



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Brandon Kortleve, Planner – Policy Planning
Date: September 6, 2022
Report #: RPT-0281-22
Subject: ZBA32-22-BK (428-452 West River Road, Temporary Rezoning)
Purpose: For Approval

Recommendation

THAT application ZBA32-22-BK from Urban Solutions Planning & Land Development Consultants Inc. on behalf of Steve Charest, owner of Concession 5, Parts of Sub Lot 2 and Sub Lot 3, West of the Grand River, in the geographic township of South Dumfries, located at 428 and 452 West River Road, to temporarily amend the zoning of a portion of the lands from Agriculture (A) to Special Exception Temporary Zone (T-100) to permit two (2) dwelling units for a period of three (3) years, be approved;

And that the reasons for approval are as follows:

- The proposed zoning change is consistent with Sections 34 and 39 of *the Planning Act*,
- The proposed zoning change is consistent with the Provincial Policy Statement (2020) and conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2020), and
- The proposed zoning change is in conformity with the policies of the County of Brant Official Plan (2012) and meets the general intent of County of Brant Zoning By-Law 61-16, as amended.

Executive Summary

The owner of the subject lands located at 428-452 West River Road has been in the process of constructing a new single-detached dwelling on the property and had entered into an agreement with the County of Brant to remove the existing dwelling within 90 days of occupancy of the new dwelling. This process has been the standard for replacement dwellings in the County of Brant for many years.

The existing dwelling is an old farmhouse dating back to the late 1800s and worthy of evaluation for the possibility to conserve this Euro-Canadian built cultural heritage resource. The approval of a temporary three (3) year rezoning of the property is recommended to provide additional time for the evaluation of the farmhouse while allowing occupancy of the newly constructed dwelling and finding a permanent solution to conserve the historic home. It will also provide staff with an opportunity to improve the policy framework related to balancing the objectives and policies of the Official Plan as they're related to agricultural protection, heritage conservation, and providing adequate housing in the County of Brant.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Impacts and Mitigation

Social Impacts

Built cultural heritage assets, whether privately or publicly owned, make contributions to the County of Brant's livability and overall identity. The upkeep and conservation of these assets provides a positive social impact to the small-town character, charm, and history of the County.

Environmental Impacts

The deterioration and demolition of old structures can cause negative environmental impacts that can be avoided with necessary upkeep. Avoiding the demolition of a structure diverts waste from local landfills, conserving energy and resources.

Economic Impacts

Studies have shown that heritage conservation projects increase property values, which includes the assessment value of a property. A higher assessment value is beneficial to the County of Brant as it provides additional tax revenue.

Report

Background

The owner of the subject lands located at 428-452 West River Road has been in the process of constructing a new single-detached dwelling on the property, receiving a building permit for the dwelling in September 2020. The property owner indicated that the old farmhouse no longer suited the housing needs of the family, and the best option was to construct a new dwelling. The Agricultural (A) zone applicable to the property (shown on Appendix 1) permits only one principal dwelling on the property, and this required the property owner to enter into an agreement with the County of Brant whereby the owner is required to remove the existing dwelling within 90 days of occupancy of the new dwelling. This process has been the standard for replacement dwellings in the County of Brant for many years and allows the property owner to reside in the existing dwelling while the new dwelling is built.

The existing dwelling on the property is an old farmhouse dwelling constructed in the 1860s, built with squared fieldstone blocks in a Georgian style. The former residence of Scottish settler, John Rose (1800-1879), the construction of the dwelling and farm structures points to the financial success of the Rose family farm along the Grand River. The home is on the County's heritage inventory but is not afforded protection under the *Ontario Heritage Act* at this time. A preliminary cultural heritage evaluation has been completed and outlines several criteria related to design, history, and contextual value, indicating heritage significance of the property. As part of this preliminary evaluation, a site visit to the property was also completed by the Heritage Committee, who have indicated their support for working with the property owner to protect the farmhouse. With this preliminary analysis having been completed, it is now evident that the removal of the farmhouse dwelling is not the preferred outcome for the property and that its conservation should be considered.

The County of Brant Official Plan (CBOP) includes policies noting that "generally, one residential dwelling unit shall be permitted per lot in the agricultural designation" (s. 3.3.1,

CBOP). Agricultural uses are the priority in the agricultural designation, which applies to the property (shown on Appendix 2). While residential uses are necessary to support agricultural uses, conflict between these uses can happen and new residential uses have to be careful not to hinder the agricultural opportunities of surrounding properties.

Providing adequate housing in rural areas is an important objective in the County. This objective was most recently supported by changes to the Official Plan and Zoning By-Law in 2020 to provide flexible as-of-right permissions for property owners to construct additional residential units (ARUs). These types of dwelling units are meant to be ancillary to a principal dwelling unit, benefitting from the existing services and developed area of a property to provide additional housing, and land use compatibility in agricultural areas is a key objective with these new policies. In this situation, consideration must be given to how the ARU policies might apply, if at all, to the subject lands and the conservation of the historic home.

With respect to conservation of cultural heritage resources, the County's Official Plan provides several policies and directions for the conservation of features that "are important to the County's history and community and identity" (s. 2.7.6 CBOP). Determining the significance of a cultural heritage resource is the first step in the conservation process and affording flexibility to owners of these resources is beneficial to both the County of Brant and the community for their long-term protection and up-keep.

For property owners with historic structures on their property who may wish to construct a new or additional dwelling, there is a gap in policy considerations to provide direction in this instance. Consideration for preserving heritage homes with respect to the construction of an additional dwelling is not directly addressed in County policies, but many objectives point to the flexibility for this consideration. With an approval for a temporary period of three years, this application will provide additional time for staff to work with the property owner to explore these objectives and how best to address the protection of the farmhouse. This time will also provide staff the opportunity to improve the County's policy structure and objectives related to the preservation of rural heritage resources.

Policy Framework and Analysis

The Planning Act, R.S.O. 1990, c.P.13

Section 39 of *The Planning Act* provides policy direction on the use of a zoning by-law passed under s. 34 of the Act for the purposes of authorizing the temporary use of land, buildings, or structure for any specific purpose. The temporary use can be permitted for a maximum period of 3 years, with extensions possible after that time.

It is my professional opinion that this application for a temporary zoning By-Law amendment to permit two (2) dwellings on this property is an appropriate mechanism to protect the heritage home while considering opportunities for permanent conservation.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) is a policy statement issued under the *Planning Act* that provides high-level policy direction on matters of provincial interest regarding land use planning and development. It sets the policy foundation for regulating land use and development of land in the Province of Ontario. All decisions affecting planning matters shall be consistent with policy statements issued under *the Planning Act*.

Section 1.4 of the PPS directs municipalities to provide an appropriate range and mix of housing options. Section 2.6 directs municipalities to conserve built cultural heritage

landscapes. Conservation is defined to include the identification, protection, management, and use of built heritage resources, including the use of 'alternative development approaches' as implemented by the recommendations of a cultural heritage assessment.

This application proposes to conserve this housing unit and is an example of a range and mix of housing options in the rural areas of the County. It has also been identified for conservation purposes, and the temporary zoning will provide the opportunity for protection, management, and use of the resource. The County will work with the applicant to determine an appropriate 'alternative development approach' to the conserve the farmhouse structure. After a review of the applicable policies, it is my opinion that the application is consistent with the policies of the Provincial Policy Statement.

The 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 manage their growth in the Greater Golden Horseshoe area of southern Ontario. It supports a vision that provides strong economic benefits and an approach that protects the environment, connects places, and provides the everyday needs of its residents by putting people first. The Planning Act requires that all decisions affecting planning matters shall conform with provincial plans, including the Growth Plan applicable to the County of Brant and the rest of the Greater Golden Horseshoe.

Section 2.2.6 of the Growth Plan provides policies on supporting housing choices in the context of complete communities; providing housing to meet the needs of all residents. Section 4.2.6 of the Growth Plan provides direction on the protection of prime agricultural areas for long-term use for agriculture. Section 4.2.7 speaks to the conservation of heritage resources to foster a sense of place and benefit communities.

As the County of Brant continues to grow, and with housing affordability and supply issues, the removal of dwelling units will be a policy consideration that requires further consideration. Housing in the agricultural system, as with the subject lands, is required to avoid conflict with agricultural uses. This application supports the continued use of the dwelling unit and its conservation for cultural heritage purposes for a temporary period of time. It has considered how residential uses interface with the neighbouring agricultural uses through the building permit process of the new dwelling. After a review of the applicable policies, it is my professional opinion that the application conforms with the policies of the Growth Plan for the Greater Golden Horseshoe.

Source Water Protection (The Clean Water Act, 2006)

The Clean Water Act provides the basis for source water protection plans. These 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 others, are all responsible for implementing source protection plan policies and evaluating development applications with the applicable policy framework.

After a review of the Source Water Protection Area mapping, it is noted that the subject lands are not within a Source Water Protection zone.

Cultural Heritage Conservation (The Ontario Heritage Act, 1990)

The Ontario Heritage Act (OHA) allows municipalities and the Provincial government to designate individual properties and districts as being of cultural heritage value or interest, affording them protective measures that require alterations to heritage elements and demolitions of structures to receive Council approval before they can commence.

After a review of the applicable policies, it is my professional opinion that this application is in keeping with the overall intent of the Ontario Heritage Act for the protection and conservation of cultural heritage resources. This application provides additional time (up to 3 years) for the policies and tools of the OHA to be discussed with the property owner to consider the best approach to the conservation of the farmhouse (e.g. designation under Part IV, Heritage Easement Agreement etc.).

The County of Brant Official Plan (2012)

The County of Brant Official Plan (CBOP) provides policies on how land in the County of Brant should be used over both the short-term and long-term, including corresponding mapping to highlight how policies should be applied in various areas of the County.

Section 2.4 of the plan includes policies to direct how the County provides housing options to accommodate existing and future residents. Section 3.3.1 of the CBOP provides policies that direct the use of land in the agricultural designation, prioritizing agriculture and normal farm practices. Section 2.7.6 speaks to the conservation of built heritage resources and includes policies that direct the conservation of significant built heritage resources and cultural heritage landscapes.

In the agricultural designation, “generally, one residential dwelling unit shall be permitted per lot in the agricultural designation”. Observing the use of the word “generally”, opportunities for additional dwellings would be permitted but would require careful analysis to ensure the other policies in the agricultural designation are met. This would include consideration that farming and normal farm practices are to be the primary form and predominant use of the lands, and that residential uses must avoid conflicts through the implementation of Minimum Distance Separation requirements. Additionally, the existing farmhouse is an example of historic Euro-Canadian farming operations in the County of Brant, established in the 1800s by immigrants to the area. A full evaluation of the structure is warranted so that it can be conserved as a heritage resource important to the County’s history and community identity.

After an analysis of the applicable policies, it is my professional opinion that this application conforms with the County of Brant Official Plan.

The Comprehensive Zoning By-Law of the County of Brant (2016)

County of Brant Zoning By-Law 61-16, as amended, is a legal document that implements the policies and objectives of the Official Plan by regulating the use of land and applying performance standards that are required to be met on the property.

As the Agriculture (A) zoning of the property permits only one principal dwelling, and neither the new dwelling nor the existing farmhouse would qualify as an Additional Residential Unit under the definitions and standards of the Zoning By-law at this time, this application is necessary and appropriate to permit the use of the two (2) dwelling units for a temporary period of three years while a permanent solution is found.

After an analysis of the applicable standards, it is my professional opinion that this application maintains the intent of the County of Brant Zoning By-law.

Interdepartmental and Agency Considerations

The following comments were received from County of Brant departments and commenting agencies as part of the circulation of this application:

Fire

- No issues with this application for a temporary re-zoning of this property to allow a second residential dwelling unit.

GRCA

- The GRCA has no objection to the proposed zoning to allow for the use of both residential buildings.
- The site contains river, floodplain, wetland, slopes and areas regulated by GRCA. None of these are impacted by the proposal.

Heritage

- I had an opportunity to go through the house discussed with the heritage committee a couple of years ago. If it is possible to preserve the building for future use, I would welcome it. The building has been well maintained and in good shape when I viewed it. - *Councillor John MacAlpine, Brant Heritage Committee Chair*
- I support the temporary rezoning. I would ask that the existing farm buildings including the stone farmhouse be maintained and not removed from the property due to their age and heritage significance. By preserving heritage homes, we help celebrate our community's past, contribute to a strong local identity, and maintain the historic character of the County. A historical evaluation of the buildings should be done to better understand the architectural style, features, and connection to historical events. – *Kayla Cicman, Arts, Culture & Heritage Officer*

Environmental Planning

- Environmental Planning staff have reviewed the proposed temporary rezoning. It is the understanding of staff that no new buildings or structures are proposed, and that the zoning amendment will be limited to the area of the existing farmhouse dwelling.
- The subject lands contain an Area of Natural and Scientific Interest and Woodlands and Vegetation, which are designated on Schedule C of the Official Plan. The property also contains a wetland, and the Grand River and its associated floodplain and valley system, which are zoned and designated Natural Heritage.
- The area of the proposed temporary rezoning is greater than 120 metres from natural heritage features and natural hazards. As such, Environmental Planning has no concerns.

The following departments/agencies did not provide any comments as part of the circulation of this application:

- Building
- Development Engineering
- Field Services
- Finance

- Operations
- Parks and Facilities
- Grandbridge Energy Inc.
- Union Gas
- Bell Canada
- Mississauga's of the Credit First Nation
- Six Nations of the Grand River

Summary and Recommendations

The purpose of this report is to provide the Planning and Development Committee and the public with information from this application to temporarily amend the County of Brant Zoning By-Law to permit two (2) dwelling units at 428-452 West River Road for a period of three years, to give staff and the applicant time to work towards the permanent conservation of the historic farmhouse on the property. It is anticipated that further discussions with the County of Brant Heritage Committee, the applicant and staff will result in a solution that meets the needs of the owner and the County of Brant.

Based on the analysis of applicable policies and standards, I can confirm that the legislative requirements for this application have been met. It is my professional opinion that this rezoning is consistent with the Provincial Policy Statement, conforms with the Growth Plan and the County of Brant Official Plan, and meets the applicable standards and intent of the County of Brant Zoning By-Law.

Attachments

Appendices:

1. Zoning Map
2. Official Plan Map
3. Aerial Map

Attachments

1. Draft By-Law and Schedule 'A' Mapping
2. Presentation Slides

Reviewed By

1. Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3, Director of Development Planning
2. Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

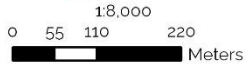
By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

Appendix 1 – Zoning Map

**MAP 1: ZONING
FILE NUMBER
ZBA32-22-BK**

428 - 452 West River Road
County of Brant
Ontario



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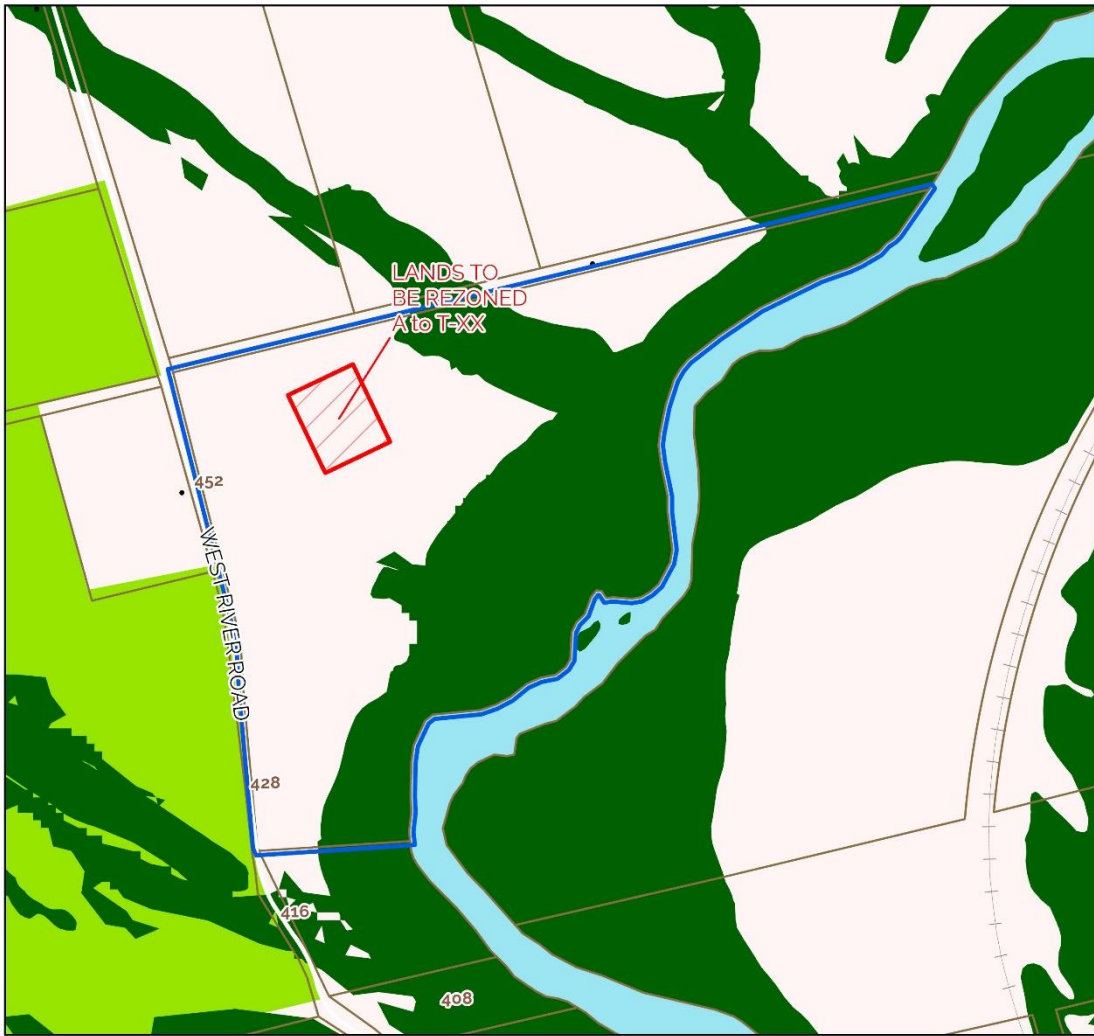
Appendix 2 – Official Plan Map

**MAP 2: Official Plan
FILE NUMBER
ZBA32-22-BK**

428 - 452 West River Road
County of Brant
Ontario



Date Printed: 2022-08-05



Appendix 3 – Aerial Map

MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA32-22-BK

428 - 452 West River Road
County of Brant
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