



County of Brant – Planning and Development Report

To: To the Chair and Members of the Planning and Development Committee

From: Shannon Labelle, Planner

Date: June 7, 2022

Subject: RPT-0175-22

Zoning By-Law Amendment Application ZBA9/22/SL

5 Bernice Street, Geographic Township of Brantford

Purpose: **Recommendation Report for Approval**

That Application **ZBA9/22/SL** from Courtney Boyd, Agent on behalf of Colin Elkin and Kim Pitbaldo, Owners of lands legally known as Plan 579 Part Lots 3 and 7 Registered Plan 2R3010 Part 1 Registered Plan 2R6079 Part 1, municipally known as 5 Bernice Street, Geographic Township of Brantford, County of Brant, proposing to rezone the subject lands from Suburban Residential (SR) to Suburban Residential with a Holding Provision (h-SR) to prohibit development until water allocation in Mount Pleasant is lifted, in order to facilitate a severance, **BE APPROVED.**

THAT the reason(s) for approval are as follows:

- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

Key Strategic Priority

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 applicants and staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16.

The applicant is undertaking a rezoning application as a condition of approval of severance application B22-21-DN. The applicant sought a severance for lands municipally known as 5 Bernice Street. The severance application was presented to and conditionally approved by the Committee of Adjustment in June 2021. The proposed rezoning application is proceeding straight to recommendation report rather than having an information meeting.

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 am recommending approval of the application.

Location

The subject lands are located north of Ellis Ave, on the west side of Bernice Street, within the Secondary Urban Settlement Area of Mount Pleasant, County of Brant.

The subject lands contain a single detached dwelling and shed and have a frontage of 58 metres (feet) along Bernice Street, and approximate area of 3,105 square metres (0.77 acres).

The surrounding land uses consist of low density residential development on partial or private services and agricultural related uses, outside the settlement area.

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.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the Planning Act.

Section 1.1.1(a) of the PPS speaks to promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

Through the rezoning a Holding Provision (h-) will be placed on the proposed lot to prevent development until the water allocation in Mount Pleasant is lifted.

Section 1.1.1(b) of the PPS speaks to accommodating an appropriate affordable and market-based range and mix of residential types.

The applicant proposes to provide a housing type in the form of a Single Detached Dwelling on a parcel of land that is compatible with the existing and established area.

Section 1.1.1(e) of the PPS speaks to promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption costs.

The rezoning will facilitate the proposed severance, which is considered a form of intensification or infill development.

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 boundary of Mount Pleasant.

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.

Through the rezoning a Holding Provision (h-) will be placed on the proposed lot which will encourage development that is efficient and ensure that the existing infrastructure is used once water allocation in Mount Pleasant is lifted.

Section 1.1.3.4 of the PPS notes that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The rezoning will facilitate the severance, which meets the development standards/policies outlined within the County of Brant Zoning By-Law 61-16. The holding provision will ensure development occurs in line with the availability of services.

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 located within the Secondary Urban Settlement Area of Mount Pleasant.***
- ***The proposed rezoning will encourage efficient development and land use patterns.***
- ***The proposed rezoning will ensure existing infrastructure is used to support the development.***
- ***The proposed severance is an example of intensification and infill.***
- ***The proposed severance will contribute to a compatible and desirable mix of housing options.***

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Section 2.2.1.2 (a) of the Growth Plan describes how the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.

One new residential lot is being created by the proposed severance. The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant. The subject lands are partially serviced (water), and the holding provision will ensure growth occurs once the appropriate services become available.

Section 2.2.1.2(c) of the Growth Plan describes how growth within settlement areas will be directed to delineated built up areas, strategic growth areas, locations with transit and areas with existing or planned public service facilities.

The subject lands have access to amenities such as commercial uses and parks/ open spaces to support and contribute to characteristics of 'complete communities'. The proposed rezoning will contribute to orderly development and ensure that development occurs once the appropriate services are available.

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 located within the Secondary Urban Settlement Area of Mount Pleasant.***
- ***One new residential building lot is being created.***
- ***The subject lands are partially serviced (water).***
- ***Through the rezoning a Holding Provision (h-) will be placed on the proposed lot to ensure efficient and orderly development that uses existing infrastructure once services become available.***

Source Water Protection

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and other, are responsible for implementing source protection plan policies.

The subject lands are not located within a Source Water Protection Area.

SERVICES

Matters related to the allocation of water supply in Mt. Pleasant are administered by Development Services. The most recent formal direction for development is provided in PA-18-24 Mt. Pleasant Water Interim Servicing Policy (2018) and CD-18-37 Mt. Pleasant Water Supply System – Capacity which was presented to Council in May 2018.

The recommendation of PA-18-24, which was resolved by Council, states:

“That no new applications for Official Plan Amendment, Plans of Subdivision, Condominium, Zoning By-law Amendment, Minor Variance or Consent be accepted in the Mount Pleasant Settlement Area at this time that would increase municipal water consumption until the County has achieved a reallocation of water servicing capacity.”

The intention of the recommendation was that until the City of Brantford implemented a servicing strategy for the Tutela Heights area that did not rely on water from the Mt. Pleasant system, within the area serviced by the Mt. Pleasant water system, only lots of record would be considered for development.

The County has allowed severances of existing lots of record that have a water service. The holding provision will be in place until the capacity of the water system currently allocated to Tutela Heights (Brantford) is available to development in the County.

The severance of 5 Bernice St would be consistent with existing practice if:

- a) The lots are severed into 2 lots;
- b) A water service is retained for single family residential use on the retained lot; and
- c) A holding provision is applied to the severed lot. The holding provision would be considered for removal when the County is no longer providing municipal water to the Tutela Heights area of Brantford.

Items a, b & c as noted above are being maintained and implemented through the proposed rezoning to place a Holding Provision (h-) on the proposed lot.

The timeline for the extension of services is unknown at this time as it is dependent on the continued detailed design review and phasing associated with the Plan of Subdivision.

County of Brant Official Plan (2012)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

The Subject lands are designated as Suburban Residential within Schedule 'A' of the County of Brant Official Plan.

Section 1.11.2.1.2(a) of the Official Plan speaks to objectives related to growth and development within the County, specifically to ensure that growth and development is directed to the most appropriate locations in the County's Primary and Secondary Urban Settlement Areas.

The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant.

Section 1.11.2.1.2(b) of the Official Plan speaks to providing the necessary infrastructure in order to meet current and projected needs in a financially sustainable manner.

The subject lands are partially serviced by municipal water, and the proposed rezoning will prevent development until the appropriate services are available.

Section 1.11.2.2.2(a) of the Official Plan speaks to directing new urban development, redevelopment, and intensification principally to the County's Primary Urban Settlement Areas, and to a lesser extent to the County's Secondary Urban Areas.

The proposed severance is an example of intensification, and the subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant.

Section 1.11.2.2.2 (g) of the Official Plan speaks to promoting and encouraging opportunities for residential intensification (including infilling, accessory apartments, conversions and redevelopment) in appropriate locations within the built boundaries of the County's Primary and Secondary Urban Settlement Areas.

The proposed severance is an example of intensification, and the subject lands are located within the Secondary Urban Settlement Area, and built boundary of Mount Pleasant.

Section 2.2.3.1.2 of the County of Brant Official Plan describes that Secondary Urban Settlement Areas have been identified based on their servicing capacity and ability to accommodate projected growth through development, redevelopment, and intensification opportunities.

The proposal is an example of intensification, and the subject lands are located within the Secondary Urban Settlement area of Mount Pleasant, and are partially serviced by municipal water.

Section 2.2.3.1.2(c) of the Official Plan speaks to how Secondary Urban Settlement Areas are to permit a limited amount and type of growth and development within these areas.

The proposal is an example of small scale intensification as only 1 additional residential lot is being created, and a single detached dwelling is being proposed.

Section 2.2.3.1.2(d) of the Official Plan speaks to how Secondary Urban Settlement Areas shall contribute to the County's goals with respect to intensification, 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 subject lands are within the Secondary Urban Settlement Area and built boundary of Mount Pleasant. The subject lands are partially serviced by municipal water. This area of Mount Pleasant is at capacity for water, and through the rezoning a Holding Provision (h-) will be placed on the proposed lot until water capacity for the Mount Pleasant area increases.

Section 2.2.3.1.2(h) of the Official Plan speaks to all development, redevelopment, and intensification shall take into account existing building stock and the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs.

The Subject lands are located within the identified Secondary Urban Settlement Area with access to existing infrastructure and consideration for the character of the existing built up area. The availability of services has been considered as part of the review and through the rezoning a Holding Provision (h-) will be placed on the proposed lot until water capacity for the Mount Pleasant area increases.

Section 2.2.5.2(d) of the County of Brant Official Plan outlines that intensification shall include infill residential development and new residential development of vacant land or underutilized land in existing neighborhoods as well as the redevelopment which includes the replacement of existing residential uses with compatible residential developments at a higher density.

The subject lot has an existing single detached dwelling, the lot is currently underutilized and larger in size than the lots surrounding, therefore, providing the opportunity to create a new lot which is a form of intensification within a developed area. The severance proposes a form of residential development that is more efficient and of a higher density than current or past conditions.

Section 2.2.5.2(e) of the County of Brant Official Plan provides criteria to assist the County in the evaluation and consideration of applications for intensification:

- i. The development proposal is located within the built boundary/built-up area;
- ii. The existing water and sanitary sewer services can accommodate the additional development;
- iii. The road network can accommodate the traffic generated;
- iv. The development proposal is adequately serviced by parks, schools and other community facilities;
- v. The proposed development is compatible with the existing development and the physical character and scale of adjacent buildings, streetscapes, and surrounding neighbourhood; and
- vi. The proposed development is consistent with the policies of the appropriate land use designation associated with the land.

- ***This development proposal is located within the established built boundary/ built up area.***
- ***The proposed development is required to be serviced by partial municipal services (water).***
- ***Bernice Street is classified as an 'urban residential local road' designed to accommodate the proposed form of residential development.***

- ***Local amenities such as Nature Park and local trail networks are located within close proximity of the subject lands.***
- ***The proposed development conforms to the policies of the Suburban Residential land use designation***

Section 3.5 of the County of Brant Official Plan identify that 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.

The subject lands contain an existing single detached dwelling, and a single detached dwelling is proposed for the severed lot.

Section 3.5.3 of the County of Brant Official Plan outlines the following policies which apply to all lands designated Suburban Residential:

- a. 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.
 - b. Where new residential development is proposed for undeveloped land, the development shall connect to municipal water supply and/or sewage disposal systems, where they exist. Where such development is proposed, existing water and sanitary sewer systems shall be capable of accommodating the proposed development project, or the proponent shall commit to extending services at no cost to the County.
- ***The proposed development is required to be serviced by partial municipal services (water).***
 - ***Through the rezoning a Holding Provision (h-) will be placed on the proposed lot to ensure development occurs in line with the availability of services.***

Section 3.4.4.a states that the density target for Low Density Urban Residential development (single detached dwellings, semi-detached dwellings, duplex dwellings, street fronting townhouse dwellings and additional residential units) shall not exceed 20 units per net hectare.

This proposal will provide a total of 2 residential units on a parcel having an area of 0.77 hectares resulting in 2.6 units per net hectare (2 units / 0.77 hectares = 2.6 units / hectare). The 2.6 units / hectare is in keeping with the intent of the density target for Low Density Urban Residential development given that the size and scale of the proposed development are appropriate for the context of the area.

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 located within the Secondary Urban Settlement area and built boundary of Mount Pleasant.***
- ***This proposal is an example of intensification.***
- ***The lands are partially serviced (water).***
- ***The lands will continue to be used for residential purposes.***
- ***The proposed consent maintains the general character of the surrounding neighbourhood and is compatible in terms of size and shape.***
- ***Through the rezoning a Holding Provision (h-) will be placed on the proposed lot to ensure development occurs in line with the availability of services.***

County of Brant Zoning By-Law 61-16

The subject lands are zoned as Suburban Residential (SR) within the County of Brant Zoning By-Law 61-16.

Section 9 of the County of Brant Zoning By-Law identifies the permitted uses and development standards for lands zoned as Suburban Residential (SR).

Permitted uses include but are not limited to the following:

- Dwelling, Single Detached;

Section 9.2 of the County of Brant Zoning By-Law speaks to the required development standards for each permitted building type for lands zoned as Suburban Residential (SR).

Suburban Residential (SR)	Required (Partial Services)	Proposed Severed Land	Proposed Retained Land
Lot Area, Min <i>Single Detached</i>	1,000sm	1,510sm	1,595sm
Lot Frontage, Min <i>Single Detached</i>	20m	27m	31m
		<i>To be confirmed at the time of building permit</i>	
Street Setback, Min	7.5m		
Interior Side Yard Setback, Min	1.5m		
Rear Yard Setback, Min	7.5m		
Lot Coverage, Max	30%		
Off-Street Parking Requirements , Min	2 Spaces per Dwelling Unit		

The severance sketch provided confirms that the minimum requirements of the zoning by-law are being met as it relates to lot area and lot frontage.

The zoning standards for setbacks, coverage and parking will be confirmed at the time of the building permit when a detailed site plan is provided.

It is my opinion that the proposal maintains the intent of the County of Brant Zoning By-Law 16-61 for the following reasons:

- ***Through the severance, one new residential building lot is being created.***
- ***Through the rezoning a Holding Provision (h-) will be placed on the proposed lot to ensure orderly and efficient development in line with the availability of services.***
- ***The severed and retained parcels have frontage along Bernice Street.***
- ***Both the severed and retained lot satisfy the development standards of the Suburban Residential (SR) zone.***

Interdepartmental Considerations

Development Engineering:

- No comment.

Environmental Planning:

- No comment.

Fire:

- No concerns.

Operations

- No comment.

Tax Department

- No Comment

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

- Building Division
- Hydro 1
- Energy plus
- Canada Post
- Union Gas
- Infrastructure Ontario
- Six Nations
- Mississaugas of the Credit First Nation
- Grand River Conservation Authority (GRCA)
- Parks and Facilities
- Source Water
- Long Point Region Conservation Authority (LPRCA)

Public Considerations

Staff are to visit the site for inspection on May 18th, 2022 and post the public notice sign in accordance with the *Planning Act*.

32 notices are to be mailed on May 18th, 2022.

At the time of writing this report, no public comments had been received.

Conclusions and Recommendations

As a condition of severance application B22-21-DN the applicant is seeking to rezone a portion of the subject lands from Suburban Residential (SR) to Suburban Residential with a Holding Provision (h-SR) to prohibit development until the appropriate servicing is available to facilitate a severance.

The severance application B22-21-DN was heard by the Committee of Adjustment in June 2021 and was conditionally approved. Conditions of approval included rezoning the proposed parcel with a Holding Provision (h-) in order to prohibit development until the appropriate service are available, specifically until water allocation to the Mount Pleasant area is lifted.

I am supportive of the rezoning application as it 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 61-16, and therefore recommend approval of the application

Attachments

1. Aerial Figure
2. Official Plan Figure
3. Zoning Figure
4. Site Plan
5. 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 Administrative Assistant
5. Applicant/Agent

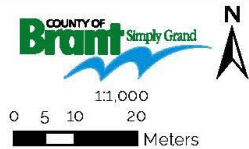
File # ZBA9/22/SL

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

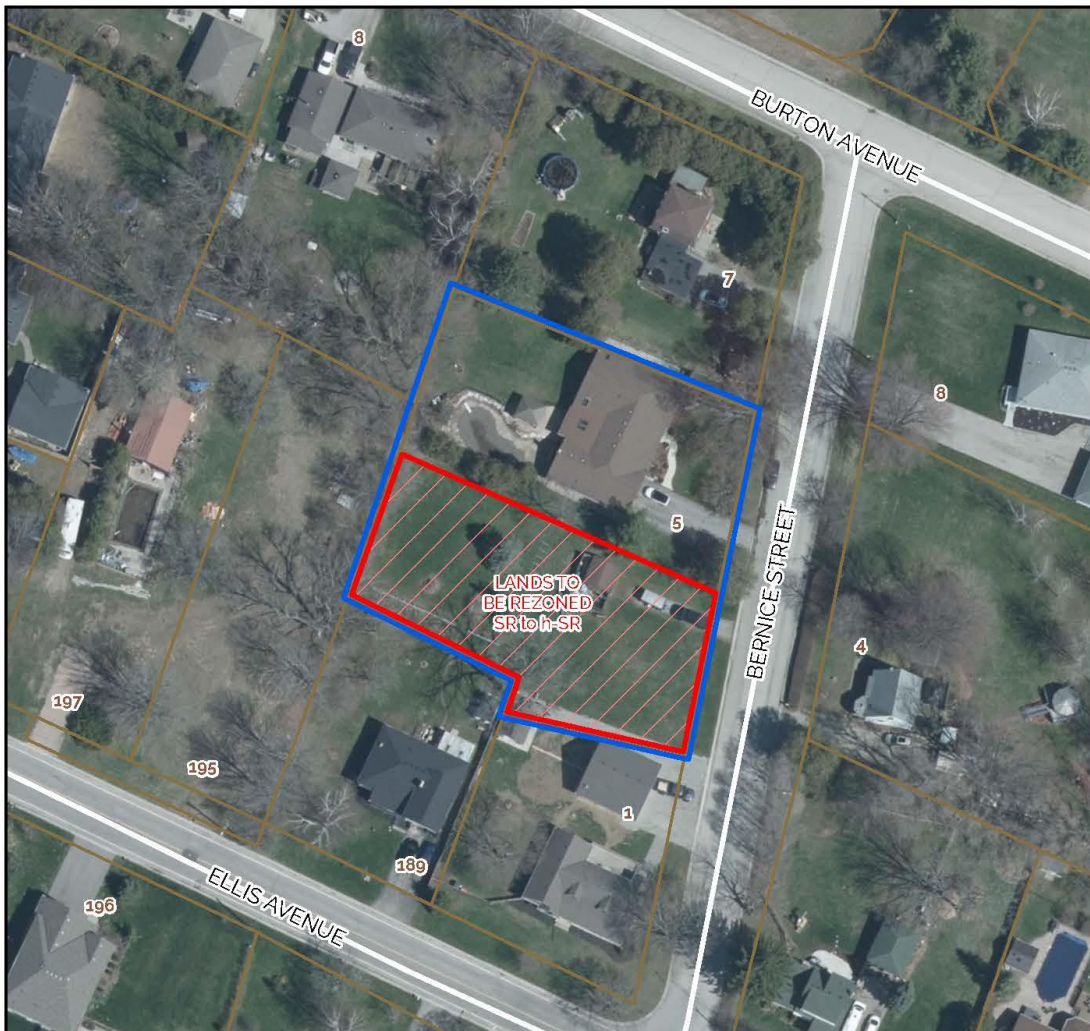
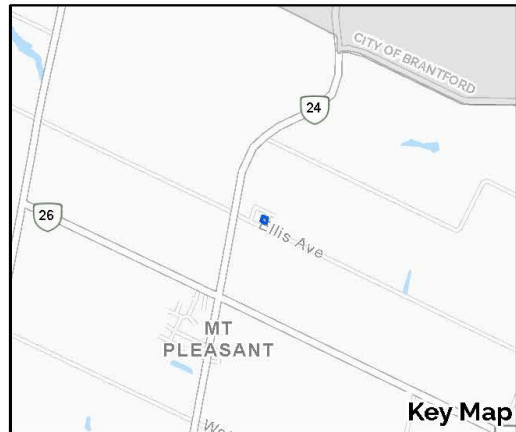
By-Law required	(Yes)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(Yes)

MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA9-22-SL

5 BERNICE STREET
County of Brant
Ontario



Date Printed: 3/28/2022



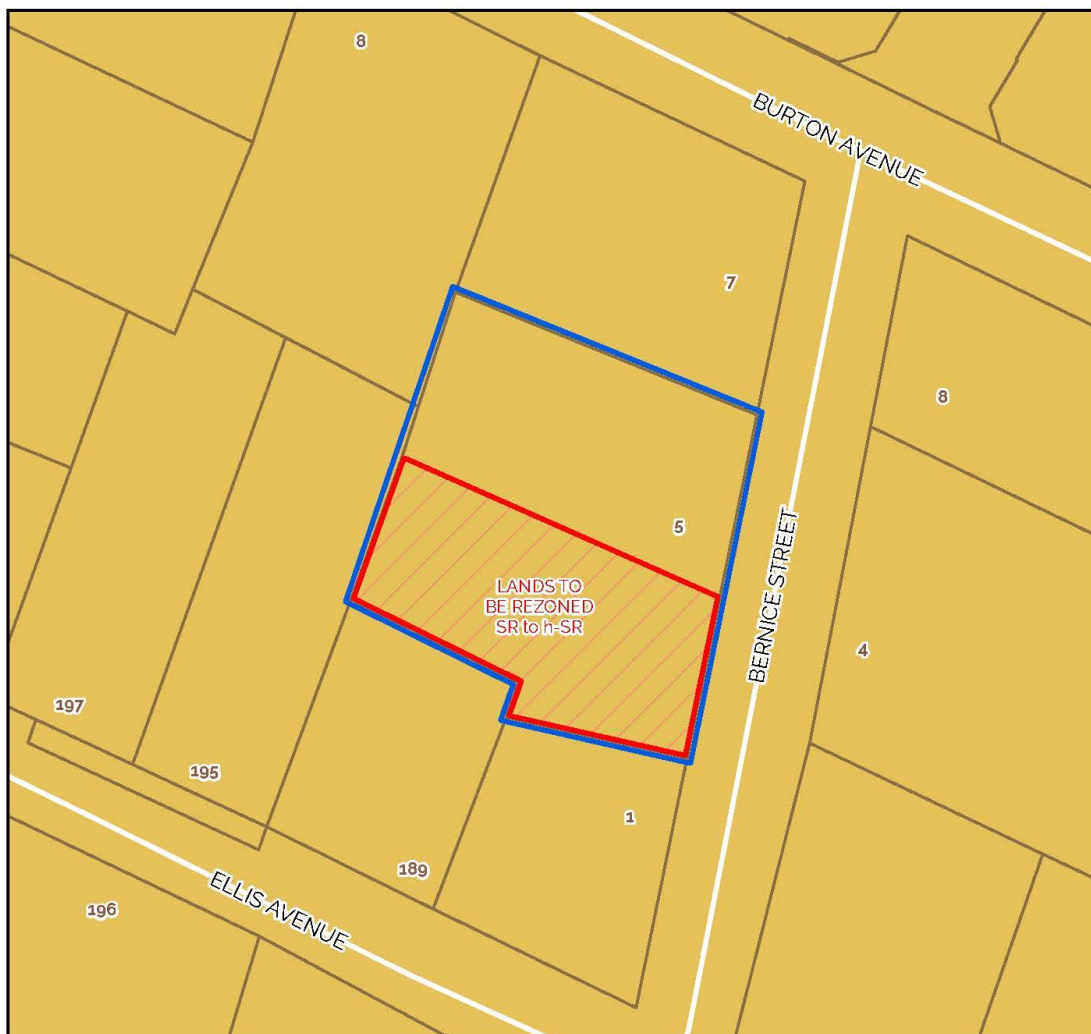
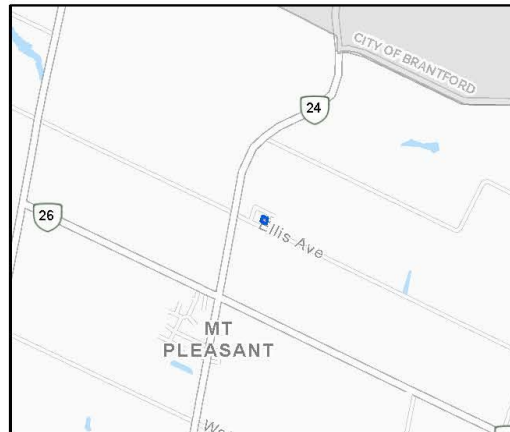
**MAP 2:OFFICIAL PLAN
FILE NUMBER
ZBA9-22-SL**

5 BERNICE STREET
County of Brant
Ontario



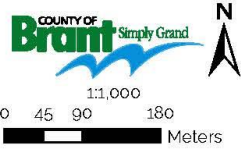
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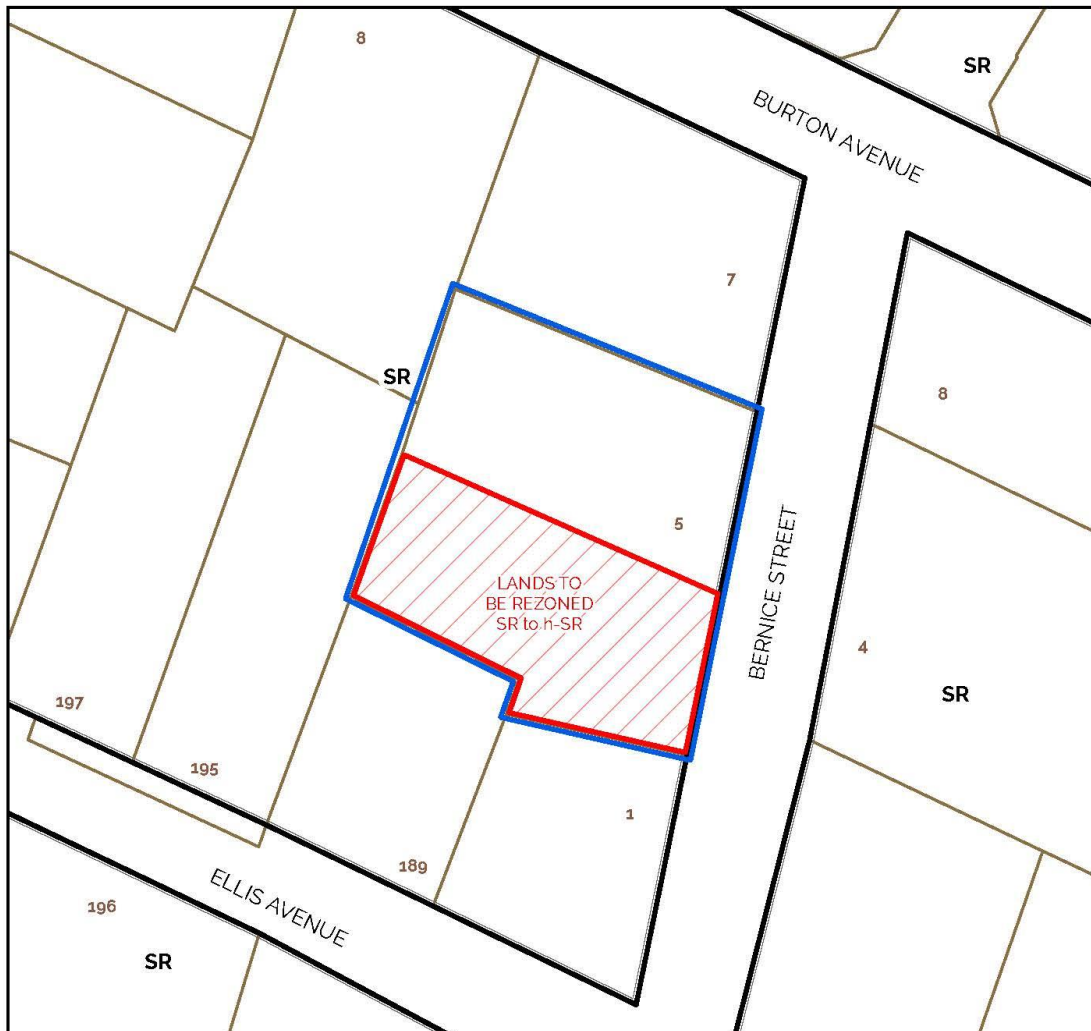
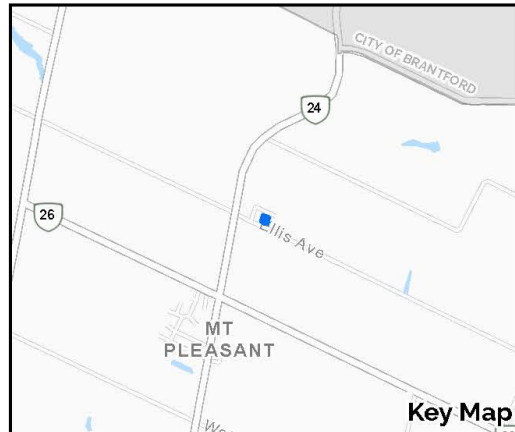


**MAP 1: ZONING
FILE NUMBER
ZBA9-22-SL**

5 BERNICE STREET
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Date Printed: 3/28/2022



Site Plan

