



## COMMITTEE OF ADJUSTMENT REPORT

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**DATE:** December 19, 2024

**REPORT NO:** RPT - 0507 - 24

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

**FROM:** Negin Mousavi Berenjaghi, Development Planning Student

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**APPLICATION TYPE:** Consent Application

**APPLICATION NO:** B10 & B12-24-KD

**LOCATION:** 375 Harley Road

**APPLICANT/AGENT:** GSP Group / Brandon Flewwelling

**OWNER:** Andy Stubbe

**SUBJECT:** Request for a decision on Consent Application(s) to facilitate the enlargement of existing agricultural land and residential use.

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### **RECOMMENDATION**

THAT Consent Application **B10-24-KD** from GSP Group c/o Brandon Flewwelling for lands known legally known as CONSESSION 10 LOT 24, in the former geographic township of Burford, municipally known as 375 Harley Road, County of Brant, proposing to sever 13.636 hectares (33.69 acres) of the subject lands (shown as PART 1 in the Site Plan) as a lot addition to the adjacent agricultural land to the west, **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 Provincial Planning Statement regarding minor boundary adjustments for legal or technical reasons.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

THAT Consent Application **B12-24-KD** from GSP Group c/o Brandon Flewwelling for lands known legally known as CONSESSION 10 LOT 24, in the former geographic township of Burford, municipally known as 375 Harley Road, County of Brant, proposing to sever 0.098 hectares (0.24 acres) of the subject lands (shown as PART 3 in the Site Plan) to be added to

the existing residential lot at 365 Harley Road, **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 Provincial Planning Statement regarding minor boundary adjustments for legal or technical reasons.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

## **EXECUTIVE SUMMARY**

Consent Applications **B10 & B12-24-KD** propose a boundary adjustment of 13.636 hectares (33.69 acres) of the subject lands (shown as PART 1 in the Site Plan) as a lot addition to adjacent agricultural lands to the west, and a boundary adjustment of 0.098 hectares (0.24 acres) (shown as PART 3 in the Site Plan) to be added to the residential lot at 365 Harley Road. The retained lands (shown as PART 2 in the Site Plan) will have a lot area of approximately 3.415 hectares (8.438 acres), a frontage of approximately 66.29 metres (217.48 ft.), and a depth of approximately 198.72 metres (651.96 ft.). The retained lands are entirely within the Hamlet Boundary of New Durham. The proposed boundary adjustments will result in the enlargement of the adjacent agricultural lands and a residential lot, supporting their continued use. No vacant lot is created as a result of the proposals.

At the time of preparing this report, no concerns were raised as part of the public or technical circulation of this Consent Application.

For the reasons outlined in this report, it is my professional recommendation that Consent Applications **B10 & B12-24-KD** to facilitate the addition of part of the subject lands to agricultural lands to the west and residential lot to the north **Be Approved**, subject to the attached conditions.

## **LOCATION / EXISTING CONDITIONS**

The subject lands are municipally known as 375 Harley Road and are located south of Harley Road and east of Muir Road South.

The subject lands are approximately 17.149 hectares (42.37 acres) in size with a frontage of approximately 66.29 metres (217.48 ft.) on Harley Road.

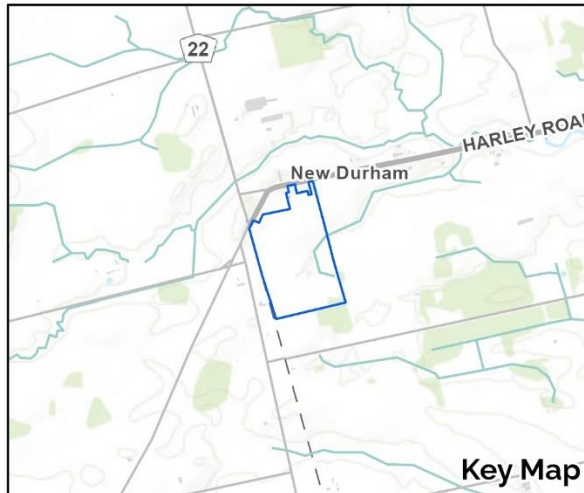
Parts of the subject lands are located within the Settlement Area Boundary of New Durham (parts 2 & 3 in the Site Plan), with the rest being outside of the Settlement Area Boundary (part 1 in the Site Plan).

The subject lands are surrounded by residential hamlets and villages to the north and west. To the east, Agricultural uses are present, and Natural Heritage features and Agricultural Employment uses are located to the north of the property.

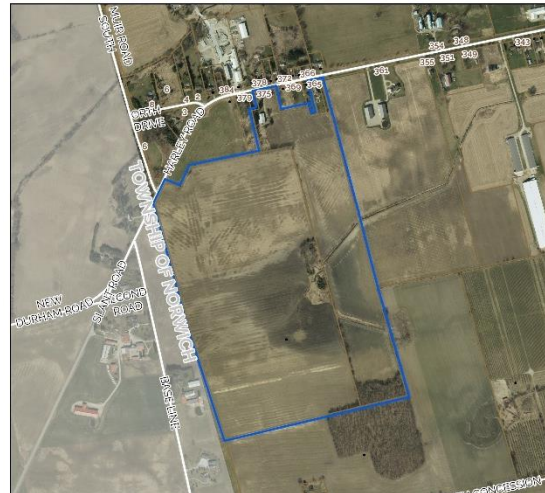
There are some natural heritage features located at the rear portion of the subject lands.

The subject lands currently contain one (1) residential dwelling and accessory structures and are serviced by private water and septic systems.

Location Map  
Application: B10 & B12-24-KD  
375 Harley Road



Aerial Map  
Application: B10 & B12-24-KD  
375 Harley Road



## REPORT

### Planning Act

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

- ***Review of this Application has consideration for the proposed development as it relates to matters of provincial interest, public health safety, existing conditions and surrounding uses, land use compatibility, utilities, municipal infrastructure, vehicular and pedestrian traffic, and natural resources.***

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

- ***Review of this Application demonstrates that this application is in keeping with Section 51(24) of The Planning Act.***

### **Conformity with Provincial and Municipal Policies/Plans**

#### **Provincial Planning Statement, 2024**

The *Provincial Planning 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 4.3.3.2 of the *Provincial Planning Statement* outlines that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

- ***The proposed boundary adjustment will bring the subject lands in compliance with the County of Brant Official Plan (2023) and therefore is technical.***

*Section 4.3.3.3 of the Provincial Planning Statement states that the creation of new residential lots in prime agricultural areas shall not be permitted.*

- ***The proposed boundary adjustment will not result in the creation of a new residential lot in a prime agricultural area.***

***It is my professional opinion that the request conforms to the policies of the Provincial Planning Statement.***

### **County of Brant Official Plan, 2023**

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 identifies the land use designations of the subject lands as ‘Village Developed Area’, ‘Agriculture’ and ‘Natural Heritage System’.***

The following demonstrates conformity with the applicable policies of the County of Brant Official Plan (2023):

<b>Official Plan (2023)</b>	<b>Planning Analysis</b>
Section 2.6 (page 3-6) of the Official Plan speaks to the general intent of the Village Developed Area designation, which supports active transportation connections, low-impact mixed-use development, minor intensification on underutilized parcels, and public spaces that prioritize active transportation modes.	<b><i>The existing development on the portion of the subject lands designated as a Village Developed Area conforms with the general intent of the designation.</i></b>
Section 1.4 (page 5-6) of the Official Plan outlines the general policies and permitted uses for the Village Developed Area designation. Permitted uses for this land use designation are as follows: <ul style="list-style-type: none"> <li>- Residential uses in <i>low-rise and mid-rise development</i>, including additional residential units, home-based businesses, and home-based industries.</li> </ul>	<b><i>The existing uses (residential dwelling and associated accessory structures) on the portion of the subject lands designated as a Village Developed Area comply with the general policies and permitted uses of the designation.</i></b>

<ul style="list-style-type: none"> <li>- Institutional, commercial, retail, accommodation, office, and <i>public service facilities</i> and community uses in <i>low-rise and mid-rise residential development</i>.</li> <li>- Seasonal, interim, and tourism uses</li> </ul>	
<p>Part 5 Section 2.1 contains policies on the Agriculture Designation, in which the intent is to prioritize the protection and enhancement of a continuous and productive agricultural land base in addition to adopting an agricultural systems approach. The predominant use of land is to be agriculture.</p>	<p><b><i>The proposed boundary adjustment (Part 1) will result in an expanded farming operation on the adjacent lands and therefore meets the intent of the Official Plan.</i></b></p>
<p>Part 5, Section 2.3 (page 5-35) speaks to consents in the Prime Agricultural Area, stating that no new lot shall be created as a result of the severance.</p>	<p><b><i>The proposed consent will not result in the creation of a new lot within the Agricultural designation (one new lot is created within New Durham) as it will be added to the adjacent agricultural land.</i></b></p>
<p>Part 5, Section 2.10.8 (page 5-52) states that lot line adjustments will not be permitted where it could result in additional ownership of features of the Natural Heritage System. In all other instances, a lot line adjustment between abutting properties containing parts of the Natural Heritage System may be considered.</p>	<p><b><i>The proposal meets the lot line adjustment policies of this section as there will be no additional ownership of natural heritage features. The connectivity of the Natural Heritage System is not anticipated to be implemented by the subject proposal.</i></b></p>

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

**Source Water Protection**

*Source water 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 identified that the subject lands are not located within the Source Water Protection zone.***

**County of Brant Zoning By-Law 61-16**

The subject lands are currently zoned as Agricultural (A), Residential Hamlets and Villages (RH), and Natural Heritage (NH).

A concurrent application for Zoning By-Law Amendment has been submitted and approved to change the zoning of the northern portion of the subject lands (shown as Part 2 & 3 in site plan) from Agricultural (A) to Residential Hamlets and Villages (RH).

Section 9, table 9.1.1 outlines the permitted use within the RH zone. The permitted uses are Single Detached Dwelling and Group Home.

- ***The existing single-detached dwelling and its associated accessory structures comply with the permitted uses in the RH zone.***

Section

***The following charts demonstrate that the proposed lot complies with the minimum requirements for lot line adjustment.***

<b>(Part 1 + adjacent agricultural lands)</b>		
<b>Zone Requirements Agricultural (A)</b>	<b>Required</b>	<b>Proposed Severed Lands</b>
Lot Area, Minimum (hectares)	40	>40
Lot Frontage, Minimum (metres)	150	>150

<b>(Part 3 + 365 Harley Road)</b>		
<b>Zone Requirements Residential Hamlets and Villages (RH)</b>	<b>Required</b>	<b>Proposed</b>
Lot Area, Minimum (sq. m)	3000	3952
Lot Frontage, Minimum (metres)	30	36

<b><i>Proposed Retained Lands</i></b> (Part 2, as shown in the site plan)		
<b>Zone Requirements</b>	<b>Required</b>	<b>Proposed Severed Lands</b>

<b>Residential Hamlets and Villages (RH)</b>		
Lot Area, Minimum (sq. m)	3000	34150
Lot Frontage, Minimum (metres)	30	66.29

- **All other applicable provisions of the Zoning By-Law shall apply.**

***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**

<b>Agency Comments</b>	
Development Engineering Department	<ul style="list-style-type: none"> <li>• The proposed lot line adjustment will create an additional access for MN # 365 Harley Road. Since the benefitting property already has care and control of an existing access onto Harley Road, the second entrance (east) must be removed and the ditch area remediated.</li> <li>• A Legal Survey is required to demonstrate the new property boundaries. A draft reference plan is to be completed by a certified Ontario Land Surveyor and is to include all lot bearings, distances, and survey monumentation for the purpose of verifying parcel geometry. The draft is to be provided to the County for approval prior to depositing.</li> </ul>
Environmental Planning	<ul style="list-style-type: none"> <li>• It is the opinion of policy planning, that the subject lot addition of prime agriculture lands to an adjacent farm will provide for an expanded farming operation and meets the intent the Official Plan.</li> <li>• The rear portion of the lands contain part of the Natural Heritage System due to the presence of a significant woodland. It is the opinion of Environmental Planning, that the subject proposal meets the lot line adjustment policies on the Natural Heritage System in Part 5 Section 2.10.8, as there will be no additional ownership of natural heritage features. The connectivity of the Natural Heritage System is not anticipated to be impacted by the subject proposal.</li> </ul>
Fire	<ul style="list-style-type: none"> <li>• No comments</li> </ul>
Canada Post	<ul style="list-style-type: none"> <li>• Please be advised that Canada Post does not have any comments on this application for severance</li> </ul>

	<ul style="list-style-type: none"> <li>• and boundary adjustment as this will not affect mail delivery.</li> </ul>
Parks Capital Planning and Forestry	<ul style="list-style-type: none"> <li>• No comments</li> </ul>
Enbridge Gas Inc.	<ul style="list-style-type: none"> <li>• No comments</li> </ul>
Hydro One	<ul style="list-style-type: none"> <li>• We are in receipt of your Application for Consent B10 &amp; B12-24-KD dated 2024-11-04. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.</li> </ul>

The following departments/agencies did not provide any comments/ concerns as part of the circulation of this application:

- Six Nations
- Mississaugas of the Credit First Nation (MCFN)

## PUBLIC CONSIDERATIONS

Notice of this Application has been circulated to all property owners within 60 metres of the subject lands in accordance with Section 53 of the *Planning Act* as follows:

- Posting of the Public Notice sign was completed on December 2, 2024 and site visit was completed on December 9, 2024.

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

## CONCLUSIONS AND RECOMMENDATIONS

Consent Applications **B10 & B12-24-KD** will result in the enlargement of the adjacent agricultural operation to the west and the residential lot at 365 Harley Road. The applications conform to the applicable policies above.

Comments received from internal and external commenting agencies have been incorporated as conditions where appropriate.

At the time of preparing this report, no concerns were raised as part of the public or technical circulation of this Consent Application.

For the reasons outlined in this report, it is my professional recommendation that Consent Applications **B10 & B12-24-KD BE APPROVED**, subject to the attached conditions.



Prepared by:

**Negin Mousavi Berenjaghi**, Development Planning Student

Reviewed By:

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

**ATTACHMENTS**

- 1. Site Plan
- 2. Site Photos
- 3. Zoning Mapping
- 4. Official Plan Mapping
- 5. Aerial Map
- 6. Aerial Detailed Map

**COPY TO**

- 1. Kayla DeLeye, Supervisor of Development Planning
- 2. Applicant/Agent

**FILE # B10 & B12-24-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)

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 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.
  - a. That the Draft Reference Plan be required to identify the proposed severed and retained parcels
3. That the applicant provides CAD drawing or GIS files with line work to import into database
4. That a civic address will be required for the agricultural parcel CON 10 PT LOT 24 which can be requested at the [County of Brants Civic Address Requesting Form](#)
5. That the \$321 Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
6. That Subsection 50 (3) of the Planning Act apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
7. That the severed parcel, being part of 375 Harley Road become part and parcel of the abutting lands municipally known as CON 10 PT LOT 24 and the Applicant's Solicitor undertakes to register an Application Consolidation Parcels to ensure the consolidation and proof of same to the Secretary Treasurer, Committee of Adjustment.
8. That the Applicants provide draft transfer documents with legal descriptions of the severed lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office).
9. That the Applicant's lawyer shall prepare and register all the necessary documents following review and approval by the County Solicitor, and immediately following the registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
10. 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.

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 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.
  - a. That the Draft Reference Plan be required to identify the proposed severed and retained parcels
3. That the Applicant provides proof to the satisfaction of Development Engineering that the second entrance (east) must be removed and the ditch area remediated.
4. That the \$321 Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
5. That Subsection 50 (3) of the Planning Act apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
6. That the severed parcel, being part of 375 Harley Road become part and parcel of the abutting lands municipally known as 365 Harley Road and the Applicant's Solicitor undertakes to register an Application Consolidation Parcels to ensure the consolidation and proof of same to the Secretary Treasurer, Committee of Adjustment.
7. That the Applicants provide draft transfer documents with legal descriptions of the severed lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office).
8. That the Applicant's lawyer shall prepare and register all the necessary documents following review and approval by the County Solicitor, and immediately following the registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
9. 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.



**Attachment 2 - Site Photos**



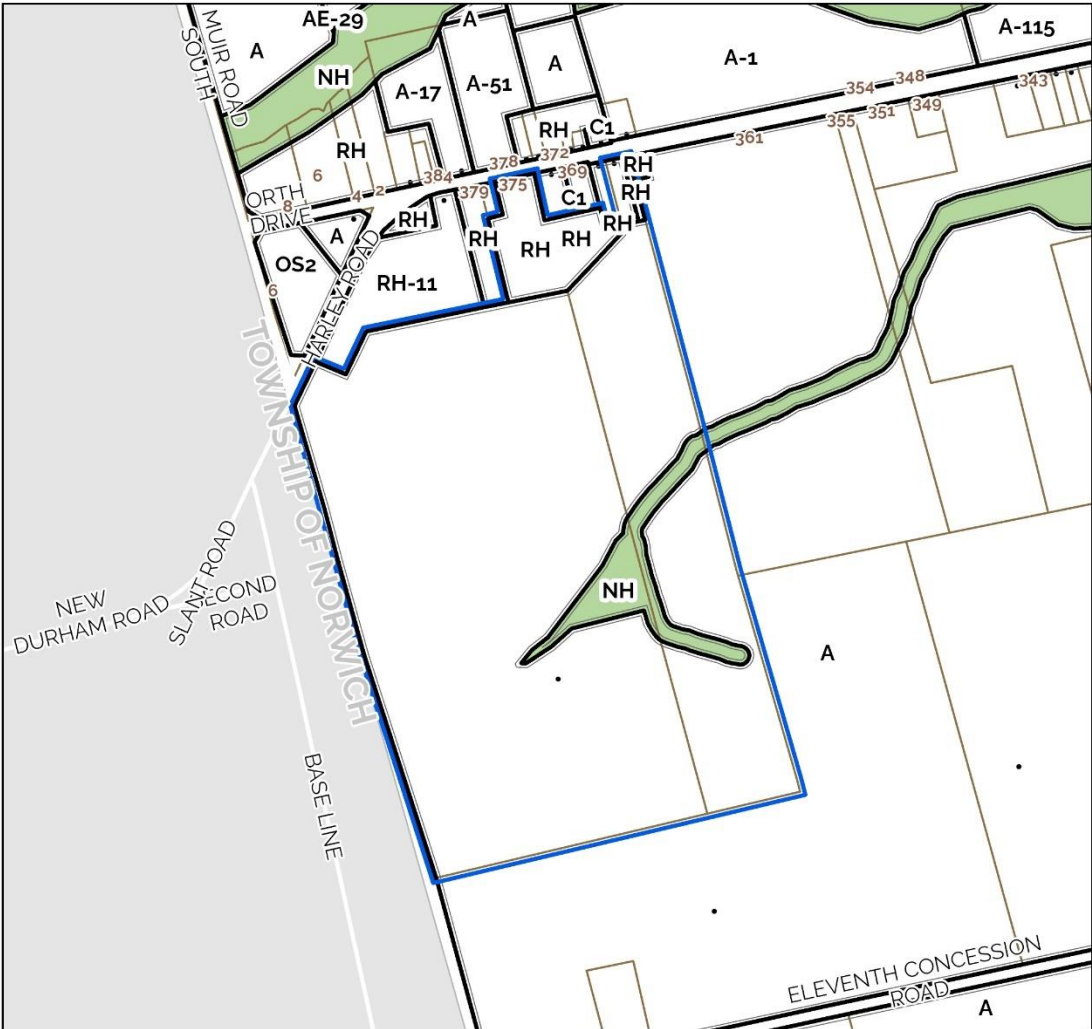
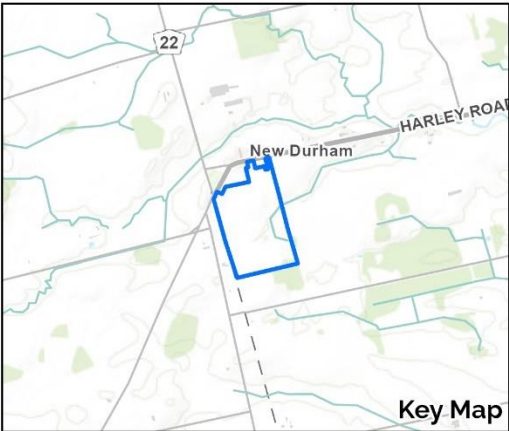
**Attachment 3 – Zoning Map**

**MAP 1: ZONING  
FILE NUMBER  
B10-B12-24-KD**

375 Harley Road  
County of Brant



Date Printed: 2024-11-20



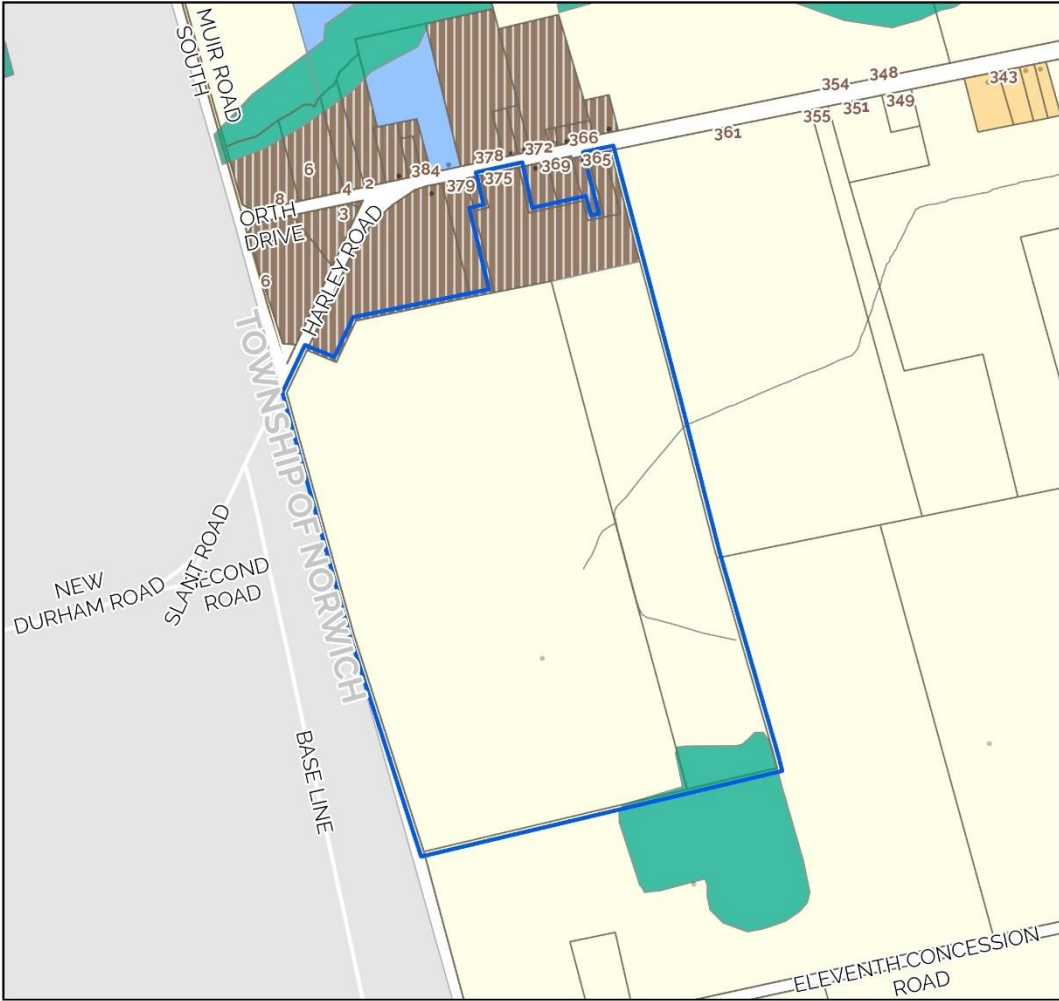
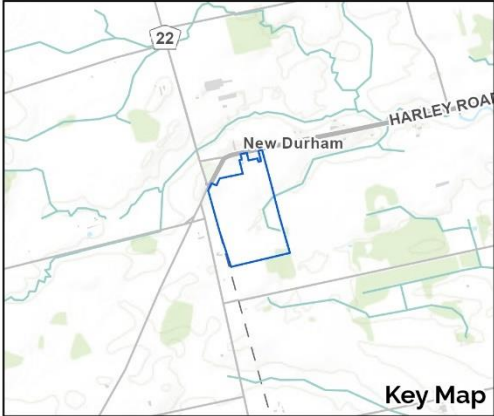
**Attachment 4 – Official Plan Map**

**MAP 2: Official Plan  
FILE NUMBER  
B10-B12-24-KD**

375 Harley Road  
County of Brant  
Ontario



Date Printed: 2024-11-20






Attachment 5 – Aerial Map

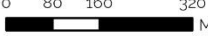
MAP 3: AERIAL IMAGERY 2024  
FILE NUMBER  
B10-B12-24-KD

375 Harley Road  
County of Brant  
Ontario

COUNTY OF Brant Simply Grand

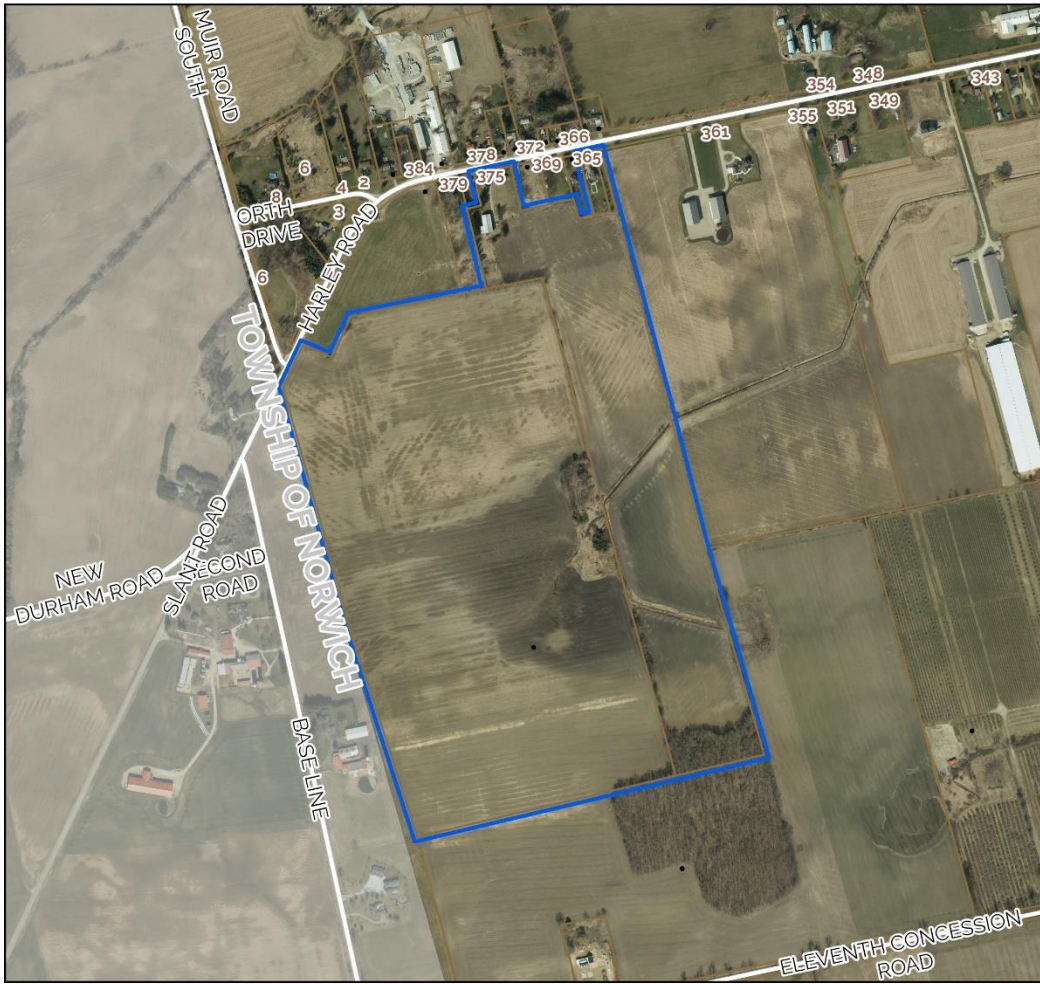
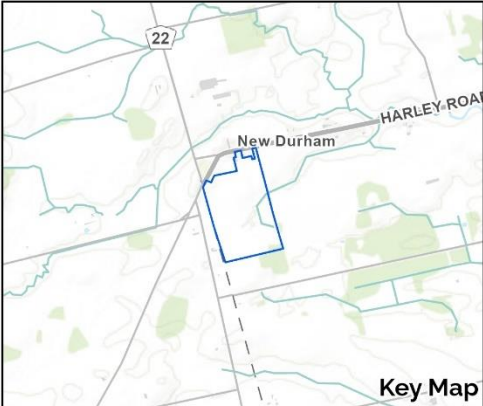


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Date Printed: 2024-11-20



**Attachment 6 – Aerial Detailed Map**

**MAP 4: AERIAL DETAIL MAP  
FILE NUMBER  
B10-B12-24-KD**

375 Harley Road  
County of Brant  
Ontario

