



COMMITTEE OF ADJUSTMENT REPORT

DATE: December 19, 2024

REPORT NO: RPT - 0505 - 24

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

FROM: Negin Mousavi Berenjaghi, Development Planning Student

APPLICATION TYPE: Consent Application

APPLICATION NO: B20-24-NM

LOCATION: 542 Paris Road

AGENT/APPLICANT: N/A

OWNER(S): Shari and Kent Hollett

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

RECOMMENDATION

THAT Consent Application **B20-24-NM** from Shari Hollett, Owner of lands legally described as CONCESSION 1 PART LOT 18, in the Former Township of Brantford, and municipally known as 542 Paris Road, proposing a lot line adjustment of approximately 5486.7 square metres to be added to the lands at 544 Paris Road, known as benefiting lands **BE APPROVED**, subject to the attached conditions.

THAT the reason(s) for approval are as follows:

- The proposal is consistent with the Provincial Planning Statement (2024) and conforms and meets policies in the County of Brant Official Plan (2024) and Zoning By-law 61-16.

EXECUTIVE SUMMARY

Consent Application **B20-24-NM** proposes a lot line adjustment of approximately 5486.7 square metres to be added to the adjacent lands at 544 Paris Road. The subject lands have a total lot area of approximately 0.4 ha (2.76 ac) and a frontage of approximately 63.54 m (208.46 ft) on Paris Road.

Staff have reviewed the proposed Consent Application with applicable planning policy (i.e., Planning Act, Provincial Planning Statement (2024), County of Brant Official Plan (2024) and Zoning By-Law 61-16) in review of any comments received from relevant departments, the Applicant, and members of the public.

Development Engineering staff have noted that the distance from the recently constructed board fence from the north garage wall of the property at 542 Paris Road is approximately 10 metres as opposed to the shown 15.24 metres in the site plan. The owner has confirmed that the rear fence will be moved back to the 15.24 metre mark which is approximately 5 metres from its current location. A condition has been added to address this comment.

Additionally, Development Engineering staff have commented on existing access to the rear of the property at 544 Paris Road which overlaps with the retained parcel. The owner has confirmed that the access point will also be moved to the 15.24-metre mark. A condition has been added to address this comment.

It is my professional opinion that the Consent Application proposing a minor lot line adjustment is appropriate, meets relative planning policy and therefore recommend that application **B20-24-NM BE APPROVED**, subject to the attached conditions.

LOCATION / EXISTING CONDITIONS

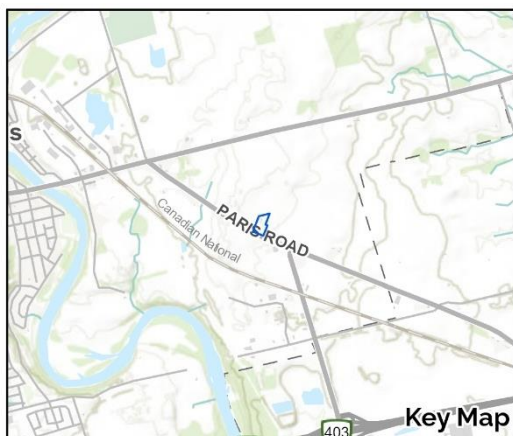
The subject lands municipally known as 542 Paris Road, within the Former Township of Brantford, County of Brant, are located north of Paris Road and south of Governor's Road East.

The lands have a lot area of approximately 1.11 hectares and a frontage of 208.46 metres. The property is surrounded by Agriculture land uses to the north and east, Employment land uses to the south, and Rural Residential land uses to the east and west.

The lands contain one (1) existing single-detached dwelling and one (1) pool, and are serviced by municipal water and septic system. The benefiting lands contain a one (1) single-detached dwelling and one (1) legal non-conforming use for sales and service of cars and similar light passenger vehicles.

There are no Natural Heritage features on the subject lands.

LOCATION MAP
Application: B20-24-NM
542-544 Paris Road



AERIAL IMAGE
Application: B20-24-NM
542-544 Paris 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 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 2.3.1.1 of the Provincial Planning Statement identifies that settlement areas shall be the focus of growth and development.

- ***The subject lands are within the Settlement Area Boundary of the County of Brant.***

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

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 (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 (2023) identifies the land use designation of the subject lands as 'Community Corridor.'

The following demonstrates conformity with the applicable policies of the County of Brant

Official Plan (2023):

Official Plan (2023)	Planning Analysis
<p>Section 2.2 (page 3-5) of the new Official Plan outlines the general intent for the lands designated as Community Corridor. This designation includes community area lands that are generally located along arterial or collector roads, acting as a linear focus for higher-density mixed-use development, incremental intensification, and the efficient movement of people and goods.</p>	<p><i>The subject property is designated as Community Corridor which allows for future mixed-use development and incremental intensification.</i></p>
<p>Section 1.2 (Page 5-2) of the new Official Plan speaks to general policies and permitted uses for Community Corridor designation. Permitted uses for this designation are as follows:</p> <ul style="list-style-type: none"> - Residential uses in low-rise, mid-rise, and high-rise development including additional residential units, home-based businesses, and home industries; - institutional, commercial accommodation, office, and community uses in low-rise and mid-rise development; and - Seasonal, interim, and tourism uses. 	<p><i>The existing developments on both the subject and benefiting lands comply with the permitted use within the Community Corridor designation. Any future development shall be consistent with the general policies and permitted uses provided in this section. Any future development may be subject to site plan control.</i></p>
<p>Section 5.2 (page 6-23) of the new Official Plan provides policies regarding consents. Subsection 5.2.4 states that the applications to create new lot(s) or lot line adjustment shall demonstrate that the lands can be adequately serviced on municipal waters.</p>	<p><i>Both properties are adequately serviced by municipal water and private septic systems.</i></p>
<p>Subsection 5.2.4 (Page 6-25) speaks to lot line adjustment no resulting in a landlocked parcel where there is not sufficient area for development and associated uses such as dwelling, accessory structures, access and servicing.</p>	<p><i>The proposed lot line adjustment would provide sufficient area for future development and associated uses and would not result in a landlocked parcel.</i></p>
<p>Subsection 5.2.4 (Page 6-25) states that both the retained lot and severed lot shall have frontage along a public road with safe and direct access to and from a public road.</p>	<p><i>Both the retained and severed lands have frontage along Paris Road as well as safe and direct access.</i></p>
<p>Subsection 5.2.4 (Page 6-25) outlines that the lot configuration(s) proposed for the retained and severed lot(s) shall not restrict the future development or redevelopment potential of the lands or nearby parcels of land, particularly as it relates to intensification targets, the provision of access, servicing, and stormwater management, and where such lands are designated for development by this plan.</p>	<p><i>The proposed lot line adjustment would not result in restrictions for potential future development or redevelopment of the lands or nearby parcels of land.</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 Rural Residential (RR) within the County of Brant Zoning By-Law 61-16. 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 Rural Residential (RR). The only permitted use within this zone is Single-Detached Dwellings.

- ***The subject lands contain an existing single-detached dwelling and therefore comply with the permitted uses within Rural Residential Zones.***

Section 9.2, Table 9.2.1 of the County of Brant Zoning By-Law 61-16 advises the required regulations for lands zoned as Rural Residential (RR).

<i>Provisions</i>	<i>Required</i>	<i>Retained Land</i>	<i>Severed Land</i>
<i>Minimum Lot Area (square metres)</i>	4000	5686.2	5486.7
<i>Minimum Lot Frontage (metres)</i>	40	57.61	51.65
<i>Minimum Street Setback (metres)</i>	20	56.54	74.75
<i>Minimum Interior Side Yard Setback (metres)</i>	5	7.62	5
<i>Minimum Rear Yard Setback (metres)</i>	15	15.24	31
<i>Maximum Lot Coverage</i>	30%	<30%	<30%
<i>Maximum Building Height</i>	10.5	<10.5	<10.5

- ***The subject lands containing existing development meet the zone requirements for the RR 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"> • The recently constructed board fence is approximately 10m from the north garage wall of Municipal # 542, as opposed to the 15.24m that is the proposed to the

	<p>severance limit as shown on the documentation submitted for the lot line adjustment application.</p> <ul style="list-style-type: none"> • There is an existing access to the rear of the site from Municipal # 544 which overlaps the retained parcel. An adjustment to the proposed north severance limit may be required. See attached sketch. <p><i>Staff Response: The owner has confirmed that the rear fence will be moved back to the 15.24-meter mark which is approximately 5 metres from its current location. The applicant has also confirmed that the access point will be moved to the same distance. The applicant is aware of these conditions.</i></p>
Environmental Planning	<ul style="list-style-type: none"> • No comments
Fire	<ul style="list-style-type: none"> • No comments
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 adjustment between these 2 properties as this will not affect mail delivery.
Parks Capital Planning and Forestry	<ul style="list-style-type: none"> • No comments

PUBLIC CONSIDERATIONS

Notice of this Application, contact information, and Public Hearing Date were circulated by mail on December 4, 2024 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

Posting of the Public Notice sign was completed on December 3, 2024 and site visit was completed on December 6, 2024.

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

CONCLUSIONS AND RECOMMENDATIONS

Planning staff support the consent application as it is consistent with the Provincial Planning Statement, consistent with the County of Brant Official Plan, and meets the intent of the County of Brant Zoning By-Law 61-16, and therefore recommend that Application for Consent **B20-24-NM, 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. Official Plan Map
- 2. Zoning Map
- 3. Aerial Map
- 4. Proposal Drawings
- 5. Site Photos

COPY TO

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

FILE # B20-24-NM

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: Shari Hollett
542 Paris Road

File No: B20-24-NM

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 provides a copy of the draft reference plan for the severed parcels, including the location of the existing buildings by a licensed surveyor, prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office) to the satisfaction of the County.
3. That the identified severed parcel currently part of 542 Paris Road, becomes part and parcel of the abutting lands identified as 544 Paris 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.
4. 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.
5. That the comments of the Development Engineering Division are understood and agreed to specifically that :
 - a) The severance plan provided by J. H. Cohoon Engineering Ltd. (Dwg. No.16164-SEV1 Rev 1 September 9, 2024) in the submission does not meet the tie of 15.24m from the garage as shown. There is a new board fence constructed approximately 9.7m from the garage. It appears that the new board fence was built in that area because of an existing access to the abutting property at MUN. #544 Paris Road to the severed parcel.
The north limit of the retained parcel must meet the Zoning requirement for the required tie from the garage.
6. That the \$328.00 Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official.
7. 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.

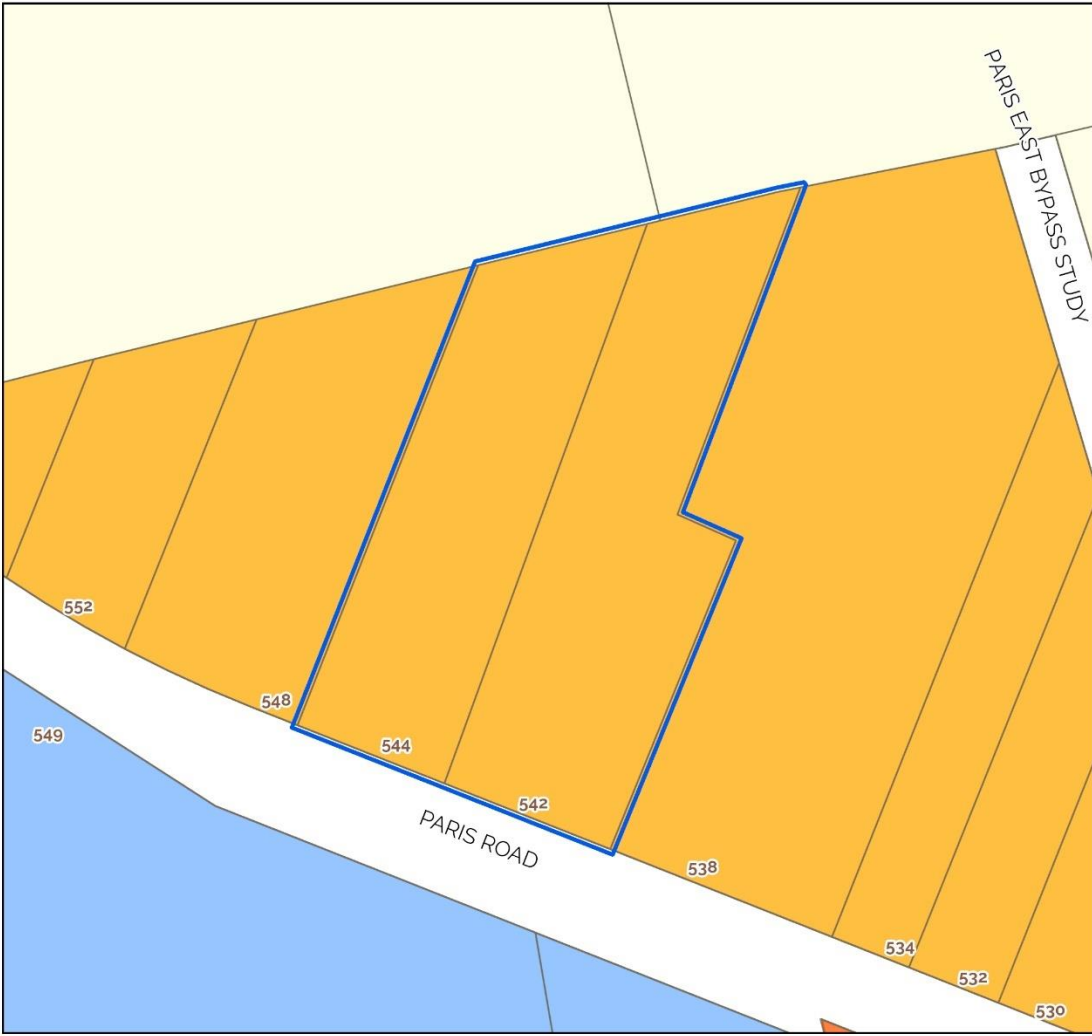
Attachment 1 – Official Plan Map

MAP 2: Official Plan
FILE NUMBER
B20-24-NM

542 Paris Road
County of Brant
Ontario



Date Printed: 2024-11-20



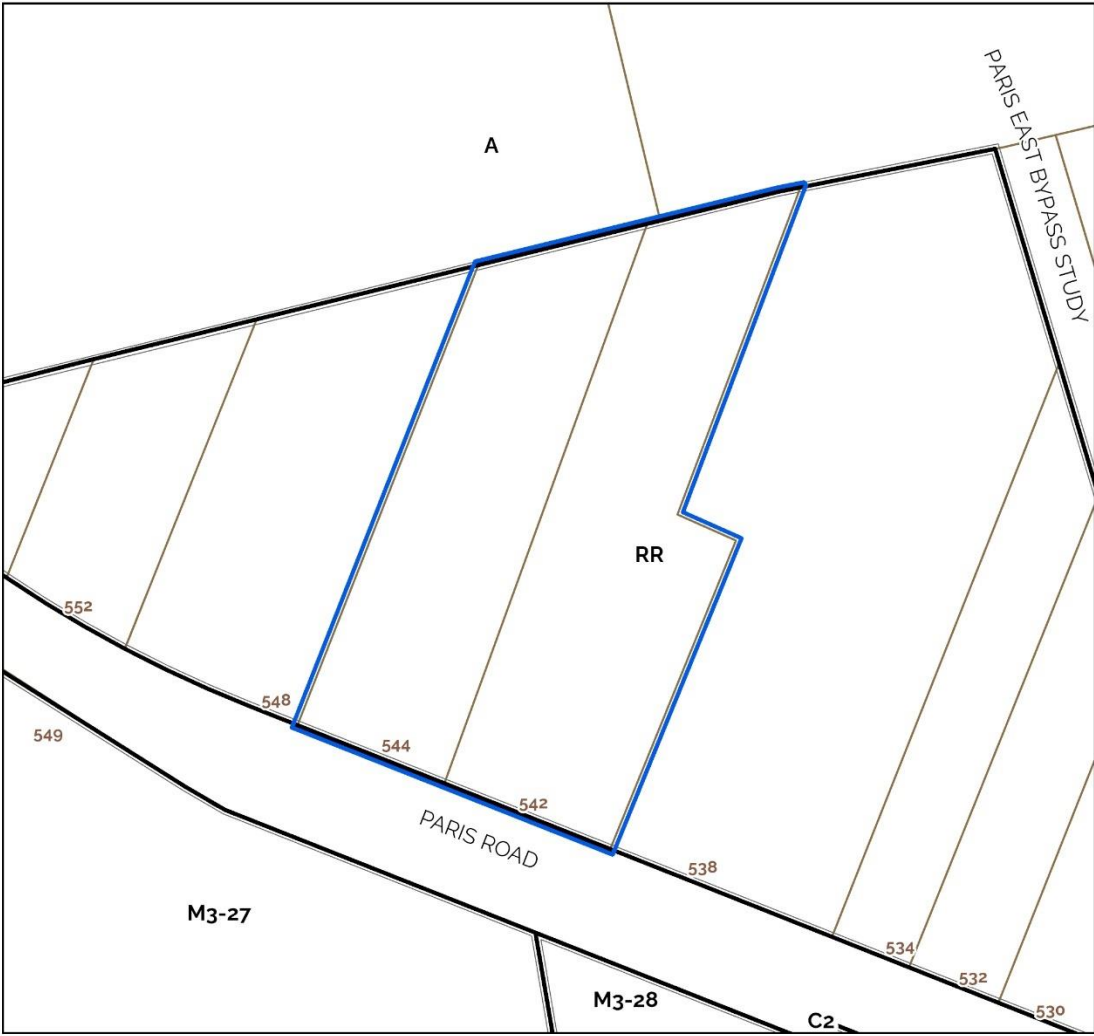
Attachment 2 – Zoning Map

MAP 1: ZONING
FILE NUMBER
B20-24-NM

542 Paris Road
County of Brant



Date Printed: 2024-11-20




Attachment 3 – Aerial Map

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B20-24-NM

542 Paris Road
County of Brant
Ontario

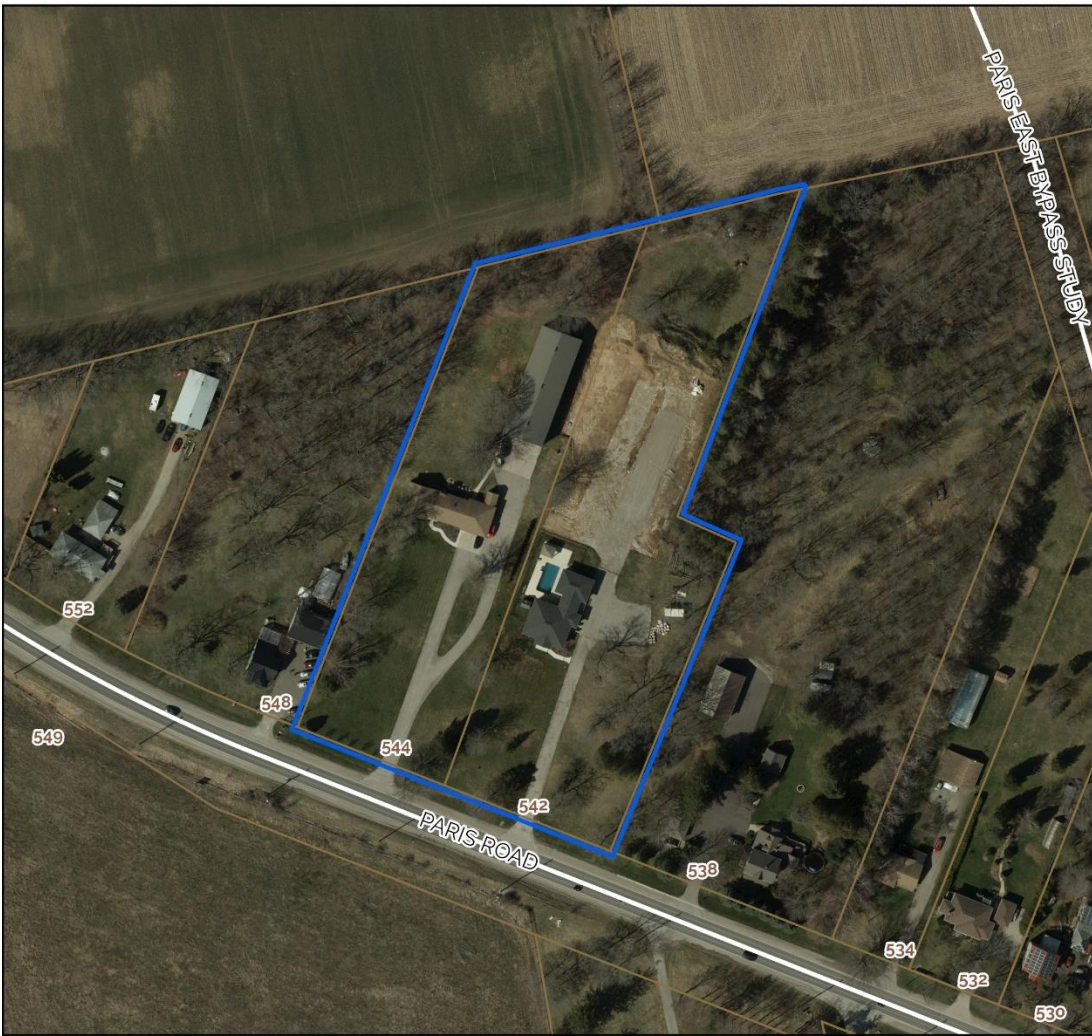
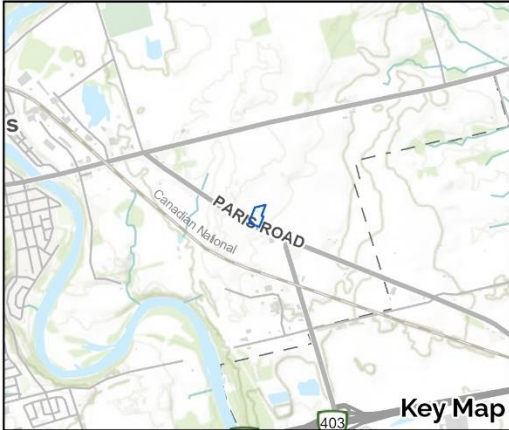
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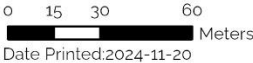
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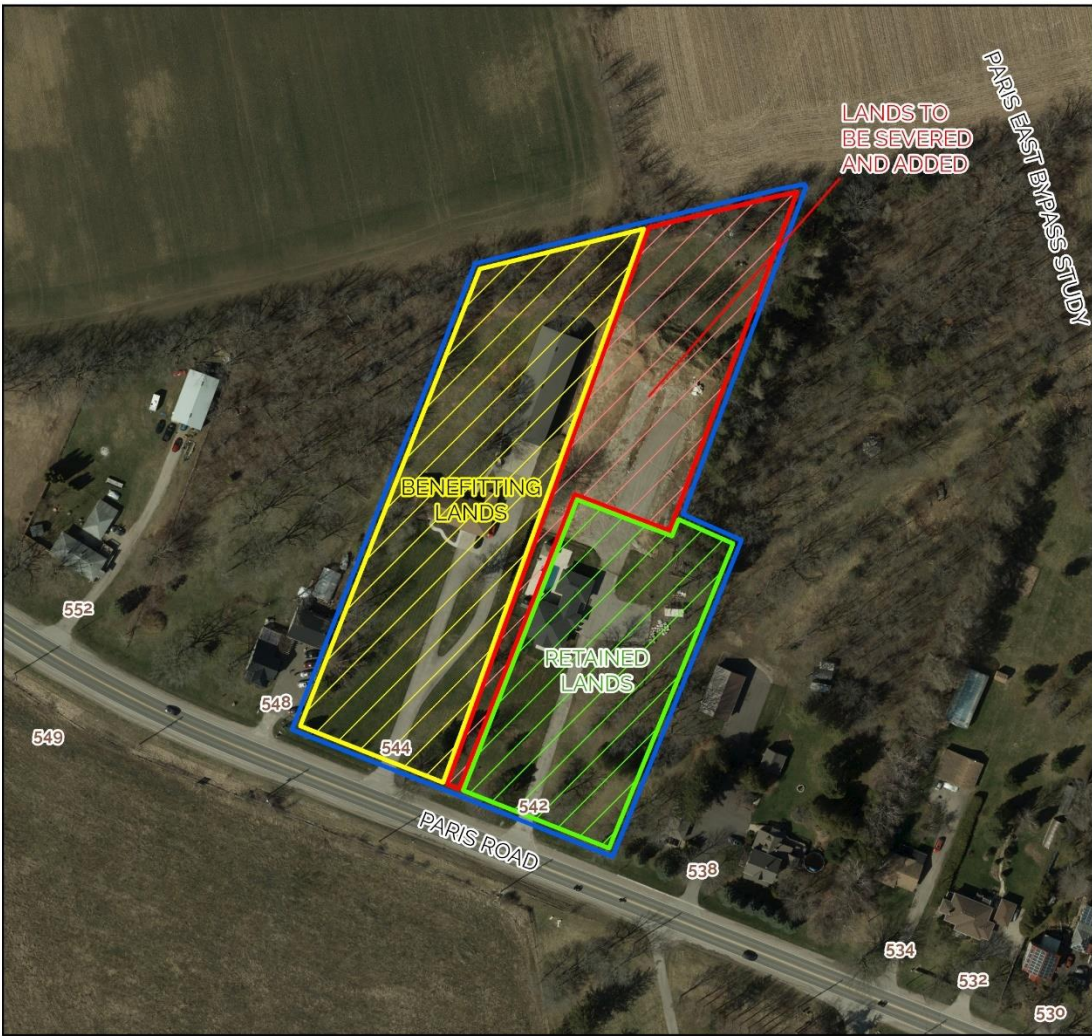
Attachment 4 – Aerial Detailed Map

MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B20-24-NM

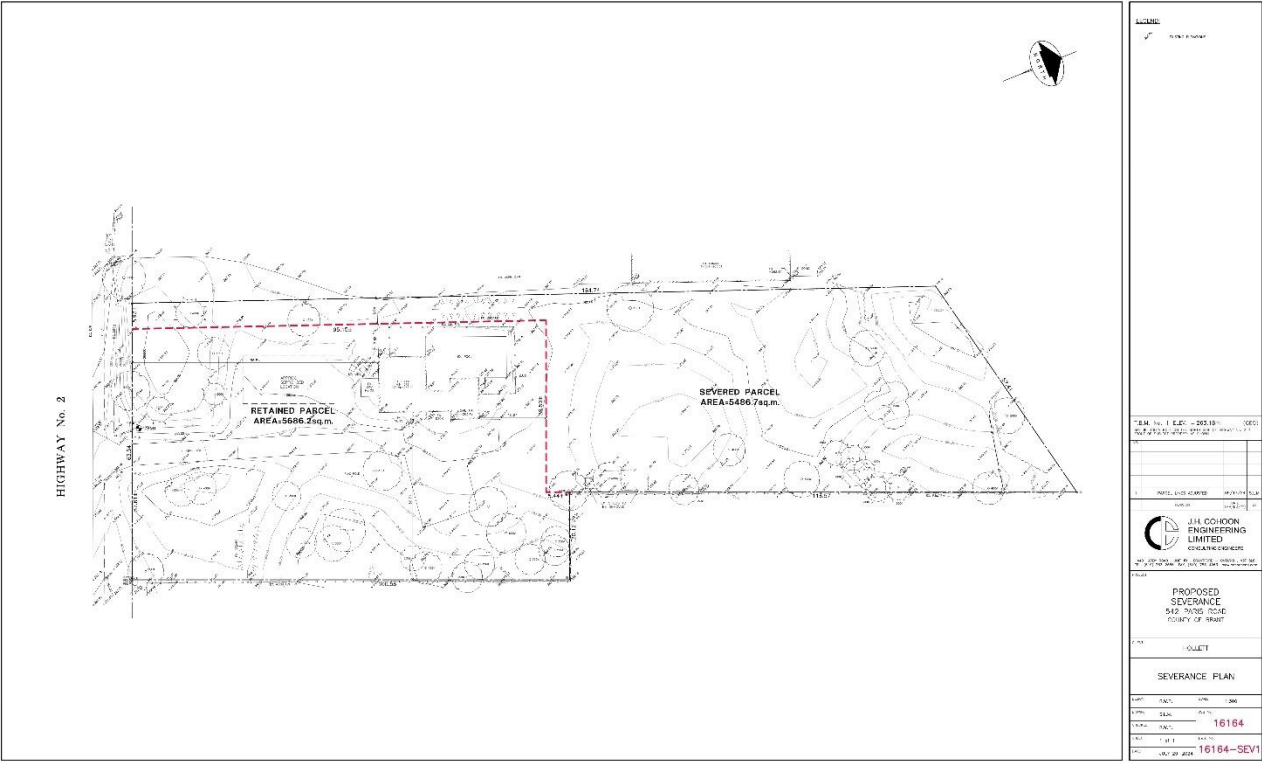
542 Paris Road
County of Brant
Ontario



Date Printed: 2024-11-20



Attachment 4 – Proposal Drawings



Attachment 5 – Site Photos



Property at 544 Paris Road



Property at 542 Paris Road

