



COMMITTEE OF ADJUSTMENT REPORT

DATE: October 17, 2024

REPORT NO: RPT - 0448 - 24

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

FROM: Kayla DeLeye, Supervisor of Development Planning

APPLICATION TYPE: Consent Application

APPLICATION NO: B16-24-LK

LOCATION: 3 & 33 Salt Springs Church Road

AGENT/APPLICANT: J. H. Cohoon Engineering Ltd. / Edward Robert Mueller

OWNER(S): David Reginald Glass

SUBJECT: Request for a decision on an application proposing a lot line adjustment

RECOMMENDATION

THAT Consent Application **B16-24-LK** from J.H. Cohoon Engineering Ltd., agent on behalf of Edward Robert Mueller, applicant, and David Reginald Glass, Owner of lands legally described as PLAN 210 MARTINS BEND PT BLKS C, K & L, in the Former Township of Onondaga, and municipally known as 33 Salt Springs Church Road, proposing a lot line adjustment of approximately 642 square metres to accommodate the existing driveway located at 3 Salt Springs Church Road, known as adjoining lands, **BE DEFERRED** to allow the applicant the opportunity to revise the application to address the comments from the Development Engineering Department.

EXECUTIVE SUMMARY

Consent Application **B16-24-LK** proposes a 3-metre strip (642 square metres) of land containing the existing driveway to be severed and added to the adjoining lands located at 3 Salt Springs Church Road.

Staff have reviewed the proposed Consent Application with applicable planning policy (i.e., Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012) and Zoning By-Law 61-16) in review of any comments received from relevant departments, the Applicant, and members of the public.

County staff have conducted a site inspection and determined that the proposed 3-metre boundary adjustment is not sufficient to capture all of the existing driveway. Approximately 13

metres of boundary adjustment is required to contain the existing driveway in its entirety. An access easement is also required to facilitate shared access to both properties. The applicant and agent were made aware of this concern, but at the time of writing the report, no request for deferral was received. Therefore, staff recommend that application **B16-24-LK BE DEFERRED**, to allow the applicant to revise the application in accordance with the comments from the Development Engineering Department.

LOCATION / EXISTING CONDITIONS

The subject lands are approximately 55 hectares (135.9 ac) and have a frontage of approximately 520 metres along Salt Springs Church Road.

The lands are located south of Brant County Road #18, west of Salt Springs Church Road, and east of Newport Road. The subject lands are surrounded by Agricultural and Natural Heritage land uses.

The subject lands and the adjoining lands were used as a former gravel pit. Currently, there are no active extraction licenses on the lands and agricultural uses exist on both the subject lands and the adjoining lands. There is an existing single detached dwelling serviced by a private well and septic system situated on the adjoining lands.

LOCATION MAP

Application: B16-24-LK
3 & 33 Salt Springs Church Road



AERIAL IMAGE

Application: B16-24-LK
3 & 33 Salt Springs Church Road



REPORT

Planning Act

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*.

Section 1.1.4.2 of the Provincial Policy Statement identifies that Rural Settlement Areas shall be the focus of growth and development in Rural Areas. Rural Areas can be identified as a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

- ***The subject lands are within the Rural Lands of the County of Brant.***

Section 2.3.4.2 states that lot line adjustments in prime agriculture areas may be permitted for legal or technical reasons.

- ***The proposed lot line adjustment is required to correct the property lines as a portion of the driveway is located on the subject lands. The lot line adjustment is technical, minor in nature and will not result in the creation of a new residential building lot.***

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*.

Section 2.2.1.2(b) of the Growth Plan outlines policies on “Where and How to Grow” by limiting growth to settlement areas that are (i) rural settlements and (iii) areas that are not serviced by existing or planned municipal water and wastewater systems.

- ***The proposal does not result in the creation of a new building lot and no loss of farmland will occur through the proposal.***

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 others, are responsible for implementing source protection plan policies.

- ***The south portion of the subject lands are within the Source Water Protection boundary. The proposed lot line adjustment is outside the Source Water Protection boundary and therefore will not have a negative impact on the existing source water.***

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.

Schedule ‘A’ of the County of Brant Official Plan (2012) identifies the land use designation of the subject lands as ‘Resource Development’ and ‘Natural Heritage’. Since there are no active extraction licenses on the subject or adjoining lands, and the draft approved Official Plan (2023) designates the subject lands as “Agriculture” and “Natural Heritage,” the application will be reviewed under the Agriculture and Natural Heritage designations.

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

<i>Official Plan (2012)</i>	<i>Planning Analysis</i>
<i>Section 1.11.2.6.2(e) of the County of Brant Official Plan restricts the creation of new residential lots and other non-farm development in the County’s Agricultural areas.</i>	<i>No new lots will be created as a result of the lot line adjustment and the severed portion will be consolidated with the adjoining lands.</i>
<i>Section 3.3.1(c) states that one residential dwelling unit shall be permitted per lot in the Agriculture designation.</i>	<i>The lands contain an existing single-detached dwelling which complies with the permitted uses within the Agriculture designation.</i>

<p>Section 3.3.2.1(c) specifies that the proposed development in the Agriculture designation shall be serviced with adequate water supply and sanitary sewage disposal.</p>	<p><i>The adjoining lands are serviced by a private well and septic system.</i></p>
<p>Section 6.8.2.1 (c) (i) states that consents in agriculture lands may be permitted for legal or technical reasons, including severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments. In the case where the minor boundary adjustment is for the purposes of conveying land to an existing non-farm use, only the minimum amount of land required for the enlargement shall be conveyed and reasoning shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.).</p>	<p><i>The proposed lot line adjustment is required to accommodate a portion of the driveway for the existing house that is located outside the property limits.</i></p>

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

Zoning By-Law 61-16:

The subject lands are zoned as Agricultural (A), Natural Heritage (NH), and Resource Extraction (EX) within the County of Brant Zoning By-Law 61-16. Since the subject lands are no longer used as a gravel pit and do not have an active extraction licence, the application will be reviewed under the Agricultural and Natural Heritage zones. The following demonstrates conformity with the applicable policies of the County of Brant Zoning By-Law.

Section 9, Table 9.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Agricultural (A). Permitted uses include but are not limited to the following:

- Agricultural Use
- Dwelling, Single-Detached

Section 6, Table 6.2.1 of the County of Brant Zoning By-Law 61-16 advises the required regulations for each permitted building type for lands zoned as Agricultural (A).

- ***The lands containing existing development meet the zone requirements for the A zone.***
- ***All other requirements of the Zoning By-Law 61-16 are being satisfied.***

It is my professional opinion that the Consent Application maintains the intent of the County of Brant Zoning By-Law 61-16.

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering Department	<ul style="list-style-type: none"> County staff conducted a site inspection and determined that the proposed 3m boundary adjustment is not sufficient to capture all of the existing driveway. Approximately 13m of boundary adjustment is required to totally contain the existing driveway. Currently, the Owner of Municipal # 33 (Reginald & Jacoba Glass) use the existing driveway to access their house from Salt Springs Church Road. If this situation is to continue, then an Easement will be required from Salt Springs Church Road to the south limit of Municipal # 3 (Robert & Debora Mueller's) property. A legal survey is required to show the updated property lines and demonstrate that the property transfer will encompass the driveway. Survey is to be completed by a certified Ontario Land Surveyor and is to be provided to the County for review prior to depositing.
Environmental Planning	<ul style="list-style-type: none"> The subject lands contain and are adjacent to an unevaluated wetland, which are designated and zoned Natural Heritage. The subject lands also contain woodlands designated as 'Woodlands and Vegetation' in the Official Plan. It is the understanding of staff that the proposal is for a lot line adjustment only and that no new buildings or structures are proposed. As per the Provincial Policy Statement and Official Plan, a lot line adjustment does not constitute development. As such, Environmental Planning has no comments on the proposed application. The applicant is advised that all areas within 120 metres of a wetland are subject to O. Reg. 254/23, which pertains to prescribed areas for site plan control. Accordingly, any future development could be subject to site plan control. The applicant is further advised that tree removal is regulated by the County pursuant to the Good Forestry Practices By-Law.
Fire	<ul style="list-style-type: none"> No comments or concerns
Parks and Forestry	<ul style="list-style-type: none"> Parks Capital Planning & Forestry is supportive of comments provided by Environmental Planning and have no additional comments regarding this Severance Application.
Grand River Conservation Authority (GRCA)	<ul style="list-style-type: none"> Information currently available at our office indicates that the subject and benefitting lands contain wetlands. A lot line is being adjusted 3 metres eastwards to accommodate an existing driveway. We have no objection to this application. Any future development in a

	regulated area on the subject or benefitting lands will require a GRCA permit.
Mississaugas of the Credit First Nation	<ul style="list-style-type: none"> The Mississaugas of the Credit First Nation hereby notify you that we are the Treaty Holders of the land on which the lot line adjustment will be taking place. This project is located on the Between the Lakes Treaty, No. 3 of 1792. Therefore, the MCFN Department of Consultation and Accommodation (DOCA) has no comments or concerns at this time. Please notify MCFN DOCA if the scope of the project changes.
Six Nations	<ul style="list-style-type: none"> 10:1 tree replacement ratio
Hydro One	<ul style="list-style-type: none"> Please be advised that Hydro One Networks Inc. (“HONI”) has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the “transmission corridor”), HONI has no objection in principle to the proposed severance, provided HONI’s easement rights are protected and maintained. Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is prohibited without the prior written approval of HONI. If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer. Our preliminary review only considers issues affecting HONI’s transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.
Canada Post	<ul style="list-style-type: none"> Please be advised that Canada Post does not have any comments on this application for severance and boundary adjustments as this will not affect mail delivery.

PUBLIC CONSIDERATIONS

Notice of this Application, contact information, and Public Hearing Date were 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.

It should be noted should the applicant chose to revise the submission to address concerns raised by staff, new notice will be required in order to meet Planning Act requirements.

Posting of the Public Notice sign was completed on September 30, 2024.

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

CONCLUSIONS AND RECOMMENDATIONS

Staff have concerns regarding the proposed boundary adjustment, as it does not reflect accurate measurements. Therefore, it is recommend that the application for Consent **B16-24-LK BE DEFERRED** to allow the applicant the opportunity to revise the application in compliance with the comments from the Development Engineering Department.

Prepared by:

Negin Mousavi Berenjaghi, Development Planning Student

Reviewed by: Kayla DeLeye, MA, Ec.D, MCIP, RPP
Supervisor of Development Planning

ATTACHMENTS

1. Official Plan Map
2. Zoning Map
3. Aerial Map
4. Aerial Detailed Map
5. Proposed Drawings

COPY TO

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

FILE # B16-24-LK

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)

SCHEDULE "A"

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

APPLICANT: Edward Robert Mueller

File No: B16-24-LK

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.
2. That the identified severed parcel currently part of 33 Salts Springs Church Road, becomes part and parcel of the abutting lands identified as 3 Salt Springs Church Road. The Applicant's Solicitor is to provide a Solicitor undertaking to register an Application of Consolidation Parcels immediately following the registration of the certificate of official to ensure the consolidation and proof of same to the Secretary-Treasurer, Committee of Adjustment acknowledging that Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. That the \$328.00 Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official.
4. That the Applicant/ Owner provide the applicable draft transfer documents with legal descriptions of the proposed severed lands utilizing the Deposited Reference Plan for review to the satisfaction of the County of Brant.
 - a. 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.
5. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two 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.

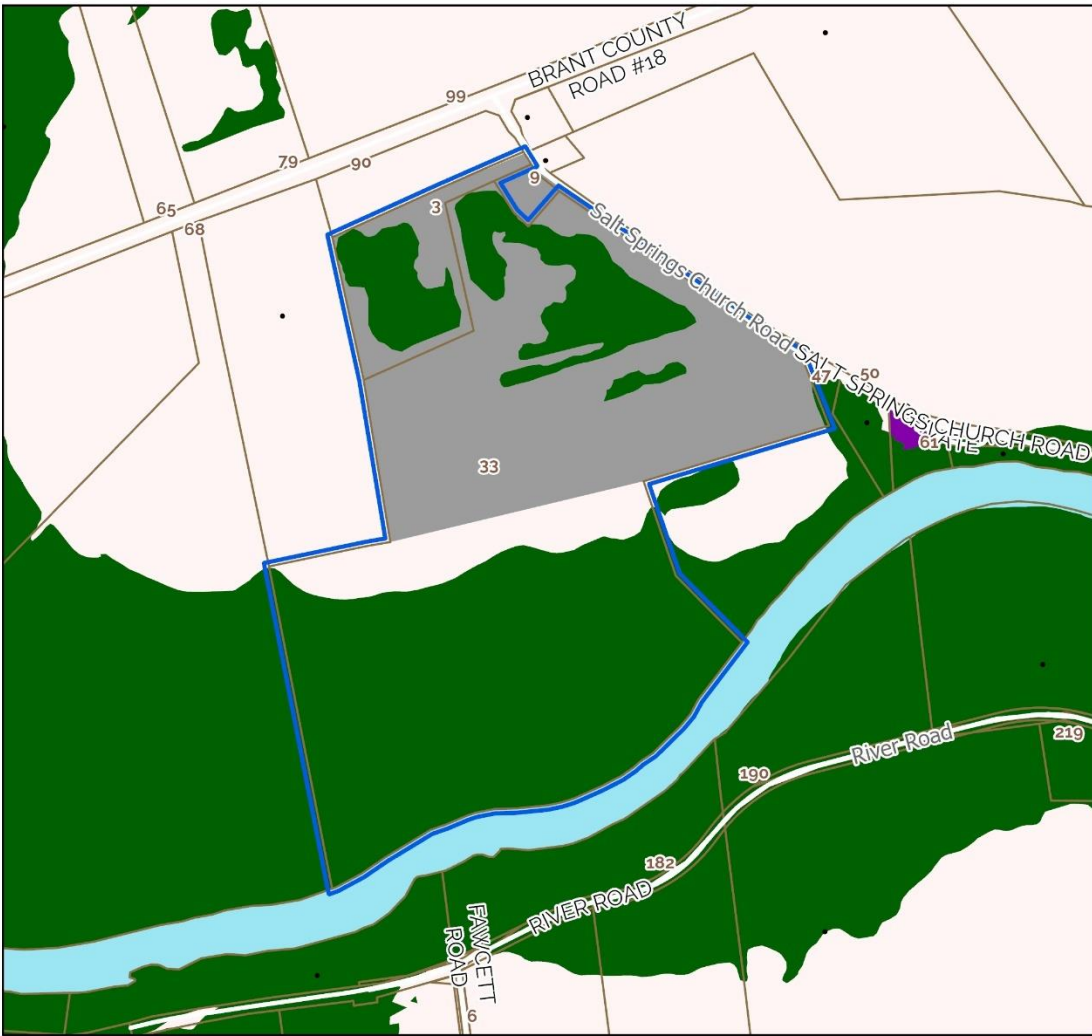
Attachment 1 – Official Plan Map

**MAP 2: Official Plan
FILE NUMBER
B16-24-LK**

3 & 33 Salt Springs Church Road
County of Brant
Ontario



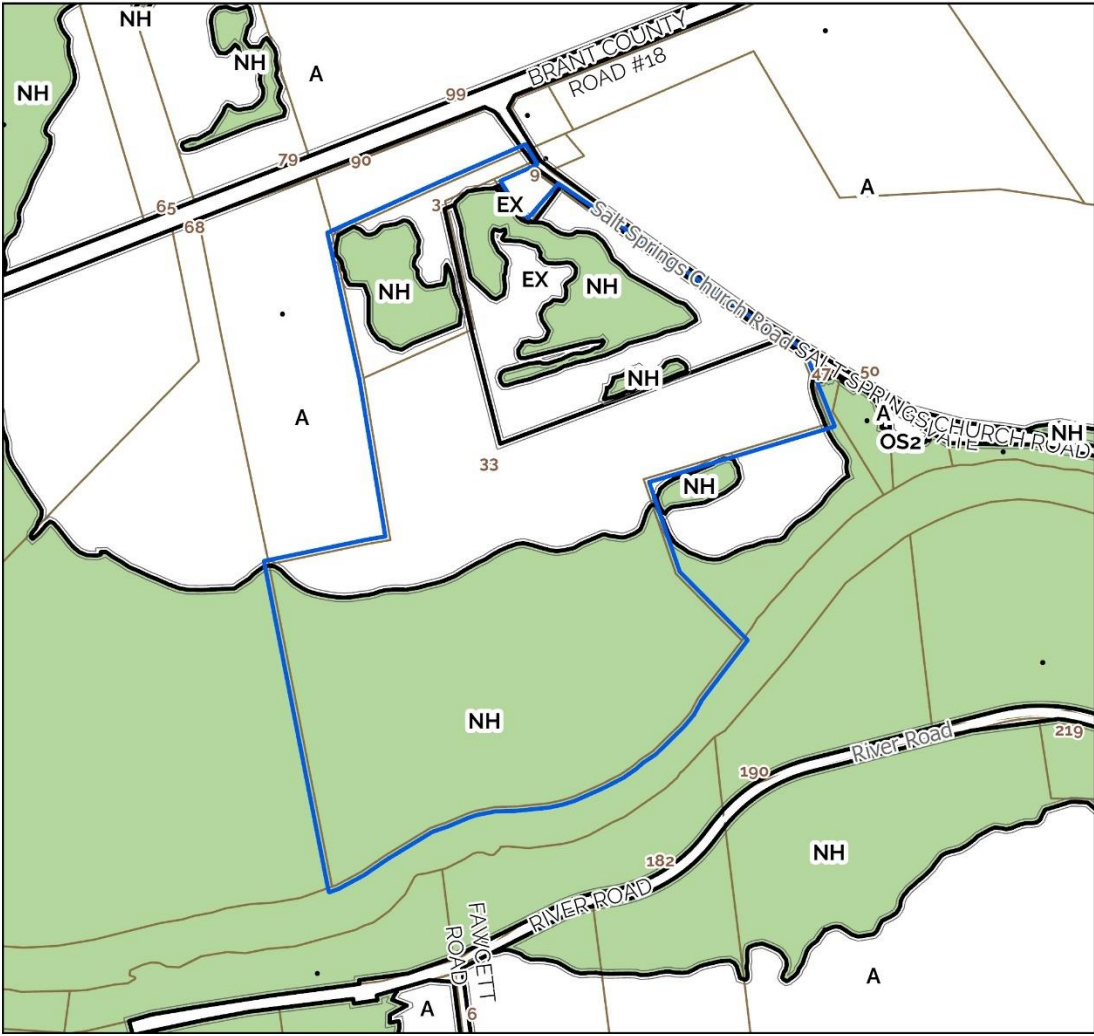
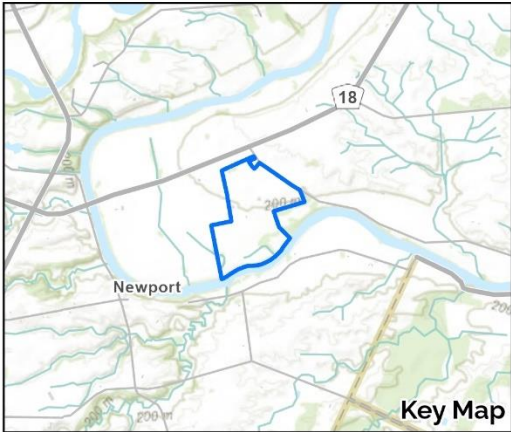
Date Printed: 2024-09-25



Attachment 2 – Zoning Map

**MAP 1: ZONING
FILE NUMBER
B16-24-LK**
3 & 33 Salt Springs Church Road
County of Brant

COUNTY OF Brant Simply Grand
1:110,000
0 70 140 280 Meters
Date Printed: 2024-09-25



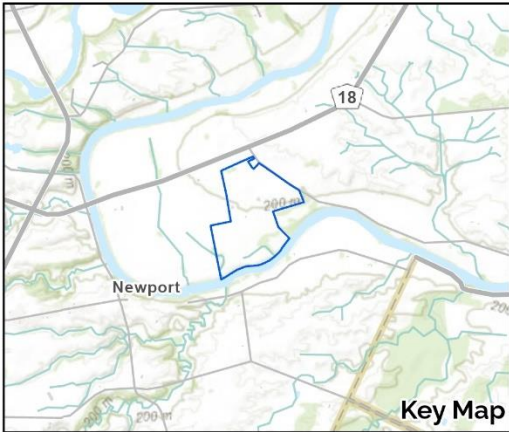
Attachment 3 – Aerial Map

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B16-24-LK

3 & 33 Salt Springs Church Road
County of Brant
Ontario



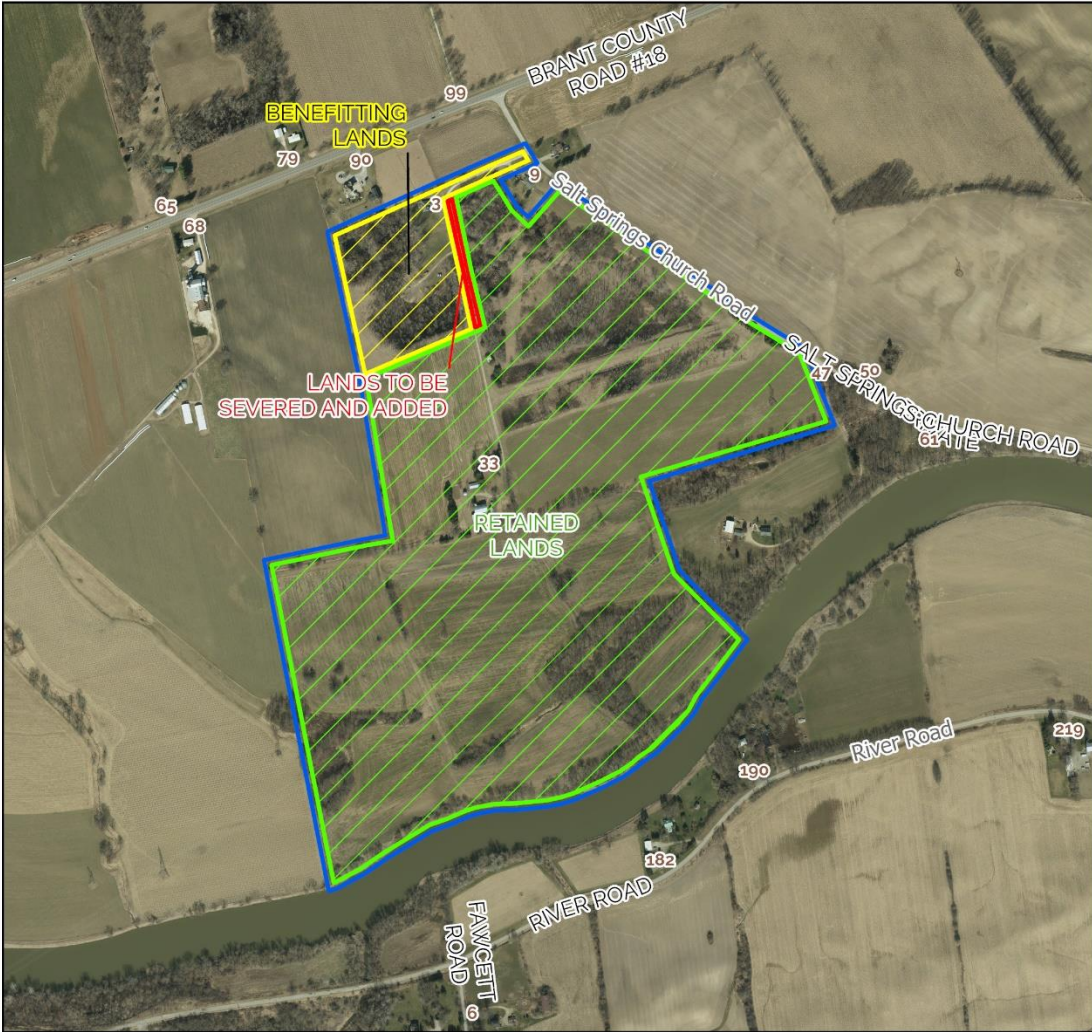
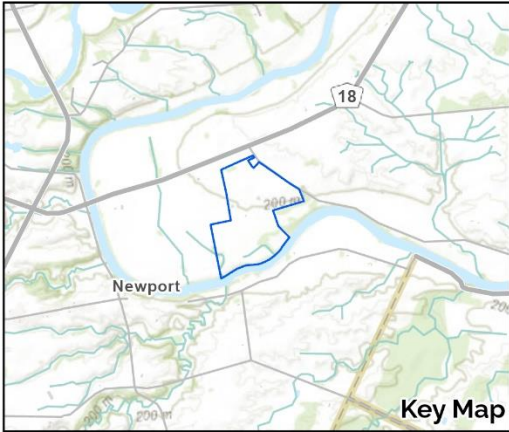
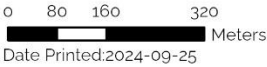
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Attachment 4 – Aerial Detail Map

**MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B16-24-LK**

3 & 33 Salt Springs Church Road
County of Brant
Ontario



Attachment 5 – Proposed Drawings



DATE	DATE	DATE	DATE
 J.H. GORRION ENGINEERING LIMITED PROFESSIONAL ENGINEERS			
PROJECT: PROPOSED LOT LINE ADJUSTMENT @ SALT SPRINGS CHURCH ROAD COUNTY OF HAMILTON			
SHEET: OVERALL LOT LINE ADJUSTMENT PLAN			
DATE	SCALE	SHEET	TOTAL
2024	1:1000	5663	1:1000
PROJECT NO.	CLIENT	DATE	SCALE
5663		2024	1:1000
DATE	SCALE	SHEET	TOTAL
2024	1:1000	5663-LL-1	1:1000