



## COMMITTEE OF ADJUSTMENT REPORT

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**DATE:** October 17, 2024

**REPORT NO:** B14-24-KD

**TO:** To the Chair and Members of the Committee of Adjustment

**FROM:** Logan Keen, Junior Planner

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**APPLICATION TYPE:** Consent

**APPLICATION NO:** B14-24-KD

**LOCATION:** 104 Oak Ave, Paris

**AGENT / APPLICANT:** Bob Stewart, Pinevest Homes

**OWNER:** Aidan Dekkema, Brookfield Residential

**SUBJECT:** Request for a decision on a Consent Application to facilitate a severance of a property in existing plan of Subdivision to create two parcels from one existing block.

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### RECOMMENDATION

THAT Application for Consent B14-24-KD from Bob Stewart, Pinevest Homes on behalf of Aidan Dekkema, Brookfield Residential of lands legally described as SOUTH DUMFRIES CONCESSION 2 PART LOT 32 PLAN 2M1947 BLOCK 107 RP 2R8949 PARTS 1 AND 2, located at 104 Oak Avenue, Paris, County of Brant, proposing to facilitate a severance of a property in two existing plans of Subdivision to create two parcels from one existing block, **BE APPROVED**, subject to the attached conditions

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.
- The lot creation is compatible and consistent within the context of the existing development.

### EXECUTIVE SUMMARY

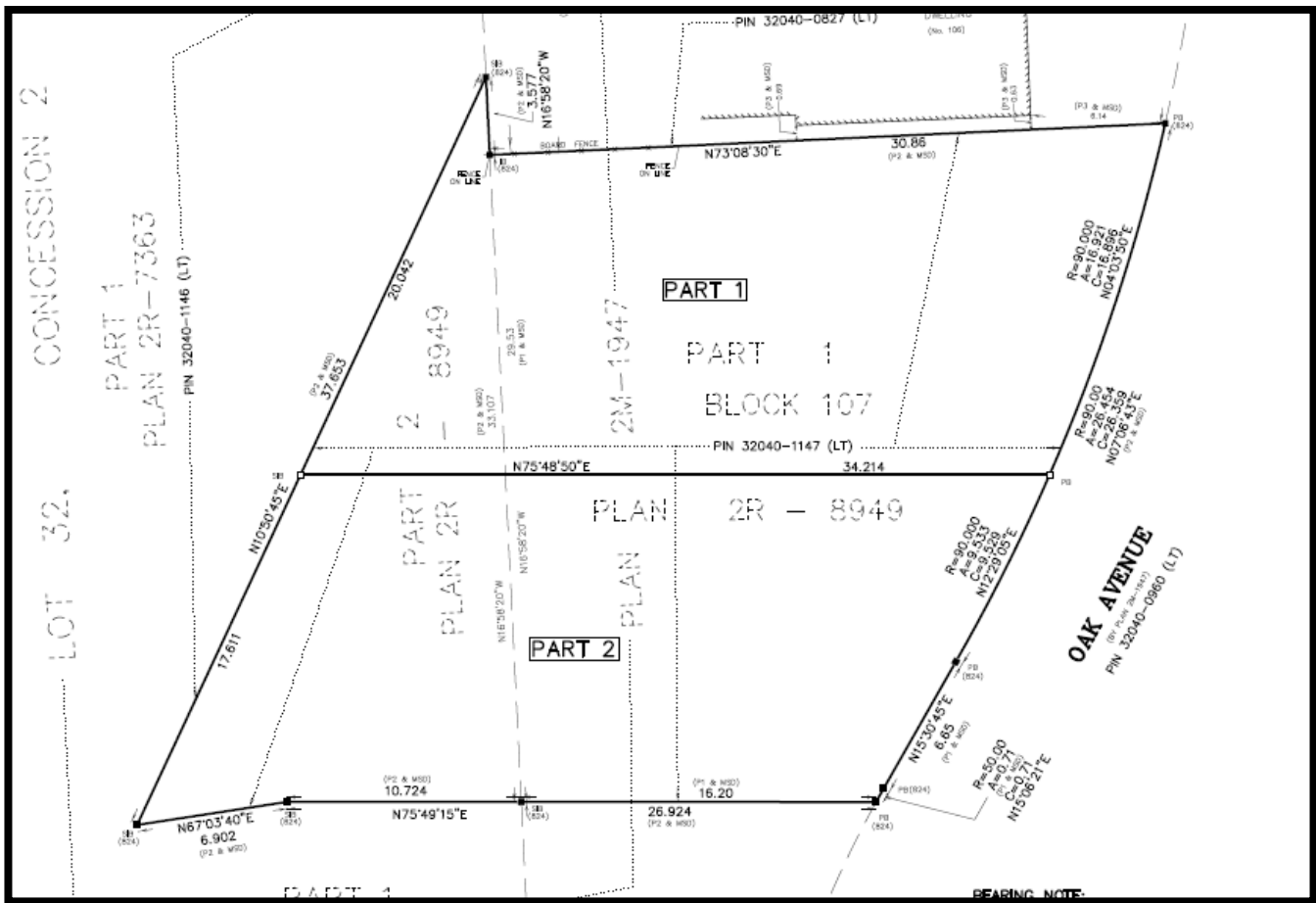
Consent Application **B14-24-KD** is proposing a severance located at 104 Oak Avenue, within two existing plans of subdivision, Watts Pond Development and Pinehurst Phase 2, in order to create two parcels from one existing block. The severance is to facilitate the future construction

of single detached dwelling units within the severed lots, in accordance with the development standards of the Residential Singles and Semis (R2) with site specific provision 18 (R2-18) Zone.

The land was recently merged with the abutting lands to the west under planning application B20-23-SL, in order to create a parcel that could be severed into two proposed lots. The previous application B20-23-SL was approved to facilitate the future construction of single detached dwelling units, in accordance with the development standards of the Residential Singles and Semis (R2) with site specific provision 18 (R2-18) Zone. The lands were subject to an approved rezoning application, ZBA22-22-SL, which rezoned the subject lands from Residential Singles (R1) to Residential Singles and Semis (R2) with site specific provisions 19 (R2-18).

Detailed review of the proposed new lot development will be completed as part of the building permit review process (access, grading, drainage, zoning servicing, etc.)

**Figure 1: Proposed Severance Sketch**

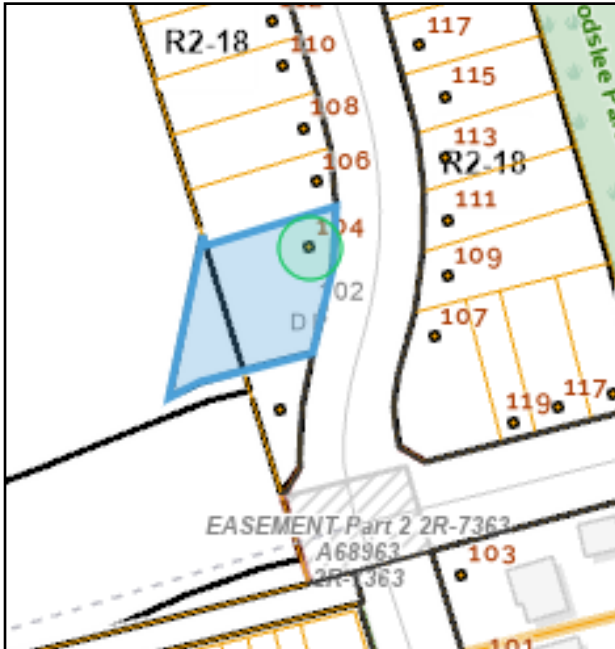


The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), *Growth Plan for the Greater Golden Horseshoe* (2020), *Brant County Official Plan* (2012) and *Zoning By-Law 61-16*, consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and therefore recommend that application **B14-24-KD** be **Approved**, subject to the attached conditions.

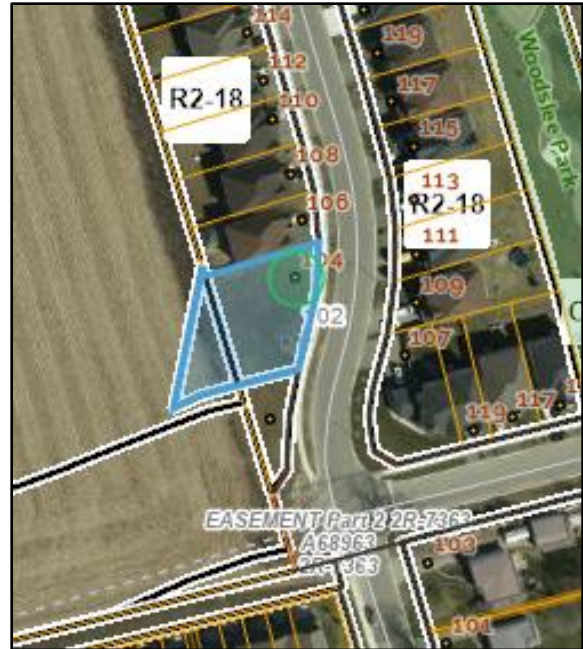
## LOCATION / EXISTING CONDITIONS

The subject lands are located west of Oak Avenue, and north of Woodslee Avenue, within the Primary Urban Settlement Area boundary of Paris, County of Brant.

LOCATION MAP  
Application: B14-24-KD  
104 Oak Avenue



AERIAL IMAGE  
Application: B14-24-KD  
104 Oak Avenue



The lands municipally known as 104 Oak Avenue have frontage along the west side of Oak Avenue of approximately 33 metres (108 feet), and an approximate area of 736.85 square metres (0.18 acres).

The subject lands are currently vacant.

To the north and east of the subject lands are single detached dwellings zoned R2-18. To the west of the subject lands is a draft approved residential subdivision, however the lands are currently occupied by a single detached dwelling, an agricultural field and associated structures.

The subject lands are intended to be serviced by municipal water and sanitary.

## REPORT

### Planning Act

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(p) the appropriate location of growth and development.

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

- The application is in keeping with Section 51(24) of the *Planning Act*.

## Consistency and/or Conformity with Provincial and/or Municipal Policies/Plans

### 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):

<b>Provincial Policy Statement – 2020</b>	<b>Planning Analysis</b>
<p><i>Section 1.1.1(a)</i> 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.</p> <p><i>Section 1.1.1(b)</i> of the PPS speaks to accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs.</p>	<p><b><i>The subject lands will be serviced by municipal water and sanitary.</i></b></p> <p><b><i>The proposed severance will increase the usability of the lot, and support the future construction of residential dwelling types.</i></b></p>
<p><i>Section 1.1.3.1</i> of the PPS speaks to settlement areas being the focus of growth and development.</p>	<p><b><i>The subject lands are located within the Primary Urban Settlement Area boundary of Paris.</i></b></p>
<p><i>Section 1.1.3.2(a)</i> of the PPS speaks to lands use patterns within settlement areas should efficiently use land and resources.</p> <p><i>Section 1.1.3.2(b)</i> 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.</p>	<p><b><i>The subject lands are located within the Primary Urban Settlement Area boundary of Paris and have access to municipal water and sanitary services.</i></b></p>
<p><i>Section 1.1.3.4</i> 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.</p>	<p><b><i>The proposed severance will increase the usability of the lot. Future development will comply with the respective development standards for the Residential Singles and Semis with site specific provision 18 (R2-18) Zone.</i></b></p>

***It is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement for the following reasons:***

- ***The subject lands are located within the Primary Urban Settlement Area of Paris.***
- ***The subject lands will have access to full municipal water and sanitary services.***
- ***The proposed severance will support the future construction of a residential dwelling type, in an area that is intended for growth and development.***

**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):

<b><i>Growth Plan for the Greater Golden Horseshoe (2020)</i></b>	<b><i>Planning Analysis</i></b>
<p><i>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</i></p>	<p><b><i>The proposed boundary adjustment will increase the usability of the lot, and support the future construction of residential housing types. 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</i></b></p>

***It is my professional 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.***
- ***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 others, 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.***

**Brant County 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 and Primary Urban Settlement Area Boundary of Paris.***

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

<b>Official Plan (2012)</b>	<b>Planning Analysis</b>
<p>Section 2.2.3.1.1 of the Official Plan speaks to Primary Urban Settlement Areas shall function as the main areas for growth and development.</p>	<p><b><i>The subject lands are located within the Primary Urban Settlement Area of Paris.</i></b></p>
<p>Section 2.2.5.2 e) of the Official Plan speaks to intensification that shall include infill residential development and new residential development of vacant land or underutilized land in existing neighbourhoods.</p>	<p><b><i>The subject lands are infill residential development of vacant and underutilized land in an existing neighbourhood.</i></b></p>
<p>Section 3.4.1 of the Official Plan speaks to the intent of the Urban Residential designation. The intent of the Urban Residential designation is to accommodate safe and well-designed neighbourhoods that contribute to the creation of complete communities.</p>	<p><b><i>The subject lands are located within the Primary Urban Settlement Area Boundary of Paris, the proposed residential use is permitted, the subject lands are in proximity to Employment and Commercial land uses, as well as parks and educational facilities, which contribute to the creation of complete communities. The subject lands will be fully serviced by municipal water and sanitary.</i></b></p>
<p>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.</p>	<p><b><i>The subject lands will be used for residential purposes, and any development will be in accordance with the requirements of the 'R2-18' Zone.</i></b></p>
<p>Section 6.8.2.2 of the Official Plan provides policies for dealing with consent requests in the non-agricultural Area.</p>	
<p>Section 6.8.2.2(a) of the Official Plan speaks to the division of land shall only be granted</p>	



<p>when the retained and severed parcels abut a public road of a standard construction and maintenance acceptable to the County of Brant.</p>	<p><b><i>The subject lands will comply with the provisions of the County Zoning By-law</i></b></p>
<p>Section 6.8.2.2(e) of the Official Plan speaks to the division of land shall only be granted if the retained and severed parcels comply with the provisions of the County Zoning By-Law.</p>	<p><b><i>The proposed severance is minor in nature and will facilitate the construction of a single detached dwelling unit on lands that are currently vacant and underutilized.</i></b></p>

***It is my professional 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 of Paris.***
- ***The lands are fully serviced by municipal water and sanitary.***
- ***The lands will continue to be used for residential purposes.***
- ***The lands have frontage along a public and maintained road.***

**Zoning By-Law 61-16:**

The subject lands are zoned Residential Singles and Semis (R2) with site specific provision 18 (R2-18) within the County of Brant Zoning By-Law 61-16.

The following are the site specific provisions for the ‘R2-18’ zone:

- A) Lot Area (Minimum)
  - a. Single Detached Dwelling: 350m<sup>2</sup>
  - b. Semi Detached Dwelling: 560m<sup>2</sup>
  - c. Semi Detached Dwelling Unit: 260m<sup>2</sup>
- B) Lot Frontage (Minimum)
  - a. Single Detached Dwelling: 10.9m
  - b. Semi Detached Dwelling: 18.0m
  - c. Semi Detached Dwelling Unit: 6.7m
- C) Front Yard Setback (Minimum): 4.5m, provided no part of a carport or garage is closer than 6.0m to the front lot line.
- D) Interior Side Yard Setback (Minimum): 0.6m and 1.8m between single detached dwellings.
- E) Exterior Side Yard Setback (Minimum): 4.5m
- F) Lot Coverage (Maximum)
  - a. Single Detached Dwelling: 50%
  - b. Semi Detached Dwelling: 50%
- G) All other requirements of the By-Law shall apply.

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 8.3 and 8.2.1 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 with site specific provision 18 (R2-18).

Residential Singles and Semis (R2-18)	Required – Single Detached Dwelling	Required – Semi Detached Dwelling	Required – Semi Detached Dwelling Unit	Proposed
Lot Area, Min	350m <sup>2</sup>	560m <sup>2</sup>	260m <sup>2</sup>	Part 1: 515m <sup>2</sup> Part 2: 510m <sup>2</sup>
Lot Frontage, Min	10.9m	18.0m	6.7m	Part 1: 16.896m Part 2: 16.889m
Building Height, Max	10.5m	10.5m	10.5m	<i>Will be confirmed at the time of building permit</i>
Street Setback, to habitable portion of the dwelling, Min	4.5m	4.5m	4.5m	
Street Setback, to the attached garage, Min	6.0m	6.0m	6.0m	
Interior Side Yard Setback, Min	0.6m; and 1.8m between Single Detached homes	0.6m	0.6m	
Rear Yard Setback, Min	6.0m	6.0m	6.0m	
Lot Coverage, Max	50%	50%	40%	
Landscaped Open Space	30%	30%	30%	



Off-Street Parking Requirements , Min	2 Spaces per unit	2 Spaces per unit	2 Spaces per Unit	
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***It is my professional opinion that the request maintains the intent of the County of Brant Zoning By-Law 61-16 for the following reason:***

- ***The proposed lot is meeting the frontage and area requirements of the respective zone. It is anticipated that all other zone requirements will be met at building permit stage.***

**INTERDEPARTMENTAL CONSIDERATIONS**

Agency Comments	
Development Engineering	<ul style="list-style-type: none"> <li>• A legal survey of the proposed severance is required. The survey is to be completed by a certified Ontario Land Surveyor and is to be provided to the County for review prior to depositing.</li> <li>• Any damage done to the County Right of Way is required to be restored to the previous condition to the satisfaction of the County.</li> </ul>
Environmental Planning	<ul style="list-style-type: none"> <li>• No comments.</li> </ul>
Canada Post	<ul style="list-style-type: none"> <li>• Please be advised that these 2 new lots will be serviced by Community mailboxes</li> <li>• Please advise of the civic addresses so another mailbox module can be ordered.</li> </ul>
Enbridge	<ul style="list-style-type: none"> <li>• Enbridge Gas does not object to the proposed applications however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.</li> <li>• Please always call before you dig, see web link for additional details: <a href="https://www.enbridgegas.com/safety/digging-safety-for-contractors">https://www.enbridgegas.com/safety/digging-safety-for-contractors</a></li> <li>• It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact <a href="mailto:ONTLands@enbridge.com">ONTLands@enbridge.com</a></li> <li>• Please continue to forward all municipal circulations and clearance letter requests electronically to <a href="mailto:MunicipalPlanning@enbridge.com">MunicipalPlanning@enbridge.com</a>.</li> </ul>
Fire	<ul style="list-style-type: none"> <li>• No comments.</li> </ul>

## **PUBLIC CONSIDERATIONS**

Notice of this Application, Contact information and Public Hearing Date is to be circulated by mail on October 2, 2024 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

Public Notice sign was posted by the Applicant on October 2, 2024.

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

## **CONCLUSIONS AND RECOMMENDATIONS**

Consent Application B14-24-KD is proposing a severance of a property, 104 Oak Avenue in existing plan of Subdivision to create two parcels from one existing block within two registered plans of subdivision Watts Pond Development and Pinehurst Phase 2 . The severance is to facilitate the future construction of two single detached dwelling units, within the severed lots. The proposal is in accordance with the development standards of the Residential Singles and Semis (R2) with site specific provision 18 (R2-18) Zone.

The planning analysis has had regard for *Section 51(24)* of the *Planning Act* and focuses on literature reviews of applicable policy (i.e. *PPS, Growth Plan, County of Brant Official Plan (2012), and Zoning By-Law*), consultation with departments, an inspection of the surrounding area and discussion with the applicant and public.

It is my professional recommendation that the Consent Application **B14-24-KD** be **Approved**, subject to the attached conditions.

Respectfully submitted,



**Logan Keen**

Junior Planner

**Reviewed by:** Kayla Deleye, Supervisor of Development Planning

**ATTACHMENTS**

- 1. Zoning Mapping
- 2. Official Plan Mapping
- 3. Aerial Mapping
- 4. Aerial Detail Mapping
- 5. Circulation Notice

**COPY TO**

- 1. Jeremy Vink, Director of Planning
- 2. Applicant/Agent

**FILE # B14-24-KD**

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

- By-Law required (No)
- 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? (No)

**APPLICANT:** Bob Stewart, Pinevest Homes

**File No:** B14-24-KD  
104 Oak Ave

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant. and roll number
2. That the Applicant/Owner provide a copy of a Draft Reference Plan prepared by a licensed surveyor, to be reviewed by the County of Brant, prior to the plan being deposited at the Land Registry Office. That the Draft Reference Plan be required to identify the proposed severed parcels. That the Draft Reference Plan include any easements, road widening, 0.3m reserves, daylight triangles as required by the County of Brant Development Engineering Division and/or Public Utility.
3. Parkland dedication or monies-in-lieu of parkland will be payable at the time of stamping of the deeds, in amount of \$5,813 per new building lot.
4. That the \$328.00 Deed Stamping Fee be paid to the County of Brant for each lot, prior to the release of the executed Certificate of Official.
5. That the Applicant provide draft transfer documents with legal descriptions of the severed lands utilizing an existing reference plan or new reference plan (if required) prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
6. That the Applicant/ Owner's Solicitor shall prepare and register all the necessary documents following review and approval by the County Solicitor. Immediately following the registration, the Applicant/ Owner's Solicitor shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
7. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two (2) years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

**NOTE:** Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the application.

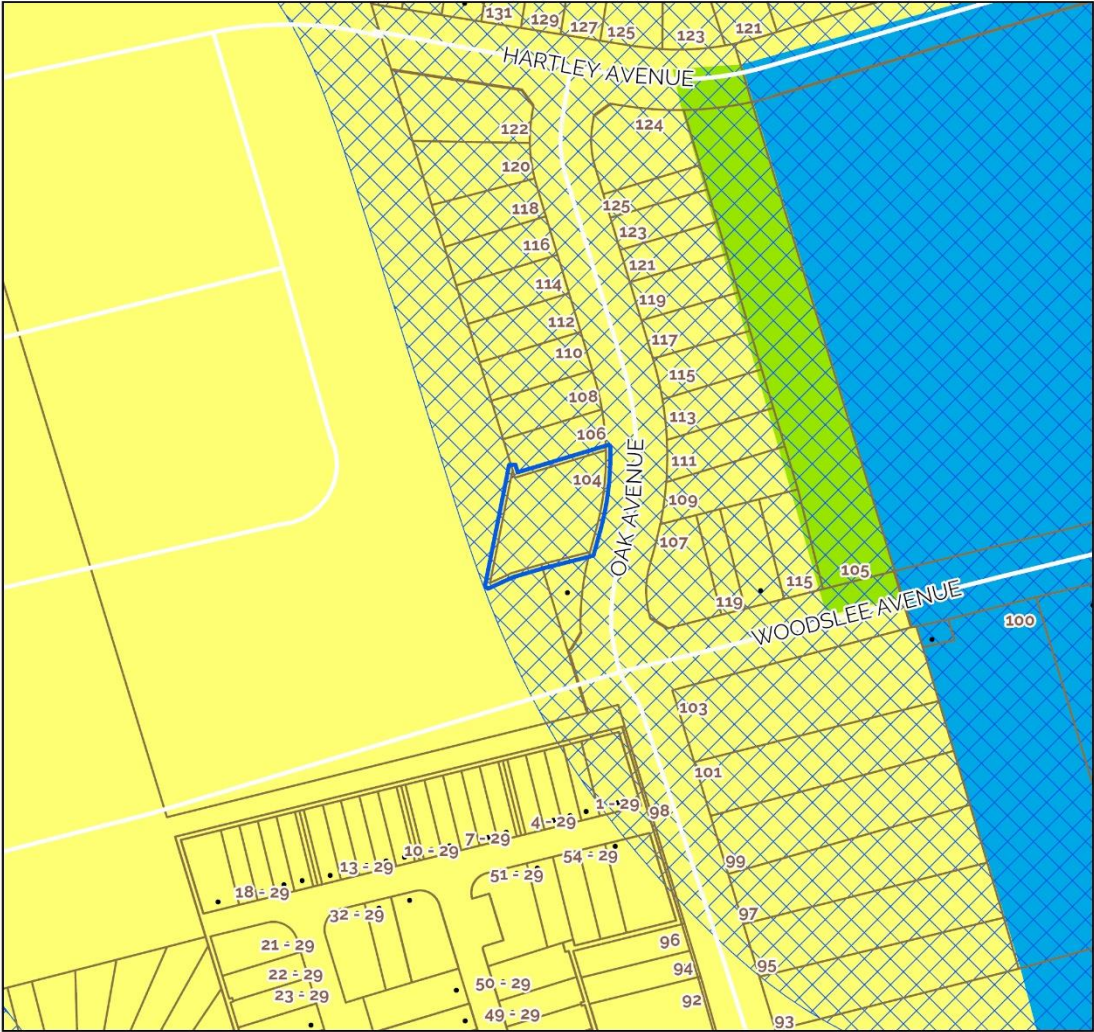
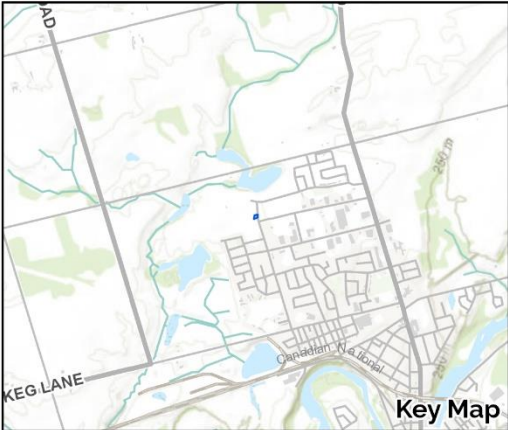
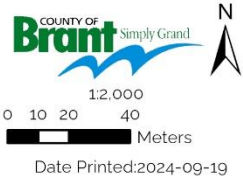




**Attachment 2 – Official Plan Map**

**MAP 2: Official Plan  
FILE NUMBER  
B14-24-KD**

104 Oak Avenue  
County of Brant  
Ontario





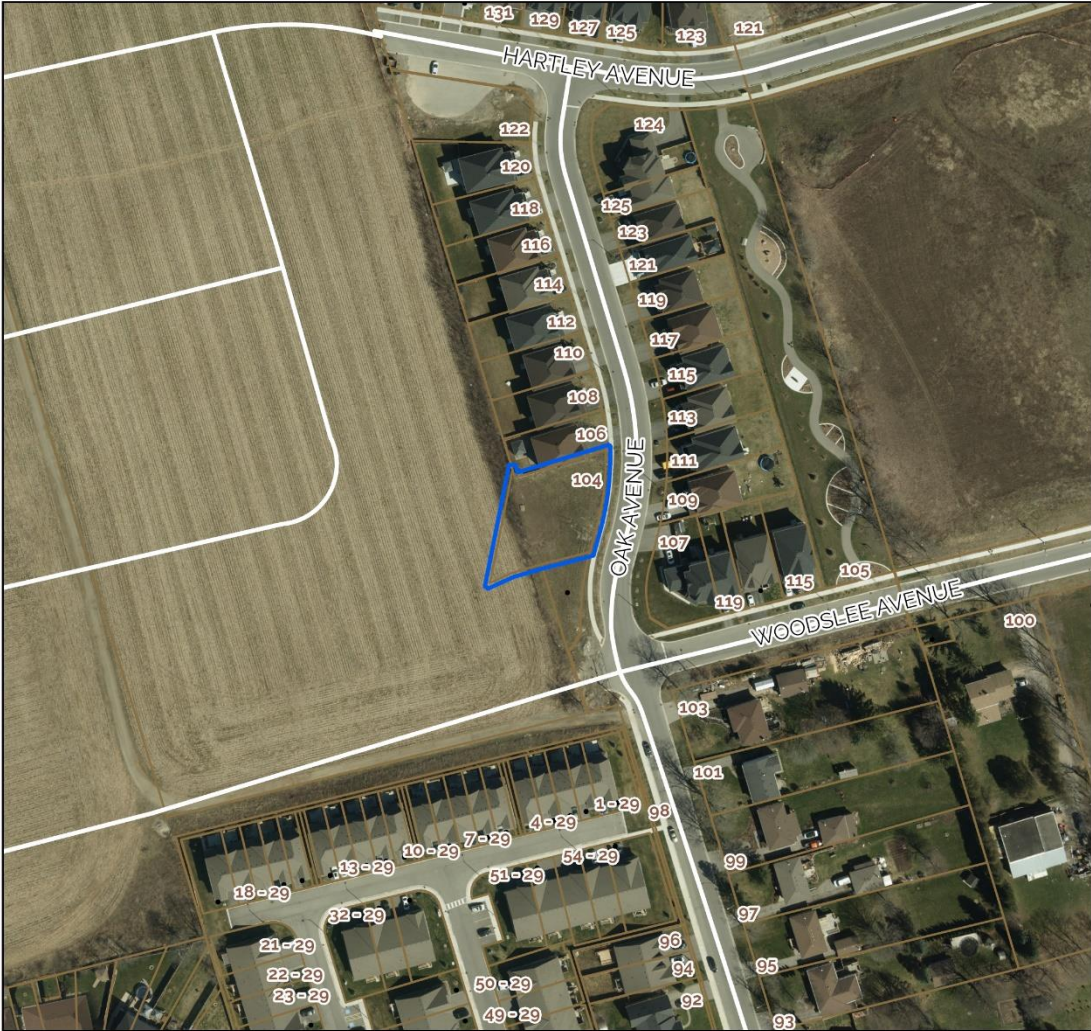
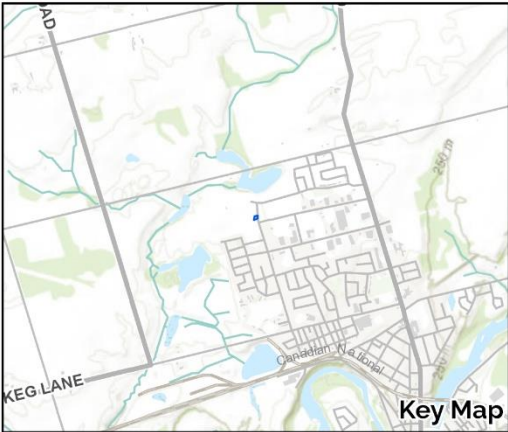
Attachment 3 – Aerial Map

MAP 3: AERIAL IMAGERY 2024  
FILE NUMBER  
B14-24-KD

104 Oak Avenue  
County of Brant  
Ontario



1:2,000  
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Date Printed: 2024-09-19





**Attachment 4 - Aerial Detail Map**

**MAP 4: AERIAL DETAIL MAP  
FILE NUMBER  
B14-24-KD**

104 Oak Avenue  
County of Brant  
Ontario



0 15 30 60 Meters  
Date Printed: 2024-09-19

