



## 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-22-004  
Zoning By-Law Amendment Application ZBA15/21/AW  
184 Highway #53, Geographic Township of Burford  
**Purpose:** For Approval

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### Recommendation

That Application ZBA15/21/AW from Cohoon Engineering and Darren & Megan Weatherbee on behalf of Sharon Starratt, Owners of lands described as Concession 6 part lot 16 in the geographic Township of Burford, known as 184 Highway #53, County of Brant, proposing to rezone an area of approximately 442 square metres (4,757.6 square feet) from Residential Hamlet (RH) to General Commercial (C2) to facilitate a lot line addition with the adjacent parcel, 182 Highway #53, and to rezone the retained parcel from Residential Hamlet (RH) to Residential Hamlet with site specific provision 26 (RH-26) to permit an undersized lot area of approximately 2,394 square metres (25,768.8 square feet), whereas a minimum of 3,000 square metres (32,291.2 square feet) is required **BE APPROVED**;

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

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 an area of approximately 442 square

metres (4,757.6 square feet) from Residential Hamlet (RH) to General Commercial (C2) to facilitate a lot line addition with the adjacent parcel, 182 Highway #53. It is my understanding the rezoning and subsequent lot line adjustment application is being sought in order to expand the existing automobile repair garage located on 182 Highway #53.

As a result of the proposed lot line adjustment, the applicant is also seeking a site specific provision for the retained parcel to permit an undersized lot area. Specifically, the applicant is proposing an undersized lot area of approximately 2,394 square metres (25,768.8 square feet), whereas a minimum of 3,000 square metres (32,291.2 square feet) is required.

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 north side of Highway #53, east of the Sixth Concession and Highway #53 intersection, within the Hamlet of Cathcart.

The subject lands, 184 Highway #53, are irregular in shape, and currently have a frontage of approximately 108.9 metres (357.3 feet) along Highway #53, a maximum depth of approximately 74.3 metres (243.8 feet), and an area of approximately 2,836 square metres (30,526.4 square feet). This parcel is currently occupied by a single detached dwelling and accessory structures.

The benefitting parcel, 182 Highway #53, is rectangular in shape, and currently has a frontage of approximately 61.7 metres (202.4 feet) along Highway #53, a maximum depth of approximately 43.7 metres (143.4 feet), and an area of approximately 2,286 square metres (24,606.3 square feet). This parcel is currently occupied by a single detached dwelling and the existing automobile repair garage.

The subject lands are privately serviced.

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 Hamlet of Cathcart.***

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 Hamlet of Cathcart, and specifically east the Sixth Concession and Highway #53 intersection. If the Hamlet 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 the Hamlet of Cathcart and will continue to be privately serviced.***

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 Hamlet of Cathcart and are seeking the rezoning application in order to facilitate a lot line adjustment for the future expansion of the existing automobile repair garage.***

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 the Hamlet of Cathcart and are seeking the rezoning application in order to facilitate a lot line adjustment for the future expansion of the existing automobile repair garage.***

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 the Hamlet of Cathcart and will continue to be privately serviced.***

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 in order to facilitate a lot line adjustment for the future expansion of the existing automobile repair garage.***

***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 Hamlets and Villages which contemplates for residential and neighbourhood commercial uses.***
- ***The subject lands are located within the Hamlet of Cathcart.***
- ***The proposed rezoning will facilitate the expansion of the existing automobile repair garage.***

## **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 the Hamlet of Cathcart and will continue to be privately serviced.***

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 Hamlet of Cathcart and are seeking the rezoning application to facilitate a lot line adjustment with the abutting parcel to allow for the future expansion of the existing automobile garage.***

***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 Hamlets and Villages which contemplates for residential and neighbourhood commercial uses.***
- ***The subject lands are located within the Hamlet of Cathcart.***
- ***The proposed rezoning will facilitate the expansion of the existing automobile repair garage.***

## **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 Hamlets and Villages and are located within the hamlet of Cathcart. The intent of the Hamlets and Villages designation is to accommodate a limited amount of residential, commercial, community, and industrial service uses in order to prevent scattered, non-farm development in the Agriculture designation and provide service support for the surrounding agricultural areas.

Section 2.2.3(d) of the County of Brant Official Plan describes how Hamlets and Villages do not have County water or sanitary sewage systems and are intended to function as small rural clusters which may accommodate limited growth that is restricted to infilling and minor rounding out of commercial, residential, institutional, and recreational areas to service the surrounding agricultural community. Hamlets and Villages are considered areas of settlement.

***The subject lands are located within the Hamlet of Cathcart and are seeking the rezoning application in order to facilitate a lot line adjustment for the future expansion of the existing automobile repair garage.***

Section 2.2.3.2(a)(ii) of the Official Plan describes how the proposed development is within the area of settlement's boundary and has access to potable water.

***The subject lands are located within the Hamlet of Cathcart and will continue to be privately serviced.***

Section 2.2.3.2(a)(v) of the Official Plan describes how the proposed servicing is appropriate for the proposed densities and land uses.

***The subject lands are located within the Hamlet of Cathcart and will continue to be privately serviced.***

Section 2.2.3.2(a)(vii) of the Official Plan speaks to the proposed development being compatible with existing surrounding land uses.

***The applicants are seeking the rezoning application in order to facilitate a lot line adjustment for the future expansion of the existing automobile repair garage.***

Section 3.6.2(a) of the Official Plan describes how the predominant use of land in the Hamlets and Villages designation shall be 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.

***The applicants are seeking the rezoning application in order to facilitate a lot line adjustment for the future expansion of the existing automobile repair garage. The retained parcel will contain the existing dwelling.***

Section 3.6.2(b) of the Official Plan describes how Neighbourhood commercial uses that support residential neighbourhoods shall be permitted in the Hamlets and Villages designation, subject to meeting the following criteria:

- i. uses shall be limited to small-scale businesses and offices, which provide for the sale of convenience goods and other personal services to meet the daily living needs of local and surrounding agricultural residents
- ii. the scale of development shall be guided by the population of the area to be served, with the maximum gross square metres of a single establishment, and the maximum size of any site being set out in the Zoning By-law;
- iii. no open storage shall be permitted on-site; and,
- iv. the use shall be included in separate zoning classifications in the County Zoning By-law and shall be subject to Site Plan Control.

***The applicants are seeking the rezoning application in order to facilitate a lot line adjustment for the future expansion of the existing automobile repair garage. The retained parcel will contain the existing dwelling.***

Section 3.6.3(a) of the Official Plan describes how existing non-residential uses shall be allowed to expand subject to meeting the following criteria

- i. the non-residential uses shall be limited to those which provide for the sale of convenience goods and other personal services to meet the daily living needs of local and surrounding agricultural residents.
- ii. adequate off-street parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that shall minimize the danger to both vehicular and pedestrian traffic.
- iii. any lighting or signs associated with the permitted use shall be designed and arranged to blend with the character of the surrounding residential area.
- iv. the expansion shall be subject to Site Plan Control.

***The rezoning is being sought to allow for the future expansion of the existing automobile repair garage that provide personal services to meet the daily needs of the residents. It also my understanding sufficient parking can be provided and will be confirmed through site plan control.***

Section 3.6.3(c) of the Official Plan describes how development shall occur on private systems in accordance with the private servicing requirements in Section 5.2.3.4 of this Plan.

***The subject lands are located within the Hamlet of Cathcart and will continue to be privately serviced.***

***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 Hamlets and Villages which contemplates for residential and neighbourhood commercial uses.***
- ***The subject lands are located within the Hamlet of Cathcart.***
- ***The proposed rezoning will facilitate the expansion of the existing automobile repair garage.***

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

The retained parcel is currently zoned Residential Hamlets and Villages (RH), whereas the benefitting parcel is zoned as General Commercial (C2). The following site specific provision is being proposed:

Residential Hamlet with site specific provision 26 (RH-26)

- To permit an undersized lot area of approximately 2,394 square metres (25,768.8 square feet), whereas a minimum of 3,000 square metres (32,291.2 square feet) is required.
- All other provisions of the Zoning By-Law apply.

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

- Dwelling, Single Detached;
- Group Home.

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

Development Standard – Private Services	Required	Proposed – Residential Hamlet – 26 (RH-26) Retained
Lot Area, Minimum	3,000 sq.m	2,394 sq.m
Lot Frontage, Minimum	30m	108.9m
Street Setback, Minimum	7.5m	6.88m – existing street setback
Interior Side Yard Setback, Minimum	1.5m	66m
Rear Yard Setback, Minimum	7.5m	0.5m – existing setback
Lot Coverage, Maximum	30%	11%

Based on Section 10.1.1 of the Zoning By-Law, the following uses are permitted:

- Assembly Hall
- Auditorium

- Automobile Repair Garage
- Automobile Sales or Rental Establishment
- Automobile Service Station
- Bakery
- Bulk Sales Establishment
- Car Wash
- Convenience Store
- Day Care
- Drive Through Facility
- Dry Cleaning Laundromat
- Financial Institution
- Florist Shop
- Funeral Home
- Grocery Store
- Home Improvement Centre
- Hotel
- Mobile Refreshment Cart
- Nursery and Garden Centers
- Office, Business/ Professional
- Office, Medical
- Office Supply Outlet
- Personal Service Establishment
- Pharmacy
- Recreational Establishment
- Restaurant
- Retail Store
- School, Commercial
- Service and Rental Establishment
- Shipping Container
- Taxi Stand
- Veterinary Clinic

Section 10.2, Table 10.2.1 speaks to development standards for lands zoned as General Commercial (C2) in relation to the proposed development based on the draft concept site plan.

Development Standard	Required	Proposed – General Commercial Benefitting Parcel
Lot Area, Minimum	1,000 sq.m	2,728 sq.m*
Lot Frontage, Minimum	15m	61.3m
Street Setback, Minimum	6m	12.4m
Interior Side Yard Setback, Minimum – Abutting residential zone	7.5m	23.5m
Rear Yard Setback, Minimum – Abutting residential zone	7.5m	0.5m – existing setback
Lot Coverage, Maximum	60%	25.6%

\*Rezoning provision being sought

***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 Hamlets and Villages which contemplates for residential and neighbourhood commercial uses.*
- *The subject lands are located within the Hamlet of Cathcart.*
- *The proposed rezoning will facilitate the expansion of the existing automobile repair garage.*

## **Interdepartmental Considerations**

### Community Services:

- No comment.

### Development Engineering:

- No comment.

### Fire:

- No comment.

### Operations:

- No comment.

### Canada Post:

- No comment.

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

- Building Division
- Economic Development
- Environmental Planning
- Field Services
- Hydro
- 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, no comments were received.

## **Conclusions and Recommendations**

The purpose of this rezoning is to rezone an area of approximately 442 square metres (4,757.6 square feet) from Residential Hamlet (RH) to General Commercial (C2) to facilitate a lot line addition with the adjacent parcel, 182 Highway #53. It is my understanding the rezoning and



subsequent lot line adjustment application is being sought in order to expand the existing automobile repair garage located on 182 Highway #53.

As a result of the proposed lot line adjustment, the applicant is also seeking a site specific provision for the retained parcel to permit an undersized lot area. Specifically, the applicant is proposing an undersized lot area of approximately 2,394 square metres (25,768.8 square feet), whereas a minimum of 3,000 square metres (32,291.2 square feet) is required.

Residential Hamlet with site specific provision 26 (RH-26)

- To permit an undersized lot area of approximately 2,394 square metres (25,768.8 square feet), whereas a minimum of 3,000 square metres (32,291.2 square feet) is required.
- All other provisions of the Zoning By-Law apply.

The subject lands are designated Hamlets and Villages and are located within the hamlet of Cathcart. The intent of the Hamlets and Villages designation is to accommodate a limited amount of residential, commercial, community, and industrial service uses in order to prevent scattered, non-farm development in the Agriculture designation and provide service support for the surrounding agricultural areas. I do note should the rezoning be approved, the applicant will be required to proceed through the Committee of Adjustment for approval of the lot line adjustment.

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 #** ZBA15/21/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)

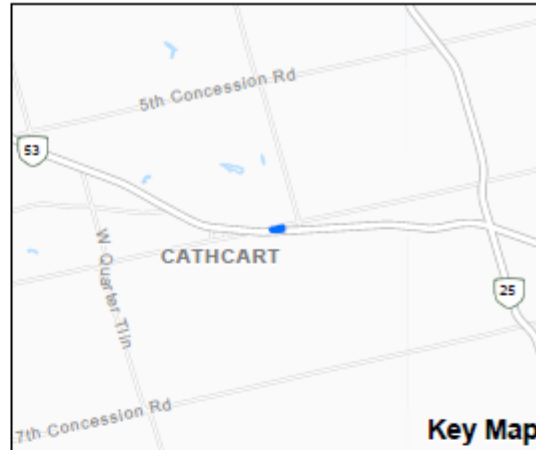
**MAP 1: ZONING  
FILE NUMBER  
ZBA15-21-AW**

184 HIGHWAY #53  
County of Brant  
Ontario

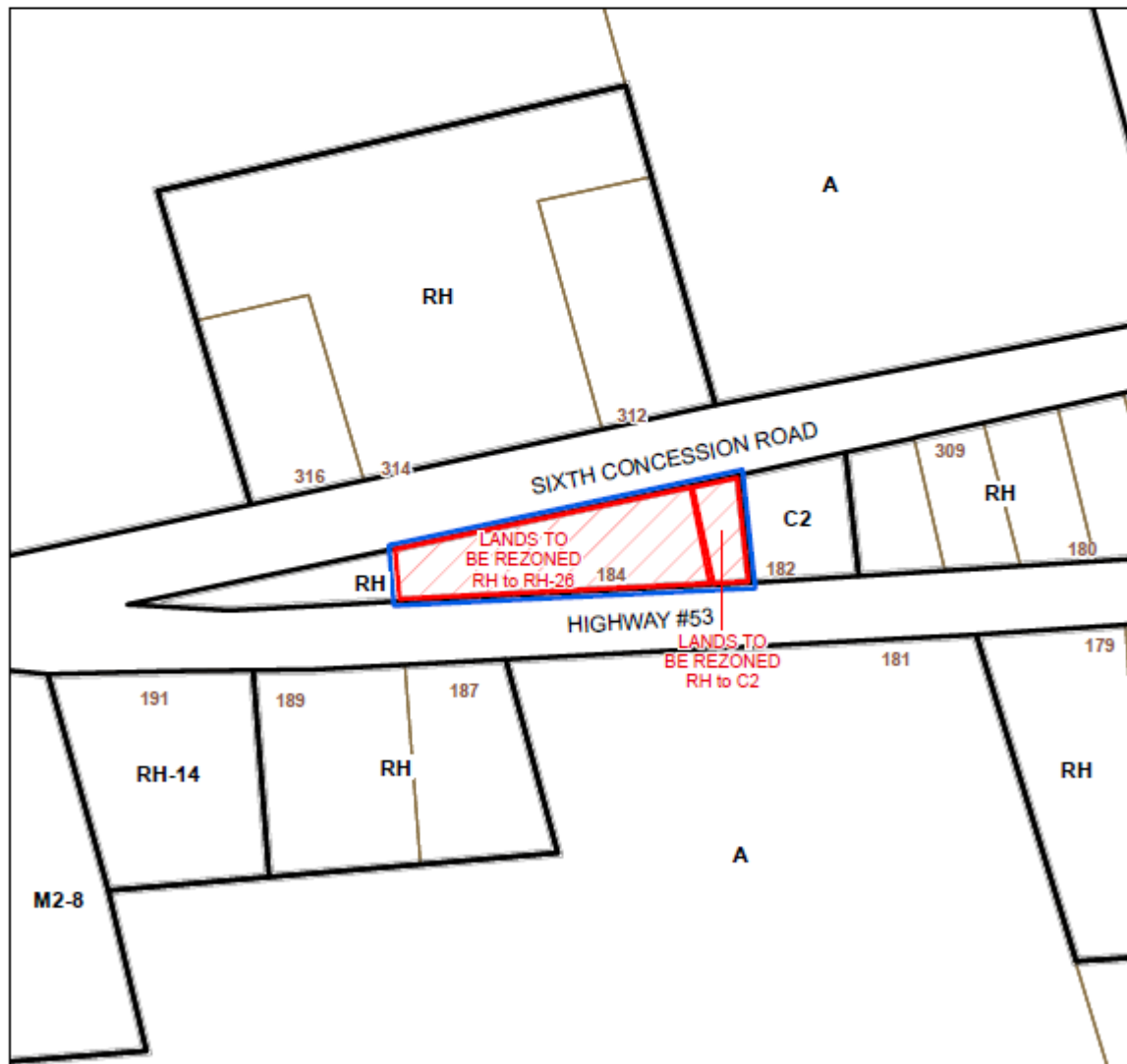


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Date Printed: 1/11/2022

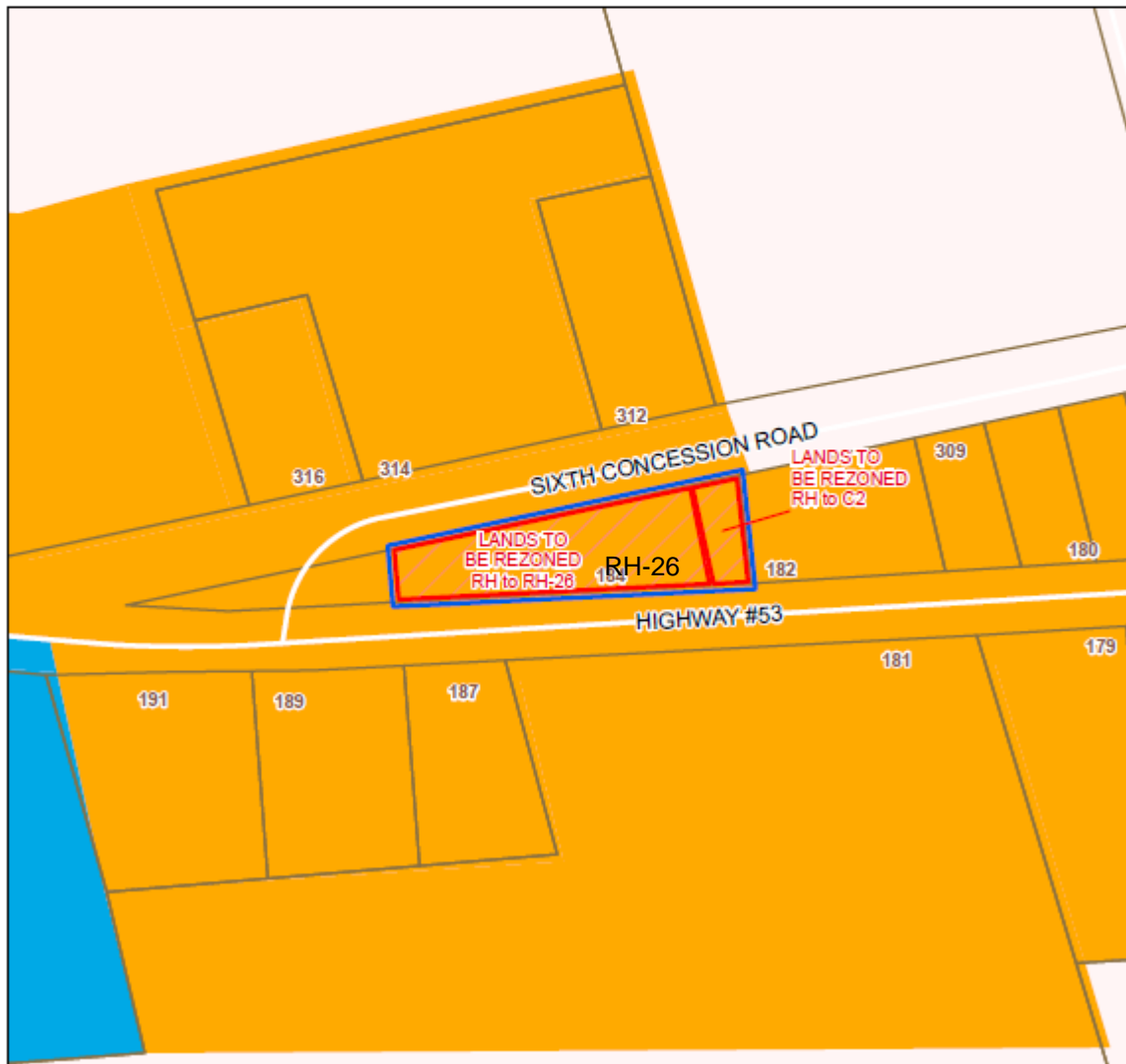
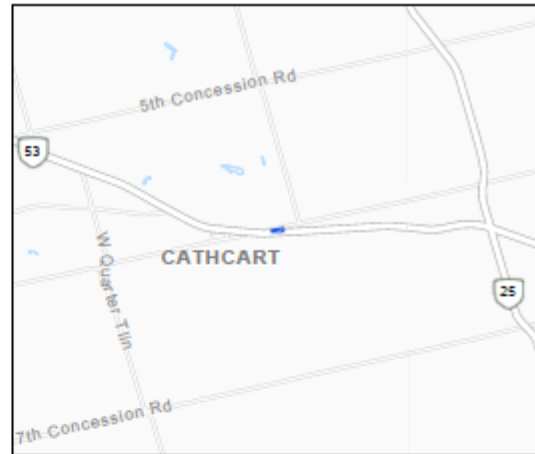
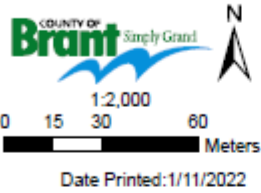


**Key Map**



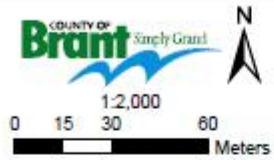
**MAP 2:OFFICIAL PLAN  
FILE NUMBER  
ZBA15-21-AW**

184 HIGHWAY #53  
County of Brant  
Ontario



**MAP 3: AERIAL IMAGERY 2020**  
**FILE NUMBER**  
**ZBA15-21-AW**

184 HIGHWAY #53  
County of Brant  
Ontario



Date Printed: 1/11/2022

