



County of Brant – Planning and Development Report

To: To the Chair and Members of the Planning and Development Committee
From: Shannon Labelle, Planner
Date: December 6, 2022
Subject: RPT-0337-22
Zoning By-Law Amendment Application ZBA40/22/SL
137 King Edward Street, Geographic Township of Paris
Purpose: **Recommendation Report for Approval**

That Application ZBA40/22/SL from Ruchika Angrish, Agent on behalf of Daniel Bellhouse, Owner of lands legally known as Concession 1 Part Lot 10 Registered Plan 2R5526 Part 2, municipally known as 137 King Edward Street, Geographic Township of Paris, County of Brant, proposing to rezone the retained and severed lands from Residential Singles (R1) to Residential Singles and Semis (R2) in order to facilitate the creation of one (1) new residential building lot, and to permit a semi-detached dwelling housing type, be approved; 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.

proposing to rezone the retained and severed lands from Residential Singles (R1) to Residential Singles and Semis (R2) to facilitate the creation of one (1) new residential building lot, and to permit a semi-detached dwelling housing type. The proposed rezoning application is proceeding straight to recommendation report rather than having an information meeting, as the proposed and retained lots are meeting all zoning requirements for the Residential Singles

and Semis (R2) zone, and development standards for the proposed and existing housing type for the Residential Singles and Semis (R2) zone.

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 south side of King Edward Street, west of the King Edward and Cedar Street intersection, within the Primary Urban Settlement Area boundary of Paris, County of Brant. The lands municipally known as 137 King Edward Street are irregular in shape, having frontage along the south side of King Edward Street of approximately 37.4 metres (122.7 feet), and an approximate area of 1,221.6 square metres (0.3 acres).

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

To the north of the subject lands there is the Paris Cemetery, to the east, and south of the subject lands there is low density residential development, further to the east are lands zoned and used as a place of worship. To the west of the subject lands are lands zoned and used as a place of worship.

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 are fully serviced by municipal water and sanitary.

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 Semi-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 fully serviced by municipal water and sanitary.

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 Primary Urban Settlement Area boundary of Paris.

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 surrounding lots and are currently underutilized. The rezoning will facilitate the proposed severance, which is considered a form of intensification and infill. The subject lands have access to municipal services.

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 fully serviced by municipal water and sanitary.

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 Residential Singles and Semis (R2) 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 Primary Urban Settlement Area of Paris.***
- ***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 (a) of the Growth Plan describes 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 (1) new residential lot is being created by the proposed severance. The subject lands are located within the Primary Urban Settlement Area and built boundary of Paris. The subject lands have access to full municipal services.

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 Paris.

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 Primary Urban Settlement Area of Paris.***
- ***One new residential building lot is being created.***
- ***The subject lands are fully serviced by municipal water and sanitary.***

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 Urban Residential within Schedule ‘A-1’ 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 Primary Urban Settlement Area of Paris.

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 fully serviced by municipal water and sanitary.

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 Primary Urban Settlement Area of Paris.

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 Primary Urban Settlement Area of Paris, and Built Boundary of Paris.

Section 2.2.3.1.1(a) of the Official Plan describes how each of the Primary Urban Settlement Areas has a built boundary.

The subject lands are within the Built Boundary of Paris as per Schedule 'A' of the Official Plan.

Section 2.2.3.1.1(b) of the Official Plan describes how the majority of growth and development shall be directed to the County's Primary Urban Settlement Areas.

The proposal is an example of intensification, and infill. The subject land are located within the Primary Urban Settlement Area and Built Boundary of Paris.

Section 2.2.3.1.1(d) of the Official Plan speaks to the County directing a significant portion of its population and employment growth to appropriate areas within the built boundary and in accordance with intensification policies of Section 2.2.5.2.

The subject lands are within the Primary Urban Settlement Area and Built Boundary of Paris. The subject lands have access to full municipal services. The proposal is an example of small scale intensification, as only one (1) residential building lot is being proposed.

Section 2.2.3.1.1(g) of the Official Plan speaks to Primary Urban Settlement areas shall support orderly, efficient, and sustainable opportunities for development, redevelopment, and intensification.

The subject lands are within the Primary Urban Settlement Area of Paris. The subject lands have access to full municipal services. The proposal is an example of intensification and infill development.

Section 2.2.3.1.1(h) of the Official Plan describes how all development, redevelopment, and intensification shall take into account existing building stock and the availability of suitable existing or planned infrastructure and public services facilities to accommodate projected needs.

The subject lands are located within the identified Primary Urban Settlement Area, and Built Boundary of Paris, and have access to full municipal services. Existing building stock has been taken into consideration, and one (1) new semi-detached dwelling is being proposed for the new lot.

Section 2.2.3.1.1(j) of the Official Plan speaks describes how Primary Urban Settlement Areas shall develop as complete communities by accommodating a mix and range of urban land uses including residential, commercial, employment, retail, institutional, cultural, recreational, and open space uses.

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 (1) new residential building lot, located within the Built Boundary of Paris.

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 of Paris.***
- ***The proposed development is fully serviced by municipal water and sanitary.***
- ***King Edward Street is classified as an 'Urban Residential Collector Road' designed to accommodate the proposed form of residential development.***
- ***Local amenities such as Rest Acres Ridge Park and Lions Park are located within close proximity of the subject lands.***
- ***The proposed development conforms to the policies of the Urban Residential land use designation***

Section 3.4.2 of the Official Plan identifies the predominant use of land in the Urban Residential designation shall be for a variety of residential housing types, in accordance with the density and location criteria outlined within the Urban Residential policies and Zoning By-Law.

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

Section 3.4.3 of the Official Plan outlined the following policies which apply to all lands designated Urban Residential:

- a. New development, redevelopment, and intensification within any Urban Residential designation, including applications to amend the County's Zoning By-Law in order to permit a proposed development shall be subject to the following criteria:
 - i. The density, height and character of the proposed development project shall be compatible with existing adjacent uses;
 - ii. Existing water and sanitary sewer systems shall be capable of accommodating the proposed development.

- iii. The proposed development shall be adequately serviced by parks and educational facilities.
- iv. All required parking is to be provided on site.
- ***The proposed rezoning will facilitate the creation of one (1) new residential building lot. The proposed housing type is compatible with the existing and surrounding residential uses. The subject lands will continue to be used for residential purposes.***
- ***The subject lands have access to full municipal services.***
- ***The subject lands are within close proximity to Lions Park, Rest Acres Ridge Park, Cobblestone Elementary School, and Sacred Heart Catholic Elementary School.***
- ***All required parking can be provided on site.***

Section 3.4.4(a) of the Official Plan 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 0.12 hectares resulting in 16.7 units per net hectare (2 units / 0.12 hectares = 16.7 units / hectare). The 16.7 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 Primary Urban Settlement area and built boundary of Paris.***
- ***This proposal is an example of intensification.***
- ***The lands are fully serviced by municipal water and sanitary.***
- ***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 Residential Singles (R1) within the County of Brant Zoning By-Law 61-16.

The applicant is proposing to rezone the subject lands from Residential Singles (R1) to Residential Singles and Semis (R2) to facilitate the creation of one (1) new residential building lot, and to permit a semi-detached housing type.

Section 8 of the County of Brant Zoning By-Law identifies the permitted uses and development standards for lands zoned as Residential Singles and Semis (R2).

Permitted uses include but are not limited to the following:

- Dwelling, Duplex – must be existing;
- Dwelling, Semi-Detached;
- Dwelling, Single Detached
- Group Home

Section 8.2 of the County of Brant Zoning By-Law speaks to the required development standards for each permitted building type for lands zoned as Residential Singles and Semis (R2).

Residential Singles and Semis (R2)	Required – Semi-detached Dwelling	Proposed – Severed Land	Required – single detached dwelling	Proposed - Retained Land
Lot Area, Min <i>Single Detached</i>	550sq.m	577sq.m	450sq.m	644.6sq.m
Lot Frontage, Min <i>Single Detached</i>	18.0m	18.7m	15m	18.7m
Building Height, Max	10.5m	<i>To be confirmed at the time of building permit.</i>	10.5m	3.6m
Street Setback, to habitable portion of the dwelling, Min	4.5m		4.5m	7.0m
Street Setback, to the attached garage, Min	6.0		6.0	N/A
Interior Side Yard Setback, Min	1.2m		1.2m	3.1m
Rear Yard Setback, Min	6.0m		6.0m	14.4m
Lot Coverage, Max	40%		40%	26%
Off-Street Parking Requirements , Min	2 spaces		2 spaces	2 spaces

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 (1) new residential building lot is being created.***
- ***The severed and retained parcels have frontage along King Edward Street.***
- ***Both the severed and retained lots satisfy the development standards of the Residential Singles and Semis (R2) zone.***

Interdepartmental Considerations

Development Engineering:

- No objections to the application, noting that staff recommendations will be provided under a related consent application, in the future.

Environmental Planning:

- No concerns with the proposed rezoning
- For the related consent application, consideration should be given to requiring a Tree Preservation Plan as a condition of approval.

Fire:

- No issues.

GIS

- Application has been added to database
- Request for CAD drawings or GIS files with line work to import into database.
- Requires a civic address change for multiple residential units, this can be requested at the following: https://www.brant.ca/en/building-and-renovating/new-civic-addresses.aspx?_mid_=152901

Operations

- Public Works permit application will be required for new services and entrance.
- Only one set of water and sanitary services are provided to each property, if the intention is to sever the proposed duplex after construction consideration for a 2nd service will be made at time of public works permit application.
- The existing house (retained property) will be required to connect to municipal wastewater servicing.

Mississaugas of the Credit First Nation

- No comments.

Parks and Facilities

- At the time of consent, cash-in-lieu of parkland at a rate of \$5,813 per lot will apply

Canada Post

- No comments
- The new lot will be serviced by the Community Mailbox on Cedar St.
- Please have the customer contact our Customer Service department at 1-800-267-1177 or the Brantford Post office at 519-752-2505 ext 2004 or 2005 to register for mail delivery.

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

- Building
- Grandbridge Energy
- Bell Canada
- Rogers
- Enbridge Gas
- Heritage
- Tax Department
- Six Nations

Public Considerations

Staff are to visit the site for inspection on November 14th, 2022, and post the public notice sign in accordance with the *Planning Act*.

19 notices are to be mailed on November 14th, 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 Residential Singles (R1) to Residential Singles and Semis (R2) to facilitate the creation of one (1) new residential building lot, and to permit a semi-detached dwelling housing type.

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. Site Plan
5. Site Photos

6. Draft By-Law

Copy to

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

File # ZBA40/22/SL

In adopting this report, is a By-Law or agreement required?

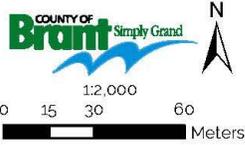
By-Law required (Yes)

Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

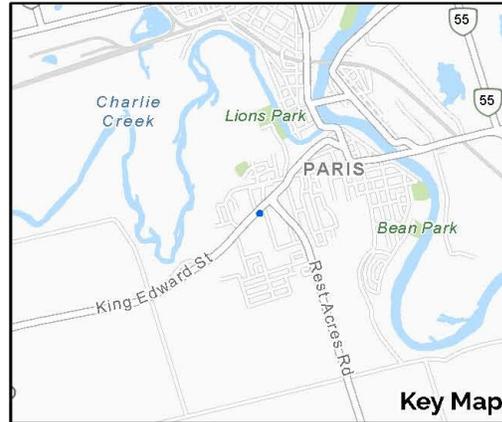
Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
ZBA40-22-SL

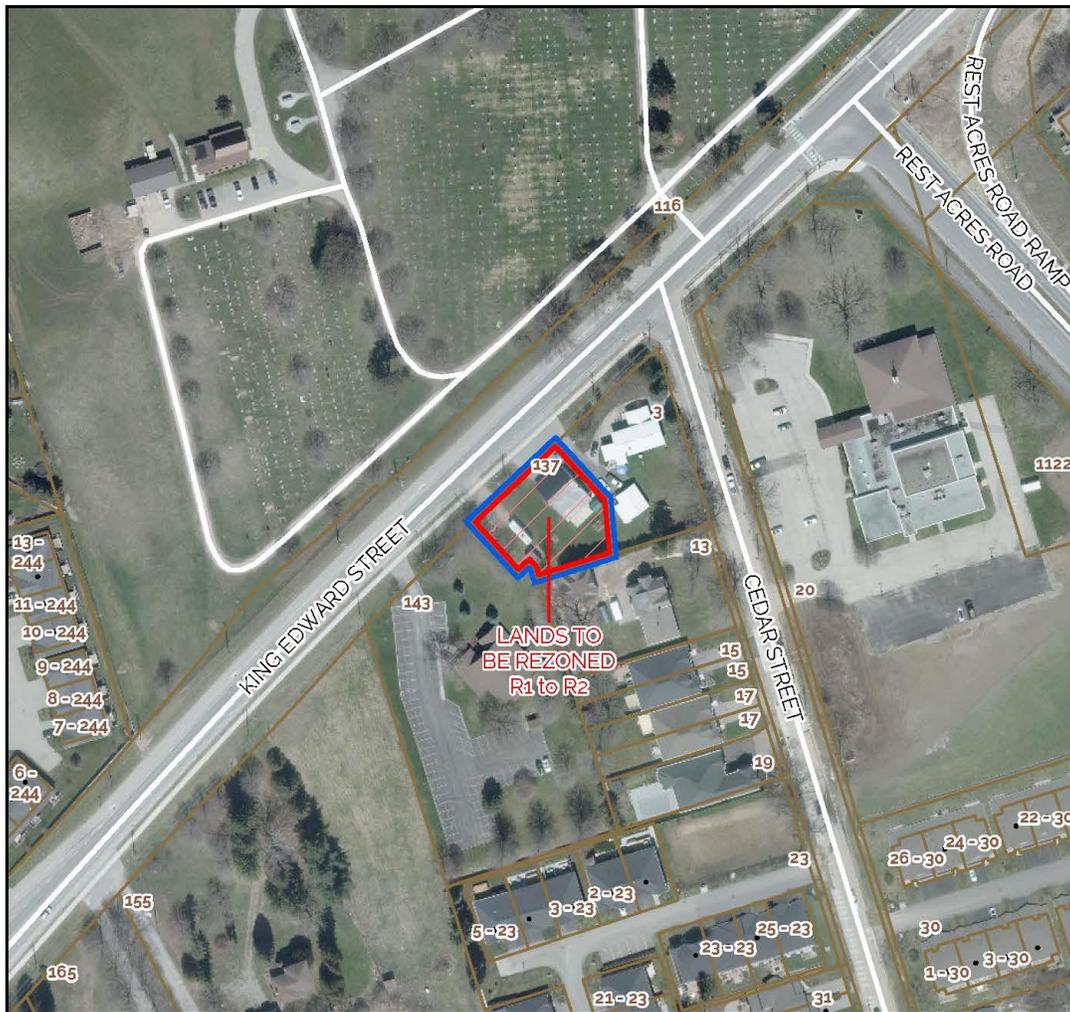
137 KING EDWARD STREET
County of Brant
Ontario



Date Printed: 2022-10-19



Key Map



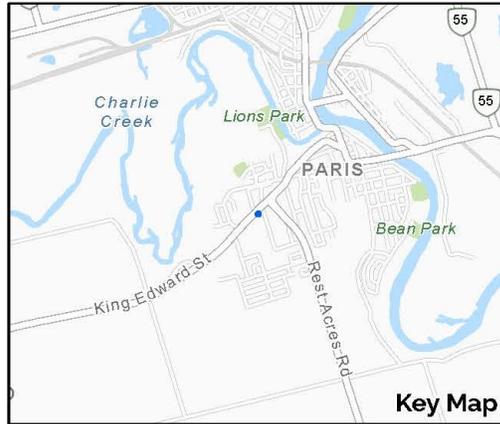
**MAP 2: Official Plan
FILE NUMBER
ZBA40-22-SL**

137 KING EDWARD STREET
County of Brant
Ontario

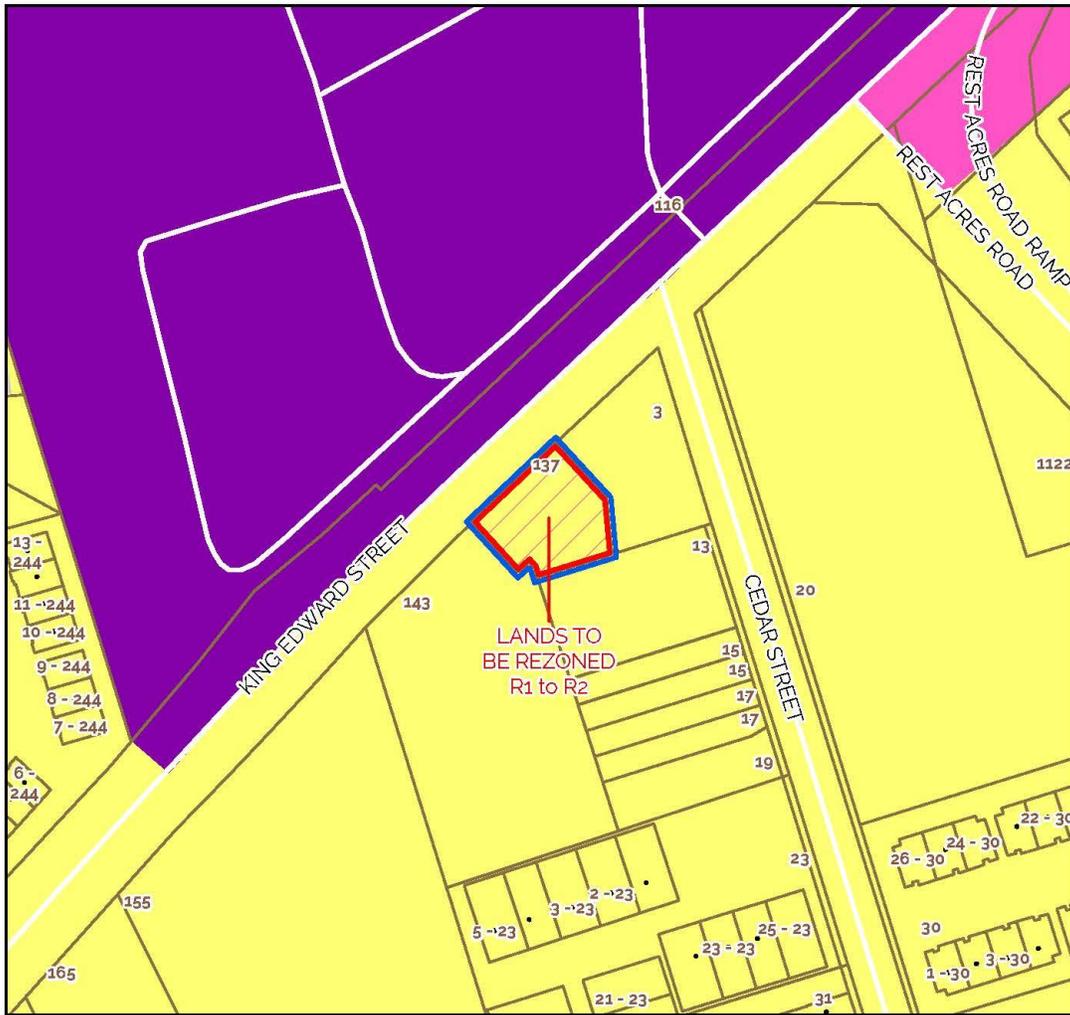


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Date Printed: 2022-10-19



Key Map



Site Plan

ZONING INFORMATION

ITEM	LOT 1 REQUIRED	LOT 1 PROPOSED	LOT 2 REQUIRED	LOT 2 PROPOSED
LOT AREA	450m ²	644.6m ²	550m ²	577m ²
LOT FRONTAGE	15m	18.7m	18m	18.7m
STREET SETBACK	6m	6m	5m	6m
INTERIOR SIDE YARD SETBACK	1.2m	1.2m	1.2m	1.2m
REAR YARD SETBACK	6m	14.4m	5m	7.1m
LOT COVERAGE (MAX)	40%	<40%	40%	<40%
LANDSCAPED OPEN SPACE	30%	>30%	30%	>30%
BUILDING HEIGHT	10.5m	3.6m	10.5m	<10.5m



Site Photos

North



South



East



West

