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 holding provision will limit development until water capacity is available.***
- ***The rezoning will align the zoning on the subject lands with the Official Plan designation.***

## **Interdepartmental Considerations**

### Community Services:

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

### Development Engineering:

- No objections to the application, noting that additional plans/documents, and road widening will be required upon subsequent severance application.

### Environmental Planning:

- No comment.

### Fire:

- This property is protected with municipal fire hydrants, so the rural firefighting fee does not have to be collected for this new lot creation.

### Operations:

- Water capacity is not available for the proposed lot until possibly 5-plus years into the future.
- There is no sanitary sewer in Mt Pleasant.
- Although it is expected there is currently no timeline for the City of Brantford to take over servicing of the Tutela Heights area which would give the County of Brant capacity in the Mt Pleasant area.

#### Canada Post:

- Please be advised that Canada Post does not have any comments on the severance and zoning change of this property. If it is approved and a new house is constructed, the customer will have to contact our Customer Service department at 1-800-267-1177 or the Brantford Post Office at 519- 2004 or 2005 to register for mail delivery as they will get their mail in the centralized kiosk in Mount Pleasant.

#### 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.

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 January 12<sup>th</sup>, 2022 and posted the public notice meeting the *Planning Act* requirements.

18 notices were mailed on January 12<sup>th</sup>, 2022. Through public circulation, 1 comments was received seeking clarification on MDS.

### **Conclusions and Recommendations**

The purpose of this rezoning is to rezone the subject lands from Agriculture (A) to Suburban Residential (SR) to facilitate a severance on the subject lands. I do note I am recommending a holding on the severed parcel, the property to the north, due to capacity restraints in Mount



Pleasant. This approach is consistent with other similar applications and has been confirmed with the Director of Environmental Services.

Holding - Suburban Residential (h-SR)

- To rezone the retained lands with a holding due to servicing capacity restraints
- 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 servicing capacity restraints. 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 parcel.

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.

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

**File #** ZBA40/21/AW

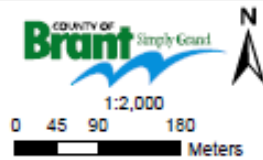
**In adopting this report, is a bylaw or agreement required?**

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

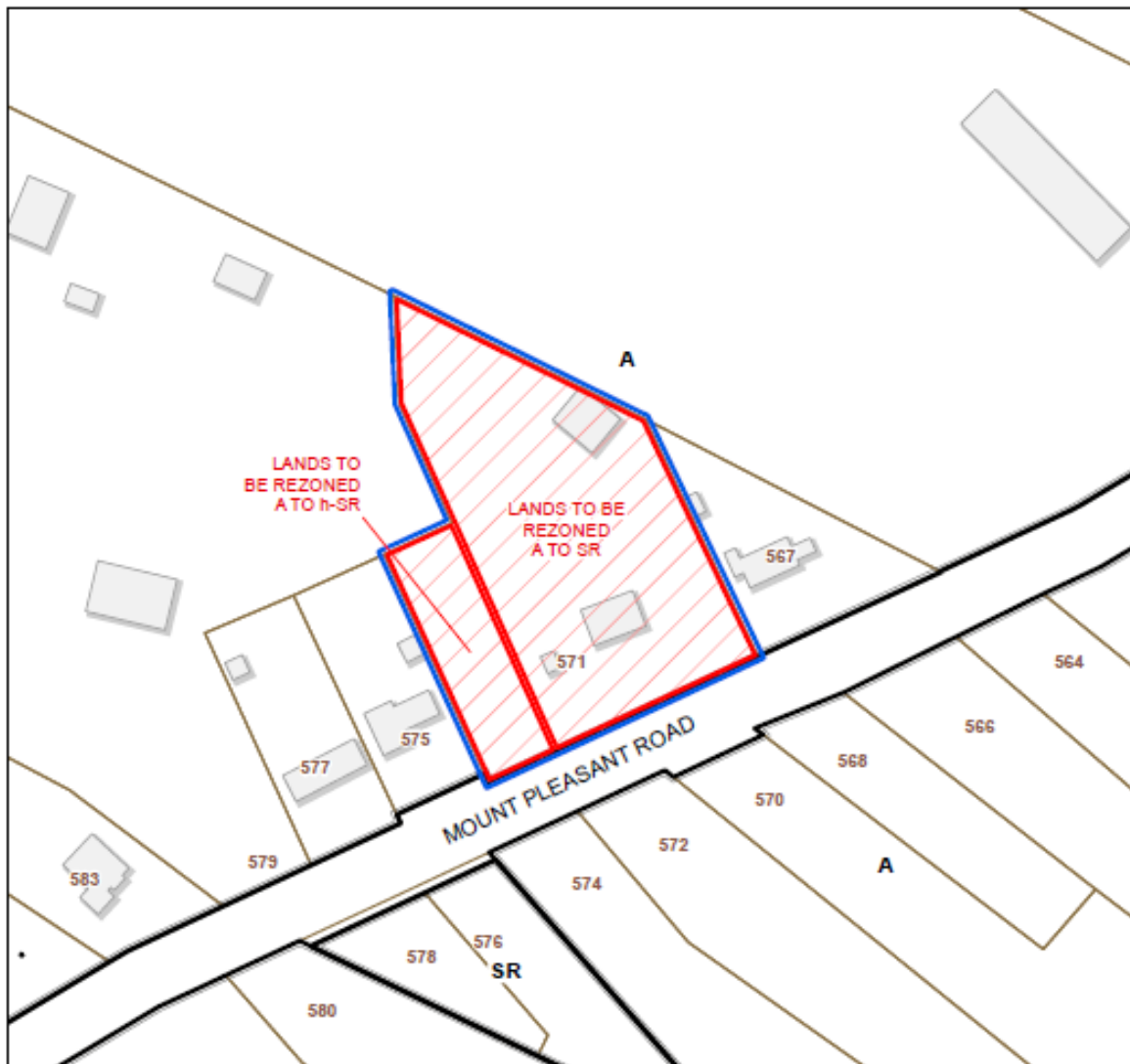
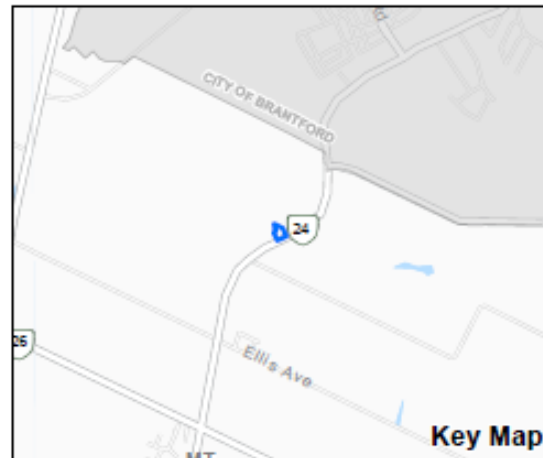
By-Law required	(Yes)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(Yes)

**MAP 1: ZONING  
FILE NUMBER  
ZBA40-21-AW**

571 MOUNT PLEASANT ROAD  
County of Brant  
Ontario

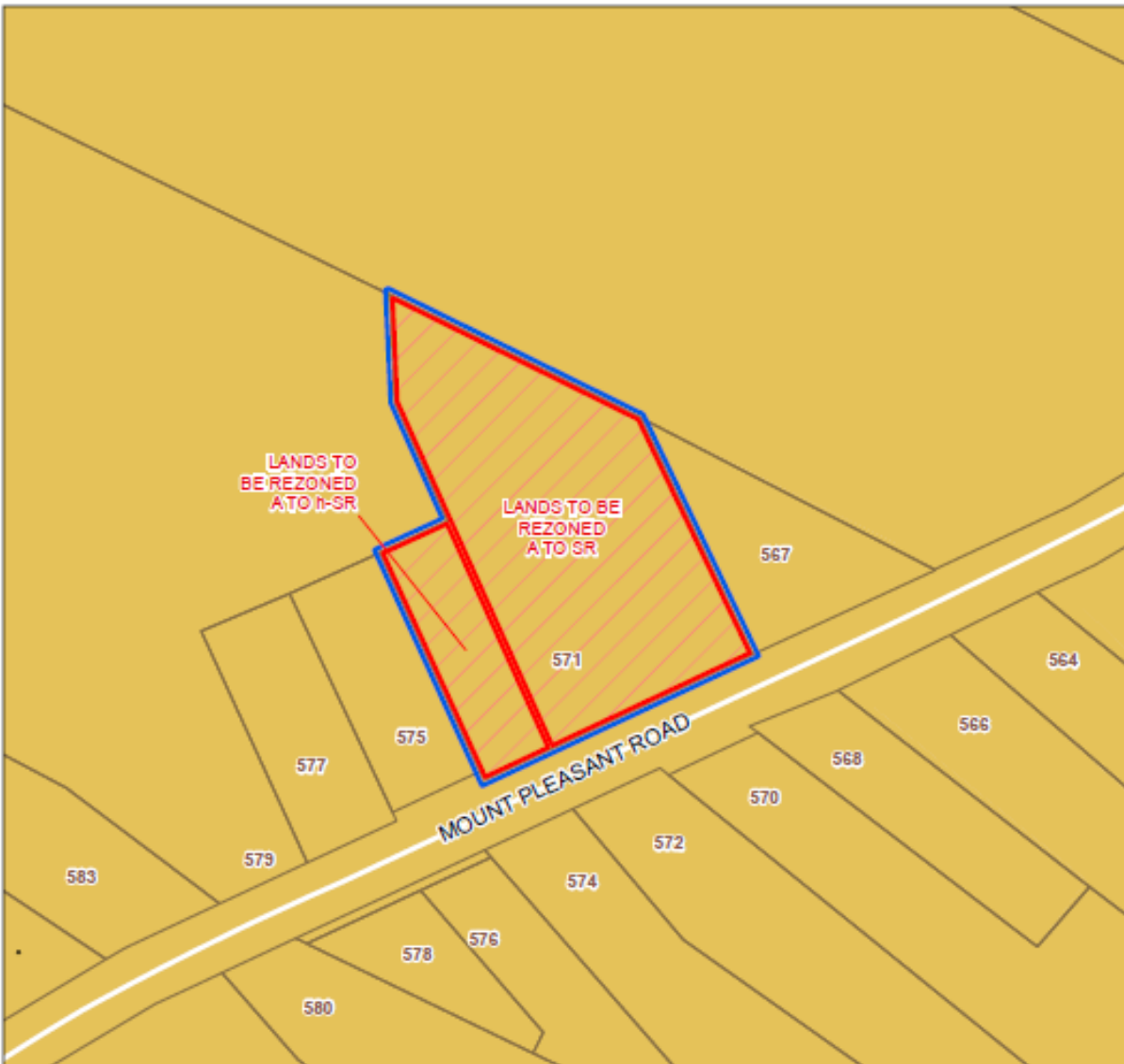
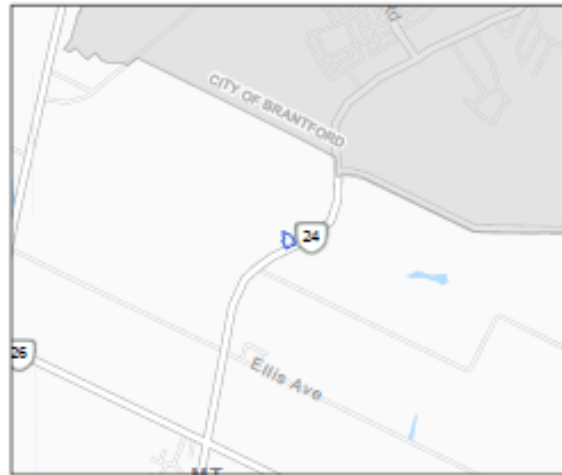
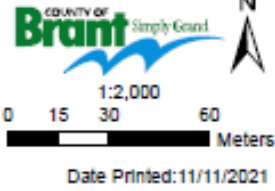


Date Printed: 11/11/2021



**MAP 2: OFFICIAL PLAN  
FILE NUMBER  
ZBA40-21-AW**

571 MOUNT PLEASANT ROAD  
County of Brant  
Ontario



**MAP 3: AERIAL IMAGERY 2020**  
**FILE NUMBER**  
**ZBA40-21-AW**

571 MOUNT PLEASANT ROAD  
County of Brant  
Ontario

