



## County of Brant – Planning and Development Report

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**To:** To the Chair and Members of the Planning and Development Committee  
**From:** Shannon Labelle, Planner  
**Date:** September 6, 2022  
**Subject:** RPT-0214-22  
Zoning By-Law Amendment Application ZBA12/22/SL  
1 King’s Lane, Geographic Township of Oakland  
**Purpose:** **Recommendation Report for Approval**

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That Application ZBA12/22/SL from Douglas W. Stewart, Agent on behalf of 2712077 Ontario Inc (Chris Henderson), Owner of lands legally known as Plan 205 Block Q Part Lot 8, municipally known as 1 King’s Lane, Geographic Township of Oakland, County of Brant, proposing to rezone the retained and severed lands from Suburban Residential (SR) to Suburban Residential with a Site Specific Provision 60 (SR-60) to permit a minimum lot area of 1,643 square metres (17,685 square feet) and a minimum frontage of 27 metres (88.6 feet) in order to facilitate a severance, on private services be approved; and

That the following site specific provisions are being recommended for approval:

1. To permit a minimum lot area of 1,643 square metres (17,685 square feet) and a minimum frontage of 27 metres (88.6 feet) for both the retained and severed lot in the Suburban Residential (SR) zone on private services; and

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 in order to facilitate the creation of one new residential lot within the Suburban Residential designation and Suburban Residential (SR) zone. 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 on the west side of King's Lane, north of the King's Lane and Oakland Road intersection, within the Secondary Urban Settlement Area boundary of Scotland, County of Brant. The lands municipally known as 1 King's Lane are irregular in shape, having frontage along the west side of King's Lane of approximately 57.9 metres (189.9 feet), and an approximate area of 4,300 square metres (1.1 acres).

The subject lands are currently occupied by a single detached dwelling.

The surrounding land uses consist of low density residential development on private services.

## **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.

***The subject lands will be privately serviced.***

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 1.1.1(g) of the PPS speaks to ensuring that necessary infrastructure and public service facilities are or will be available to meet the current and projected needs.

***The subject lands will 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 Secondary Urban Settlement Area boundary of Scotland.***

Section 1.1.3.2(a) of the PPS speaks to lands use patterns within settlement areas should efficiently use land and resources.

***The subject lands are larger than the lots surrounding and are currently underutilized. The rezoning will facilitate the proposed severance, which is considered a form of intensification and infill. The lands will continue to be privately serviced.***

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 will be privately serviced.***

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 proposed rezoning will facilitate the severance, which is an example of infill and intensification. Future development will comply with the respective development standards for the Suburban Residential (SR) zone.***

***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 Scotland.***
- ***The proposed rezoning will encourage efficient development and land use patterns.***
- ***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 (b) of the Growth Plan describes how growth will be limited in settlement areas that are rural settlements, and are not serviced by existing or planned municipal water and wastewater systems.

***One new residential lot is being created by the proposed severance. The subject lands are located within the Secondary Urban Settlement Area of Scotland. The subject lands require private servicing.***

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 facilitate the creation of one new residential building lot, located within the built up area of Scotland.***

***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 Scotland.***
- ***One new residential building lot is being created.***
- ***The subject lands are privately serviced.***

### **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.***

### **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 Scotland.***

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 privately serviced.***

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 Scotland.***

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 of Scotland, and the built up area of Scotland.***

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 Scotland, and are privately serviced.***

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 one (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 of Scotland. The subject lands are privately serviced, with private services required for the proposed lot. The proposal is an example of small scale intensification.***

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 and require private servicing. Existing building stock has been taken into consideration, and one new single detached dwelling is being proposed for the new lot.***

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 up area.***
- ***The proposed development is requires private servicing.***
- ***King's Lane is classified as a 'Rural Local Road' designed to accommodate the proposed form of residential development.***
- ***Local amenities such as Scotland Optimist Park and the Scotland Community Centre 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 proposal is an example of infill.***
- ***The proposed development is required to be privately serviced.***

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 (1 new residential unit) on a parcel having an area of 0.43 hectares resulting in 4.7 units per net hectare (2 units / 0.43 hectares = 4.7 units / hectare). The 4.7 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 Scotland.**
- **This proposal is an example of intensification.**
- **The lands are privately serviced.**
- **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.**

**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. The following site specific provisions are being proposed for the retained and severed lot:

Suburban Residential with Site Specific Provision 60 (SR-60)

- To permit a minimum frontage of approximately 27 metres (88.6 feet) along King’s Lane, whereas a minimum of 30 metres (98.4 feet) is required.
- To permit a minimum lot area of approximately 1,643 square metres (17,685.1 square feet), whereas a minimum of 3,000 square metres (32,291.7 square feet) is required on private services.
- All other provisions of the By-Law apply.

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 (Private Services)	Proposed Severed Land	Proposed Retained Land
Lot Area, Min <i>Single Detached</i>	3,000sm	2,657sm*	1,643sm*
Lot Frontage, Min <i>Single Detached</i>	30m	31m	27m*
Building Height, Max	10.5m	<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%	
<b>Off-Street Parking Requirements , Min</b>	2 Spaces per Dwelling Unit	

***\*The proposed rezoning is to permit a minimum frontage of 27 metres (88.6 feet) and a minimum area of 1,643 square metres (17,685.1 square feet) for both the retained and severed lot in the Suburban Residential (SR) zone on private services\****

***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.***
- ***The severed and retained parcels have frontage along King’s Lane.***
- ***With the exception of frontage and lot area, both the severed and retained lots satisfy the development standards of the Suburban Residential (SR) zone.***

## **Interdepartmental Considerations**

### Development Engineering:

- The County of Brant Official Plan (Sept 2012) – Schedule B classifies King’s Lane as a Rural Local Road, Section 5.3.2.1.9 states that road allowances should be 20 to 24 metres in width. A Road widening is required along the entire King’s Lane frontage of the Subject Lands.
- A Site Alteration Permit may be required under the County By-law 130-17 for any fill being brought to or being removed from the Site prior to the execution of the Development Agreement and/or Site Plan Approval.
- Through the Building Permit, the following will be required to be submitted: Stormwater Management Brief (should drywells and/or LID features be required), Lot Grading Plan, and Sedimentation & Erosion Control Plan.
- Planning Staff note the road widening will be required as a condition of severance.

### Environmental Planning:

- Environmental Planning staff have no concerns with the proposed Zoning By-Law Amendment.

- It is the opinion of staff that preservation, mitigation and/or compensation of trees and natural heritage features can be addressed through the consent process.

#### Fire:

- No concerns.
- Once the new lot is severed, the rural firefighting fee should be applied to the new lot.

#### Operations

- No comment.

#### Tax Department

- No Comment

#### Heritage

- After a review of the property and proposed development at 1 Kings Lane, staff note that subject lands do not appear to be designated under the Ontario Heritage Act or within proximity to another property that is designated under the Act. Additionally, the property is not found on the County's Built Cultural Heritage Inventory but is located directly abutting one (1) property found on the inventory. The intention of the inventory is to flag properties for further review related to built cultural heritage interest and my preliminary review of the subject lands does not indicate the need for anything further for this particular application.

#### Mississaugas of the Credit First Nation

- Request that a Stage 1 Archaeological Assessment be conducted prior to the finalization of the severance, and prior to the construction of the single detached dwelling for the proposed lot.

#### Six Nations

- Six Nations of the Grand River Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of our Nation. The cumulative effects of this intense development has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on our ability to exercise our Aboriginal and Treaty Rights that are not only set out in the treaties themselves, but are also recognized and affirmed in Section 35 of the *Constitution Act, 1982*.
- Six Nations is concerned about any development relating to air, land, water and resources which occur throughout our treaty territory and any archeological issues associated with such development(s).
- We oppose the proponent's application to sever a lot which will be smaller than the mandated minimum and have a frontage shorter than the mandated minimum.
- There are a significant amount of trees on the portion of the property where severance and new construction would occur. As threats to our environment increase, and challenges posed by climate change become more obvious, maintaining and increasing the tree canopy in settlement areas should be a priority for the county.

- While the proponent claims his application is good planning, what is the point of having minimum lot sizes and frontages if one can successfully argue that prior-practice makes them superfluous?
- In the event the proposal does receive approval, we request that a 10-1 tree replacement ratio be ordered and that the county enact 2.3.2.3.2 (k) of the Official Plan, whereby “Development within Primary or Secondary Urban Settlement Areas that may impact existing trees may be required to submit a detailed plan indicating how trees are to be saved.”

### Canada Post

- No comments.
- Should a house be constructed, please have the customer register for mail delivery at the Scotland Post Office.

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

- Building Division
- Hydro 1
- Grandbridge
- Union Gas
- Infrastructure Ontario
- 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 August 17<sup>th</sup>, 2022, and post the public notice sign in accordance with the *Planning Act*.

26 notices are to be mailed on August 17<sup>th</sup>, 2022.

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

### **Conclusions and Recommendations**

The applicant is seeking to rezone the retained and severed lands from Suburban Residential (SR) to Suburban Residential with Site Specific Provision 60 (SR-60) to permit a minimum frontage of 27 metres (88.6 feet) and a minimum area of 1,643 square metres (17,685.1 square feet) on private services, in order to facilitate a severance for the creation of one new residential building lot.

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

Prepared by:



**Shannon Labelle, BA, M.Sc.**

Planner

**Reviewed by:** Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Planning

**Submitted By:** Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

**Attachments**

1. Aerial Figure
2. Official Plan Figure
3. Zoning Figure
4. Severance Sketch
5. Site Development Plan
6. Draft By-Law

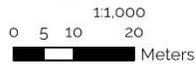
**File #** ZBA12/22/SL

**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 2022**  
**FILE NUMBER**  
**ZBA12-22-SL**

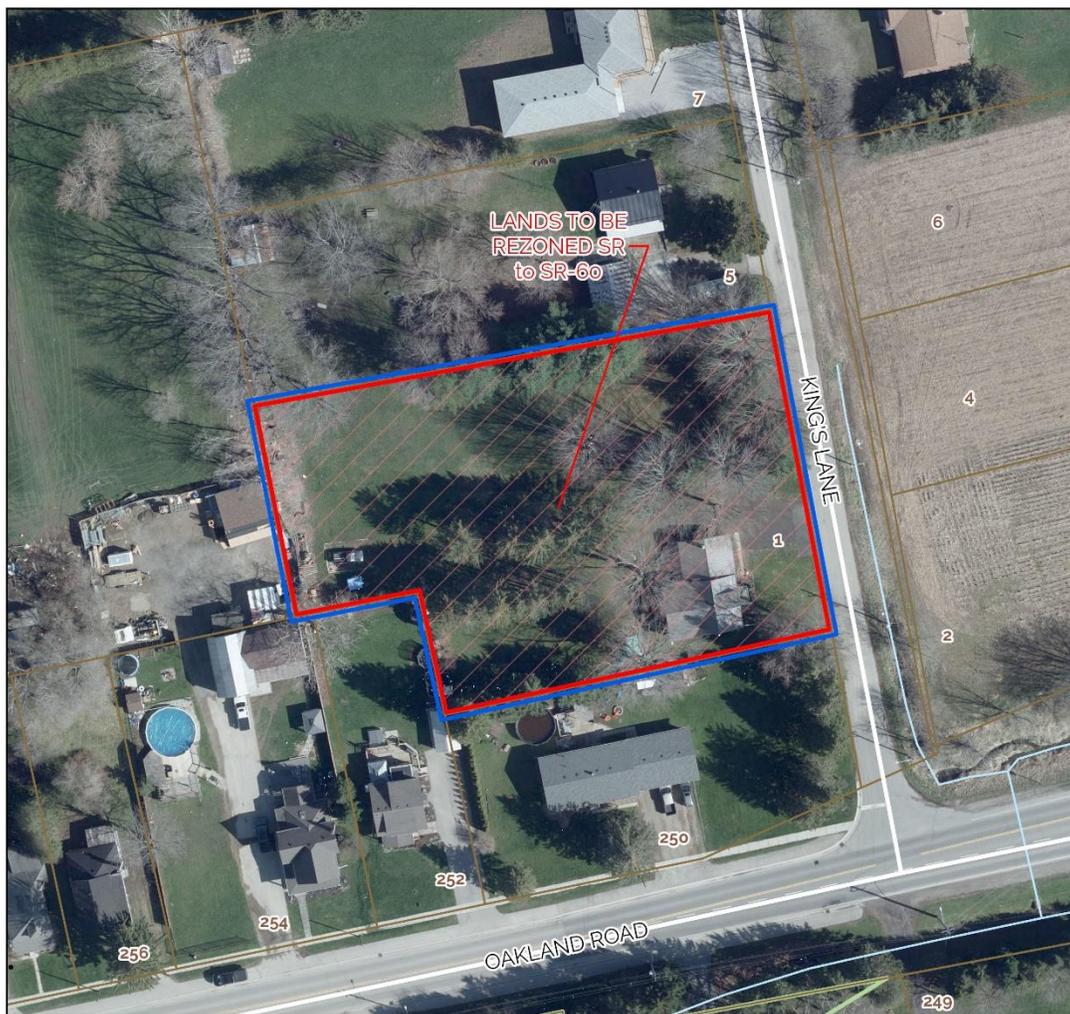
1 KING'S LANE LANE  
County of Brant  
Ontario



Date Printed: 2022-08-16



**Key Map**



**MAP 2: Official Plan  
FILE NUMBER  
ZBA12-22-SL**

1 KING'S LANE LANE  
County of Brant  
Ontario

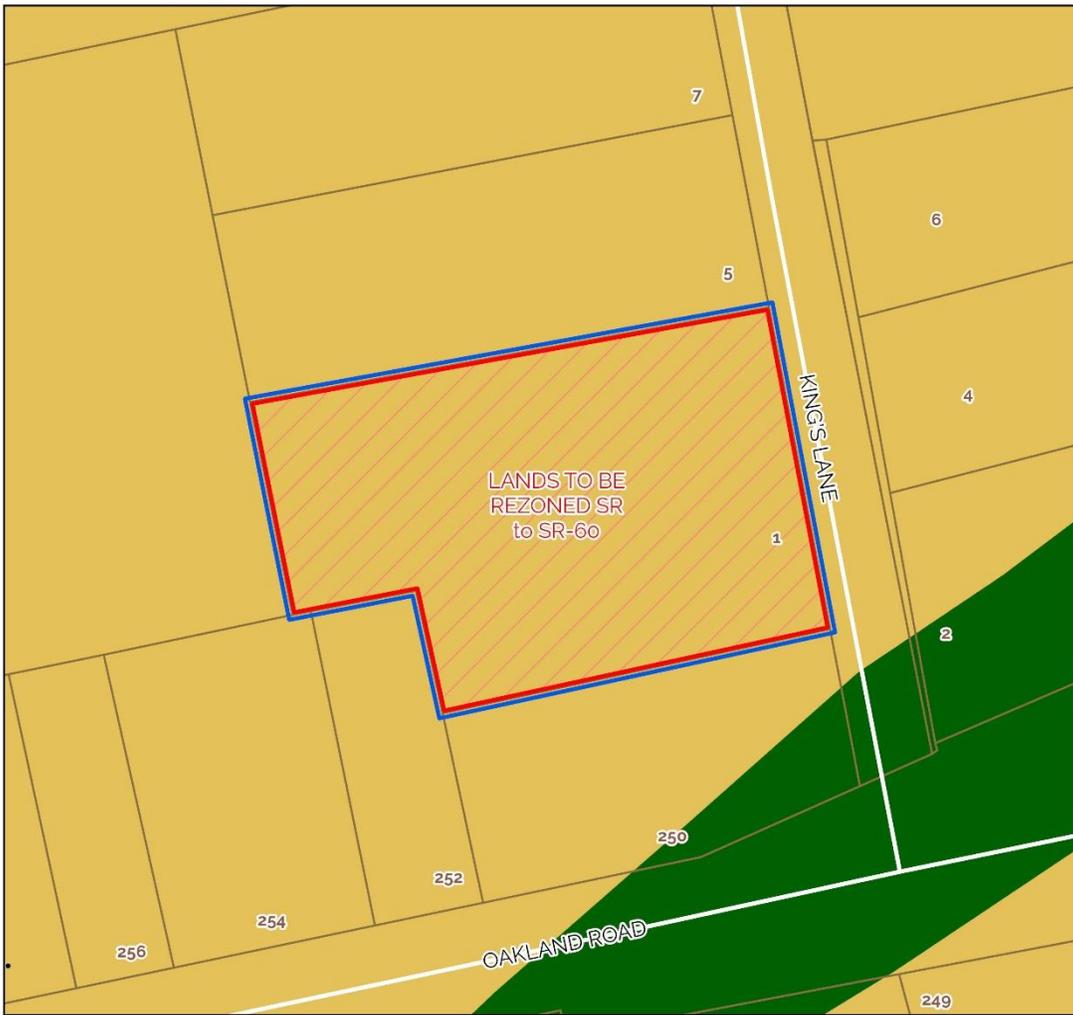


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Date Printed: 2022-08-16



**Key Map**



**MAP 1: ZONING  
FILE NUMBER  
ZBA12-22-SL**

1 KING'S LANE LANE  
County of Brant  
Ontario



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Date Printed: 2022-08-16

