



Brant County Planning & Development Committee

To: To the Chair and Members of the Planning & Development Committee
From: Ryan Cummins, Planner
Date: April 5, 2022
Report: RPT-22-33
Subject: Zoning By-Law Amendment File ZBA 46/22/RC
301 Brant County Road 18, County of Brant (Sherman Richardson)
Purpose: For approval

Recommendation

That Application ZBA46/22/RC from IBI Group, on behalf of Sherman Richardson, owner of concession 3, west of Fairchild's Creek, part lots 9 TO 11, County of Brant, located at 301 Brant County Road 18, in the geographic Township of Brantford, to amend the Zoning By-Law 61-16 to change the current zoning on a portion of the property from Agriculture (A) to Rural Residential (RR) to facilitate the future severance of a single residential lot, **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

Sustainable and managed growth.

Financial Considerations

Not applicable.

Executive Summary

The purpose of the report is to provide County of Brant Council and the public with a recommendation from Staff regarding the details of an application to amend the Zoning By-Law No. 61-16. This application proposes to change the current zoning on a portion of the property from Agriculture (A) to Rural Residential (RR) to permit the future severance of one residential lot. The applicant is seeking this re-zoning in order to permit lot dimensions which are consistent with the Rural Residential (RR) Zone.

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 Zoning By-Law 61-16), as well as consultation with internal and external departments, and an inspection of the subject lands and surrounding neighbourhood including discussions with both the agent/public. The planning analysis indicates that the proposal is consistent with the policies of the *Provincial Policy Statement* (2020), in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe (2020), and in conformity to the County of Brant Official Plan (2012). This report recommends that the application be approved.

Proposal

The applicant is proposing to amend the zoning on a portion of the subject lands from Agricultural (A) to Rural Residential (RR) to permit a future severance of a one lot for residential purposes. The proposed lot will meet the minimum lot dimensions for the Rural Residential (RR) Zone, including minimum lot frontage and area. The area to be re-zoned will match the Rural Residential Official Plan designation on the westerly side of the property, fronting on County Road 18. The balance of the lands to be severed in-future will remain in the Natural Heritage (NH) Zone.

Location

The subject lands are located on the west side of Brant County Road 18, south of Highway 54, in the Geographic Township of Brantford. The subject lands are approximately 10.77 ha (26.6 ac) in size, and are surrounded by low density residential uses to the north, agricultural uses to the south and east, and the Grand River to the west.

Report

Planning Act, R.S.O. (1990)

Section 34 of the *Planning Act* establishes that Zoning By-Laws may be passed by Councils of local municipalities.

I am of the opinion that there are no outstanding legislative matters with respect to this application.

Provincial Policy Statement, 2020 (PPS)

Section 1.1.1 of PPS provides policy direction for planning authorities to consider matters relating to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. In accordance with PPS, land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

I am of the opinion that the proposal conforms to the policies of Section 1.1 of the PPS, as the proposed development will allow for efficient development while avoiding impacts and potential conflicts with adjacent hazard lands.

Section 1.4 of the PPS provides policy direction on Housing. Specifically, Section 1.4.1 states that a range of housing options shall be provided, while making efficient use of underdeveloped lands within an appropriate context.

It is my opinion that the proposed re-zoning will allow for an appropriate, low density infill opportunity within lands designated for Rural Residential development.

Section 2.1 of the PPS speaks to policies related to protecting Natural Heritage features. In particular, Section 2.1.1 states that Natural Heritage features shall be identified and protected for the long term. In addition, Section 2.1.2 of the PPS states that Natural Heritage features shall be maintained and protected through development proposals.

The proposed development will not encroach on the adjacent Natural Heritage features. In addition, the applicant has submitted a Slope Stability Investigation which outlines the limits of development outside of the Natural Heritage areas identified in the County and GRCA mapping.

The applicant is proposing to re-zone a portion of the subject lands from Agriculture (A) to Rural Residential (SR) to allow for the development of one single detached dwelling. I am of the opinion that the proposal is consistent with the applicable sections of the PPS listed above. Therefore, I am of the opinion that the proposed re-zoning is consistent with the policy direction of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

Section 1.2.1 of the Growth Plan provides policy direction on the development of complete communities, which prioritizes intensification and infilling where appropriate. This policy supports a range and mix of housing options, and prioritizes the protection of Natural Heritage features and functions. Furthermore, Section 2.2.6 of the Growth Plan outlines policies related to housing. In particular, Section 2.2.6.1(a) supports a mix and range of housing options and densities.

The proposal will allow for modest infilling within Rural Residential designated lands, while also minimizing impacts on the adjacent Natural Heritage feature. It is my opinion that the proposed development conforms to the policies of the Growth plan.

County of Brant Official Plan (2012)

The subject lands are designed as Rural Residential, Natural Heritage and Agriculture in the County of Brant Official Plan. The applicant is proposing to re-zone a portion of the subject lands that is within the Rural Residential designation for the future severance of one lot for a single detached dwelling.

Section 1.11.2 of the Official Plan outlines the objectives of the Plan. Specifically, S.1.11.2.1.2 (c) aims to provide for a full range and mix of housing types and densities in order to meet the needs of the community, while remaining compatible with surrounding development patterns.

I am of the opinion that the proposal conforms to the intent of Section 1.11.2 of the Official Plan, as the proposed development will allow for additional housing which is compatible with the established development patterns in the area.

Section 2.2.3.3 of the Official Plan provides context and guidance for development within the County's Rural Residential Areas. Specifically, this section states that the County shall permit a limited amount of growth and development in these areas, specifically where proposed development represents a minor rounding out of existing residential developments. Further, this Section of the Official Plan states that new development proposals shall be logical in the context of the existing development.

It is my opinion that the proposal conforms to these policies, as the applicant is proposing to round out the remaining portion of Rural Residential designated lands by creating one new lot adjacent to existing large rural residential lots.

Section 3.7 of the Official Plan outlines policies and permitted uses pertaining to the Rural Residential designation. The intent of the Rural Residential designation is to recognize existing concentrations of large lot residential developments within the County, while providing policies to guide limited development in the form of minor rounding out and infilling. Section 3.7.2 of the Official Plan outlines the permitted uses within the Rural Residential designation. Specifically, permitted uses within the Rural Residential designation are limited to Single Detached Dwellings, Accessory Residential Dwelling Units (Garden Suites), and a Bed and Breakfast Establishment.

It is my opinion that the proposal conforms to the policies of Section 3.7 of the Official Plan, as the applicant is proposing a development that constitutes a minor rounding out of residential development, while maintaining the intent of permitted uses with single detached dwellings being proposed.

Section 3.3.2.1 (a) of the Official Plan requires that any new development in proximity to existing agricultural operations be subject to the Minimum Distance Formulae (MDS I). As part of a complete application for Planning Act applications where MDS is applicable, applicants shall be required to submit an MDS report to demonstrate that the guidelines are being met.

It is my opinion that the proposal satisfies this section of the Official Plan, as the applicant has submitted an MDS report which demonstrates that the proposal meets the minimum separation requirements from surrounding existing livestock facilities.

In summary, I am of the opinion that the proposal conforms to the policies of the County of Brant Official Plan (2012).

Infrastructure/Servicing

The subject lands are serviced by County water and private wastewater infrastructure.

County of Brant Zoning By-Law 61-16

The subject parcel is currently zoned Agriculture (A) and Natural Heritage (NH) in the County of Brant Zoning By-Law No. 61-16. The Applicant is proposing to amend the zoning on a portion of the subject lands from Agriculture (A) to Rural Residential (SR) to permit the future severance of one residential lot. The minimum lot size for a lot in the Rural Residential Zone on private services is 4000 square metres (43,055 square feet) with a minimum frontage of 40.0m (131.2ft). The applicant has demonstrated in the attached plan that the proposed lot to be severed meets the minimum lot dimensions as outlined in Section 9 of the Zoning By-Law. Single detached dwellings are the only permitted principle land use within the Rural Residential (RR) Zone.

Interdepartmental Considerations

Development Engineering Department: No objections.

Environmental Planning: In terms of the Zoning, provided that the Natural Hazard limit reflects the 'Development Setback Line' in the Englobe Report which is the red dashed line reflecting the Grand River Valley Slope, Environmental Planning would have no concerns.

Fire Department: No objections.

Sourcewater Protection: No objections.

Community Services: Cash-in-lieu of parkland will be owed at time of future severance.

Operations: No objections.

Canada Post: No objections.

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

- Building Division
- Bell
- Economic Development Division
- Grand Erie District School Board
- Brant Haldimand Norfolk District School Board
- Brant Heritage Committee
- Forestry
- Six Nation/New Credit
- Union Gas

Public Considerations

Staff circulated 13 property owners with a notice of statutory public meeting for this application. No letters of objection or concern were received. I attended the site on March 3, 2022 and posted the notice of statutory public meeting sign.

Conclusions and Recommendation

The applicant is proposing to amend the zoning on a portion of the subject lands from Agricultural (A) to Rural Residential (RR) in order to facilitate a future single lot severance. The proposed re-zoning will facilitate the development of a lot of approximately 0.62 hectares (1.5 acres), with a frontage of approximately 48.0 metres (158.4 feet) which will match the limits of the Rural Residential Official Plan designation on the subject lands. The balance of the lands to the rear of the lot to be severed will remain in the Natural Heritage (NH) Zone. This application was first brought forward to the Committee for an information presentation at the March 1st, 2022 PDC Meeting.

Should this rezoning application be approved, the applicant has demonstrated that the proposed lot to be severed will meet the minimum lot size criteria in Section 9 of the Zoning By-Law. The applicant has also demonstrated that the proposed lot complies with the OMAFRA Minimum Distance Separation (MDS) Guidelines. It is my the opinion that the Zoning By-Law Amendment application has merit as it is consistent with the *Provincial Policy Statement* (2020), and conforms to the general intent of the Growth Plan for the Greater Golden Horseshoe (2020) and County of Brant Official Plan (2012). Furthermore, the subject lands meet the minimum criteria within the proposed Rural Residential (RR) zone. It is noted that Staff have not received

any objections from internal or agency Staff, or members of the public through the formal circulation process. Therefore, I am recommending that the application be approved.

Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Photo
4. Draft By-Law
5. Proposed Severance Plan

Copy to:

1. Pam Duesling, General Manager of Development Services
2. Alysha Dyjach, Clerk Council Committee Services
3. Mat Vaughan, Director of Planning
4. Alyssa Seitz, Planning Administrative Assistant
5. Applicant/Agent

File # ZBA46/21/RC

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)