



County of Brant – Planning and Development Report

To: To the Chair and Members of the Planning and Development Committee
From: Lauren Graham, Junior Planner
Date: May 9, 2023
Subject: RPT-0143-23
Zoning By-Law Amendment Application ZBA6/23/LG
738 Mount Pleasant Road, Geographic Township of Brantford
Purpose: **Recommendation Report for Approval**

That Application **ZBA6/23/LG** from Corbett Land Strategies Inc., Agent on behalf of Sravya Enagala and Venkata Solleti, Owner of lands described as PLAN 47, LOT 6, in the geographic Township of Brantford, municipally known as 738 Mount Pleasant Road, County of Brant, **BE APPROVED** to rezone the subject lands from Suburban Residential (SR) to:

1. Suburban Residential with site specific provision 61 (SR-61)
 - To permit area of approximately 747 square metres (0.18 acres), whereas a minimum of 1,000 square metres (0.25 acres) is required.
 - To permit frontage of 7.82 metres (25.66 feet), whereas a minimum 20 metres (65.62 feet) is required.
 - To permit exterior side yard setback of 5.0 metres (16.40 feet), whereas a minimum of 7.5 metres (24.61 feet) is required.
 - All other provision of the By-Law apply;
2. Holding – Suburban Residential with site specific provision 61 (h-SR-61)
 - To rezone the severed lands with a holding provision due to water servicing capacity restraints.
 - All other provision of the By-Law apply;

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 purpose of this rezoning is to permit a reduced lot area of approximately 747 square metres (0.18 acres), a reduced frontage of 7.82 metres (25.66 feet) and a reduced exterior side yard setback of 5.0 metres (16.40 feet) in order to facilitate a severance on the subject lands.

A Holding Provision (h-) is being recommend on the severed parcel due to servicing capacity constraints within the Mount Pleasant Area. The provision can be lifted once appropriate water servicing is made available.

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.

Location

The subject lands are located on the east of Mount Pleasant Road, south of North Street and west of First Street, within the geographic Township of Brantford. The lands are rectangular in shape, having a frontage of approximately 100.58 (330 feet) metres along North Street, as well as a frontage of 20.11 (66 feet) metres along Mount Pleasant Road and First Street and an area of approximately 2023.43 square metres (0.5 acres).

The subject lands contain a single detached dwelling, detached garage and the current driveway is located off of North Street. The existing dwelling and detached garage will be demolished upon approval of a future consent application.

The surrounding area consists of residential land uses and the subject lands are partially serviced with municipal water and septic.

Report

Planning Act R.S.O (1990)

Section 2(a-s) of the *Planning Act* outlines matters of provincial interest that decision making bodies shall have regard for.

- The application has regard for:
 - Section 2(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - Section 2(p) the appropriate location of growth and development

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*.

The following demonstrates consistency with the applicable policies of the *Provincial Policy Statement (2020)*:

<i>Provincial Policy Statement – 2020</i>	<i>Planning Analysis</i>
Section 1.1.3.1, identifies that Settlement areas shall be the focus of growth and development. <i>Settlement Areas</i> can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).	<i>The subject lands are designated as Suburban Residential and located within the Secondary Urban Settlement Area of Mount Pleasant.</i>
Section 1.1.3.4 of the <i>Provincial Policy Statement</i> 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.	<i>The proposal is required to facilitate a future severance, which will permit the creation of one (1) new residential building lot on partial municipal services.</i>
Section 1.6.6.2 advises that areas that have access to full municipal sanitary and water services within settlement areas, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	<i>The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and the proposal is considered intensification and infill development on partial municipal services.</i>

It is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.

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*.

The following demonstrates conformity with the applicable policies of the *Growth Plan for the Greater Golden Horseshoe (2020)*:

<i>Growth Plan for the Greater Golden Horseshoe (2020)</i>	<i>Planning Analysis</i>
Section 2.2.1.2(a) of the <i>Growth Plan</i> 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.	<i>The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant. The subject lands are partially serviced with municipal water and the holding provision will ensure growth occurs, once water capacity becomes available.</i>

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.	<i>The subject lands have access to local amenities such parks and open space, institutional and commercial uses that support the achievement of complete communities.</i>
Section 2.2.9.6 of the Growth Plan speaks to new multiple lots, or units for residential development are to be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permits this type of development.	<i>The subject lands are designated as Suburban Residential with the County of Brant Official Plan and zoned as Suburban Residential (SR) within the Zoning By-Law 61-16.</i>

It is my professional opinion that the request conforms to the policies of the Growth Plan.

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.

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone

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, and located within the Secondary Urban Settlement Area of Mount Pleasant.

The following demonstrates conformity with the applicable policies of the *County of Brant Official Plan (2012)*:

<u>Official Plan (2012)</u>	<u>Planning Analysis</u>
Section 1.11.2.2.2 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.	<i>The proposed rezoning is required to facilitate a future severance on lands designated as Suburban Residential.</i>
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,	<i>The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and will have access to partial municipal services.</i>

<p>redevelopment, and intensification opportunities. 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.</p>	
<p>Section 3.4.3(a)(i) of the Official Plan speaks to new development, redevelopment, and intensification within any Urban Residential designation, including applications to amend the County's Zoning By-Law shall have consideration of the density, height, and character of the proposed development and shall be compatible with existing adjacent land uses.</p>	<p><i>The proposal will facilitate the creation of one (1) new residential lot, the lot size and shape are consistent with the surrounding area.</i></p>
<p>Section 3.4.3(a)(vi) of the Official Plan describes how proposed development on lands designated as Urban Residential are to be adequately serviced by parks and educational facilities.</p>	<p><i>Local amenities such as Mount Pleasant Nature Park, Mount Pleasant Park, and Mount Pleasant School are located in proximity to the subject lands.</i></p>
<p>Section 3.5.3(a) of the Official Plan advises 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.</p>	<p><i>The proposal is required to facilitate a future severance, which will permit the creation of one (1) new residential building lot on partial municipal services.</i></p>
<p>Section 5.2.1 b) of the Official Plan advises partial or private services shall continue to provide the primary means of water and sanitary sewage systems within the Secondary Urban Settlement Area boundaries, until it is financially feasible to extend or develop full County services as required to accommodate projected growth and development within the planning horizon.</p>	<p><i>The subject lands are located within the Secondary Urban Settlement Area of Mount Pleasant and are partially serviced by municipal water and septic.</i></p>
<p>Section 6.8.2.2 of the Official Plan speaks to non-agricultural consents and requires frontage on a public road and servicing.</p>	<p><i>The subject lands have frontage along Mount Pleasant Road, North Street and First Street and is partially serviced with municipal water and septic.</i></p>

It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.

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 9.1, Table 9.1.1 of the County of Brant Zoning By-Law speaks to permitted uses on lands zoned as Suburban Residential (SR). Permitted uses include but are not limited to the following:

- Dwelling, Single Detached

Section 9.2, Table 9.2.1 of the County of Brant Zoning By-Law speaks to the development requirement for lands zoned as Suburban Residential (SR). See chart below for analysis of development standards:

Development Standard	Required - Dwelling	Requested – Severed Lands	Requested – Retained Lands
Lot Area, Minimum (sq. m)	1,000	747	747
Lot Frontage, Minimum (m)	20.0	7.82	7.82
Street Setback, Minimum (m)	7.5	7.5	7.5
Interior Side Yard Setback, Minimum (m)	1.5	1.5	1.5
Rear Yard Setback, Minimum (m)	7.5	5.0	5.0

Section 4.28.4 of the Zoning By-Law advises where a non-conforming (to be interpreted as non-complying) lot, building or structure is created as a result of the acquisition of part of the lot by a public agency, a building or structure may be erected, altered or repaired and used on such lot, provided that such building or structure comply with all other provisions of this By-Law other than the reduced frontage, reduced lot area, reduced setbacks, and lot coverage requirements.

- ***It has been identified a 3.92 metre (12.86 feet) road widening is required along the North Street and First Street frontages, and 7.62 metre (25 feet) daylighting triangles at the south/west and south/east corner of the subject lands.***
- ***The required road widening and daylight triangles will result in reduced frontages, reduced rear yard setbacks and further reduce the lot areas of both the proposed severed and retained parcels.***

It is my professional opinion that the request is appropriate and maintains the intent of the County of Brant Zoning By-Law (61-16).

Interdepartmental Considerations

Civic Addressing

- No comments.

Environmental Planning

- No comments.

Development Engineering

- Road widening of 3.92m is required along the North Street and First Street frontages. This is consistent with widening taken along neighbouring lots (see attached sketch).
- 7.62m Daylighting triangles (from the newly widened limits) are required on the Subject Lands at the SW intersection of North Street and First Street & the SE corner of Mount Pleasant Road and North Street (see attached sketch).
- The applicant is required to enter into a development agreement. Within that agreement:
- Curb to curb road restoration is required for the installation of new water services.
- Proposed septic locations are required to be shown on the site plan.
- Approved Public Works Entrance Permits are required prior to the removal/construction of entrances.
- The following Plans/Reports will be required as part of a future severance application:
 - Legal Survey
 - Site development Plan
 - Geotechnical Study (if LID features are proposed)
 - Storm Water Management Plan & Report
 - Lot Grading & Drainage Plan (A holistic Lot Grading & Drainage Plan/Report is required)
 - Erosion & Sediment Control Plan
- Lot grading and drainage plan is required for a subsequent severance application is to be in accordance with the County of Brant Development and Engineering standards as amended.
- The Operations Department will provide comments on available water capacity to support new development on the subject lands.

Operations

- No comments from operations as long as the holding provision is on the second lot. The water service for the original lot is off North St.

Fire

- No issues with this zoning by-law amendment application.

Canada Post

- Please be advised that Canada Post does not have any comments on this application for severance or boundary / zoning adjustments as this will not affect mail delivery.
- Should any house be constructed in the future, the customer will have to register for mail delivery by calling our Customer Service department at 1-800-267-1177 and will be in the Kiosk at the Community center.

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.

- We continue to be concerned about the loss of trees. During pre-consultation, we asked that all removed trees to be replaced at a 10-1 ratio and for the proponent to prepare a tree management plan, cataloguing which trees will be retained, which trees will be removed, and the proposed locations of new trees.
- This application does not speak to those requests. Basic information about tree removals and replacements is unavailable.
- The proponent's requests for reductions in lot requirements will grant less space for new trees. Considering the reductions being sought, we question whether it's appropriate to have more than one detached dwelling unit on this property.
- The proponent claims "The proposed lot area will accommodate driveways, septic systems (size and location to be determined at building permit application), tree replanting, while still providing plenty of space for landscaping and amenity areas." But this hasn't been quantified. We ask the proponent to do so with respect to trees, keeping in mind our replacement ratio.

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

- Building
- Hydro One
- Bell Canada
- Enbridge Gas Inc
- Mississaugas of the Credit First Nation (MCFN)
- Finance – Tax Department
- Rogers

Public Considerations

Staff are to visit the site for inspection on April 19th, 2022, and post the public notice sign in accordance with the *Planning Act*.

40 notices are to be mailed on April 19th, 2022.

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

Conclusions and Recommendations

The purpose of Minor Zoning By-Law Amendment Application ZBA6-23-LG is to permit a reduced lot area of approximately 747 square metres (0.18 acres), a reduced frontage of 7.82 metres (25.66 feet) and a reduced exterior side yard setback of 5.0 metres (16.40 feet) in order to facilitate a severance on the subject lands.

Through discussions with the Development Engineering Department at the time of Pre-Consultation it was established that a 3.92 metre (12.86 feet) road widening is required along the North Street and First Street frontages, which is consistent with road widenings along neighbouring properties. In addition 7.62 metre (25 feet) daylighting triangles are required at the south/west intersection of North Street and First Street and the south/east corner of Mount Pleasant Road and North Street. The required road widening and daylight triangles will result in reduced frontages, reduced exterior side yard setbacks and further reduce the lot areas of both the proposed severed and retained parcels.

A Holding Provision (h-) is being recommend on the severed parcel due to water servicing constraints within the Mount Pleasant Area. The provision can be lifted once appropriate water servicing is made available.

Based on the analysis above, I can confirm that the appropriate measures have been taken to ensure that the rezoning and related severance is consistent with the *Provincial Policy Statement* and conform to the County of Brant Official Plan. None of the agencies and departments circulated raised any concerns.

It is my professional opinion that the request is appropriate and represents good planning and therefore I recommend that the Minor Zoning By-Law Amendment Application **ZBA6-23-LG**, be **Approved**.

Prepared by:



Lauren Graham

Junior 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. Zoning Figure
2. Official Plan Figure
3. Aerial Figure
4. Site Development Plan
5. 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 # ZBA6/23/LG

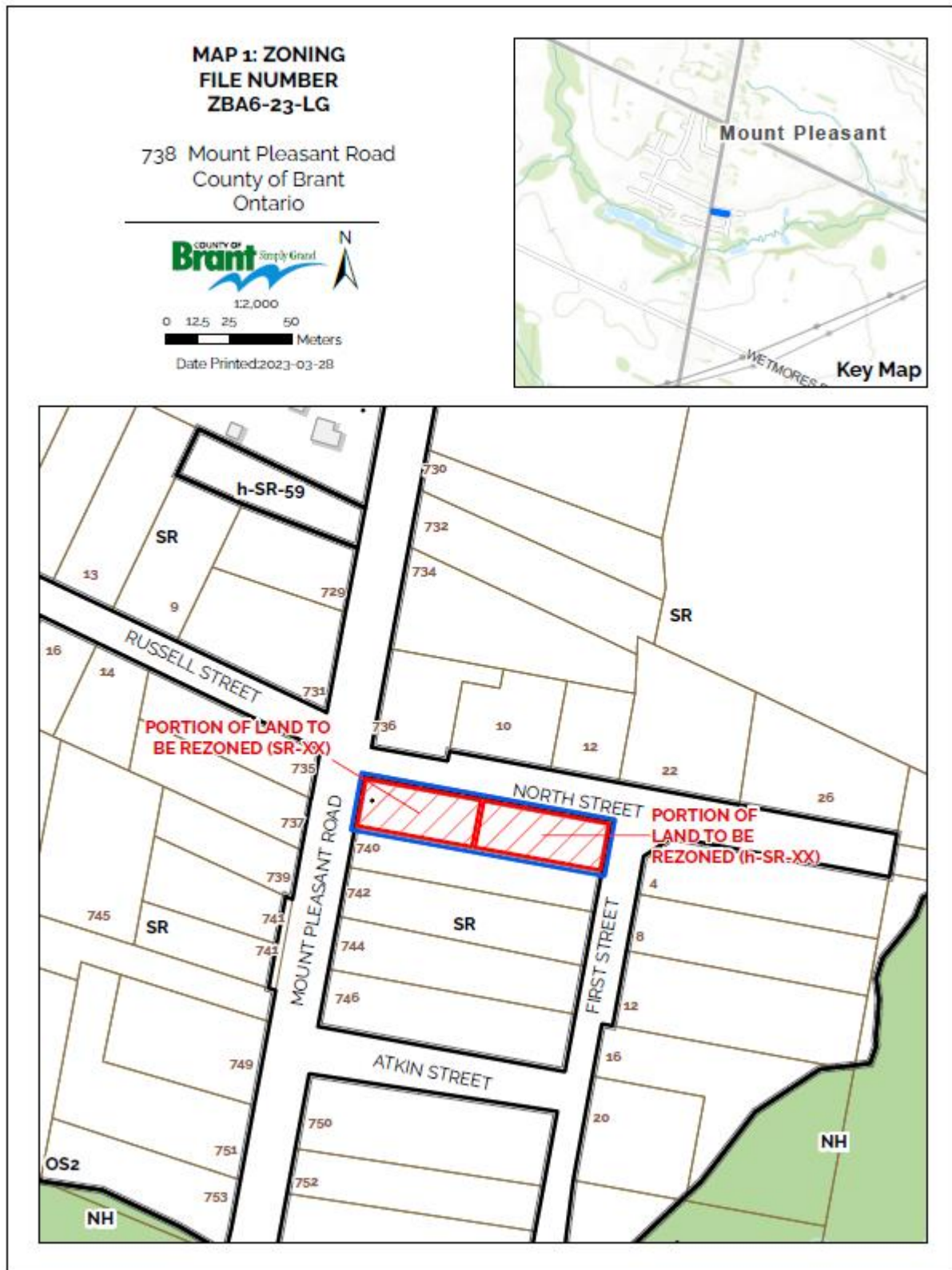
In adopting this report, is a bylaw or agreement required?

By-Law required (Yes)

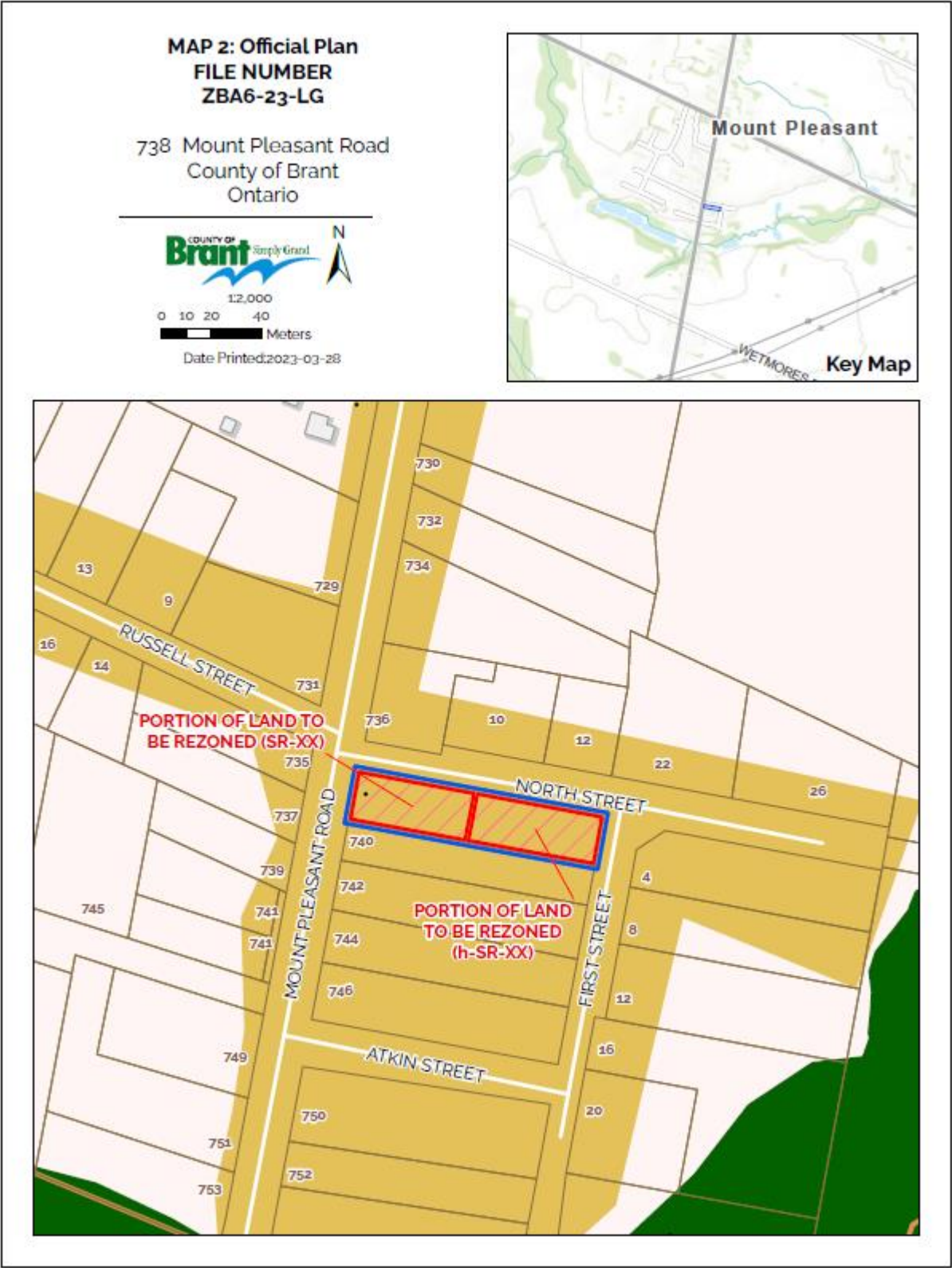
Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

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

Attachment 1 – Zoning Map



Attachment 2 – Official Plan Map



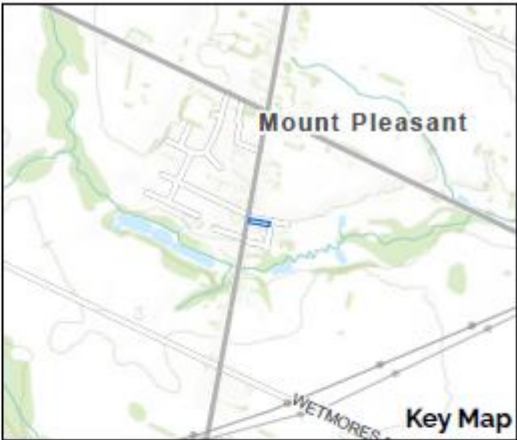
Attachment 3 – Aerial Map

MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA6-23-LG

738 Mount Pleasant Road
County of Brant
Ontario



Date Printed: 2023-03-28



Attachment 4 – Site Plan

