



COMMITTEE OF ADJUSTMENT REPORT

DATE: February 20, 2025

REPORT NO: RPT - 0062 - 25

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

FROM: Logan Keen, Planner

APPLICATION TYPE: Consent Application

APPLICATION NO: B27-24-LK

LOCATION: 290 Brant County Highway 5

AGENT / APPLICANT: R W Phillips, Cohoon Engineering Ltd.

OWNER: Howard Hussey

SUBJECT: Request for a decision on a Consent Application

RECOMMENDATION

THAT Consent Application B27-24-LK from Cohoon Engineering Ltd on behalf of Howard Hussey, Owner of lands legally known as South Dumfries Concession 2 Part Lot 11 Registered Plan 2R4549 PT Parts 2 and 4, , municipally known as 290 Brant County Highway 5, proposing a lot line adjustment to sever a 352.5 square metre strip of land from of the western property line to be added to the abutting property at 292 Brant County Highway 5, BE APPROVED, subject to the attached conditions.

THAT reason(s) for approval are as follows:

- The application is in conformity 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.

EXECUTIVE SUMMARY

Consent Application **B27-24-LK** proposes to sever a 352.5 square metre strip of land from the western property line of 290 Brant County Highway 5 to add to the abutting property at 292 Brant County Highway 5 to allow for the construction of a detached garage to the east of the existing dwelling at 292 Brant County Highway 5.

The proposed severance will result in 290 Brant County Highway 5 having a lot area of 0.4168 hectares with a lot frontage of approximately 64.62 metres and 292 Brant County Highway 5 having a lot area of 0.4 hectares, with a lot frontage of approximately 73 metres.

I would note that it is the intent of the applicant that the existing and proposed structures on the subject lands meet minimum interior side yard setback for accessory structures from the proposed new property line. In doing so, the irregular lot line established as part of the application is to ensure that the existing and proposed structures meet the setback requirements.

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 Application **B27-24-LK** to sever a 352.5 square metre strip of land from the western property line of 290 Brant County Highway 5 to add to the abutting property at 292 Brant County Highway 5, be **Approved**, subject to the attached conditions.

LOCATION / EXISTING CONDITIONS

The subject lands municipally known as 290 Brant County Highway 5 and 292 Brant County Highway 5 are located on the south side of Brant County Highway 5, east of Brant Road and west of Commerce Drive in the Primary Urban Settlement Boundary of St. George.

The subject lands are zoned Suburban Residential (SR) and Natural Heritage (NH) within the County of Brant Zoning By-law and designated as Community Corridor with a small portion of Natural Heritage System designation within the County of Brant Official Plan.

The subject lands at 292 Brant County Highway 5 are approximately 0.42 hectares in size with a frontage of approximately 63.38 metres. The subject lands at 290 and 292 Brant County Highway 5 are developed with a single detached residential dwelling and are privately serviced.

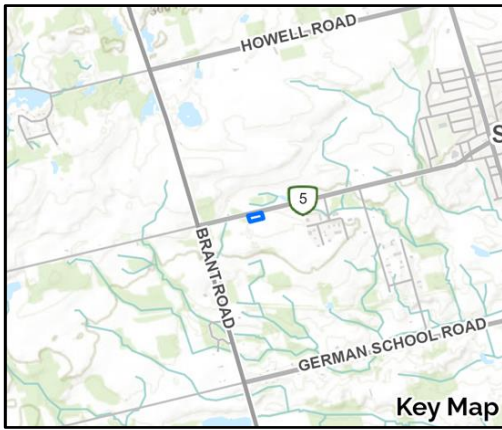
Both the severed and retained lands have existing shared access from Brant County Highway 5.

The surrounding land uses include Suburban residential, Agricultural and Natural Heritage.

It is important to note that the Applicant has constructed the foundations of the proposed detached garage of which the severance was intended to facilitate at 290 Brant County Highway 5 without a building permit or planning approval. In the process of doing so, the foundations are constructed within the required setback for accessory structures as outlined in Section 4.4.1 of the Zoning By-law.

LOCATION MAP
Application: B27-24-LK
290-292 Brant County Highway 5

AERIAL MAP
Application: B27-24-LK
290-292 Brant County Highway 5



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 Policy Statement, 2024

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 2.3.1.1 of the Provincial Policy Statement identifies that settlement areas shall be the focus of growth and development.

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

Section 4.1 outlines policy direction with regards to natural heritage. In particular, development and site alterations shall not occur within known significant wetlands to protect natural heritage, water, agricultural and archaeological resources.

Section 5.2 provides direction relating to natural hazards. It is understood that development or site alteration shall not occur within natural hazards to mitigate and prevent adverse impacts to public health.

- ***The proposed severed lot is located outside of the existing natural heritage and hazard features, therefore protecting the ecological value of these features and public health.***

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

Part 4 Section 4.2 of the County of Brant Official Plan outlines that development should be focused within the Primary Settlement Areas found within the Urban System.

- ***The subject lands are located within the Primary Settlement Area of St. George.***

Part 5 Section 1.2 of the County of Brant Official Plan outlines policies for the Community Corridor Designation.

- ***The subject lands contain an existing single detached dwelling. The proposal will maintain the existing low-density residential use compatible with neighbouring properties.***

Part 5 Section 2.11 of the County of Brant Official Plan provides policies for the Natural Heritage System Designation where development and intensification, and site alteration in this designation are generally prohibited to provide permanent conservation of these areas.

- ***The northwest portion of the subject lands have been identified as Natural Heritage System. However, no development including the lot line adjustment and the proposed detached garage will be located within or adjacent to the Natural Heritage System and will not negatively impact the Natural Heritage System.***

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, 2016

Zoning By-law 61-16 identifies that the subject lands are zoned Suburban Residential (SR), Natural Heritage (NH) and Natural Heritage 1 (NH1).

The severed and retained parcels meet the Suburban Residential (SR) zone requirements as noted in Table 1 below.

However, as previously mentioned, the Applicant has constructed the foundations of the proposed detached garage at 292 Brant County Highway 5. In the process of doing so, it is Staff understanding that the foundations are within the required setback for accessory structures and are not in compliance. A condition of approval has been included to mitigate this.

The following charts demonstrate that the proposed lot complies with the minimum requirements for new lot creation within the Suburban Residential (SR) zone.

<i>Table 1: Suburban Residential Requirements</i>				
Zone Provision	Severed Lands	Benefitting Lands	Required	Compliance
Lot Area, min (sq/m)	4,168	4,420	3,000	Yes
Lot Frontage, min (metres)	64.62	73	30.0	Yes
Street Setback, min (metres)	28.96	33.4	7.5	Yes
Interior Side Yard Setback, min (metres)	2.44	3.0	1.5	Yes
Rear Yard Setback, Min (metres)	11.22	18.3	7.5	Yes
Lot Coverage, max	9.5%	6.5%	30%	Yes
Landscaped Open Space, min	30%<	30%<	30%	Yes
Building Height, max	10.5>	10.5>	10.5	Yes

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

Agency Comments	
Development Engineering Department	<ul style="list-style-type: none"> • Brant County Highway 5 is classified as an Urban Arterial Road as defined in the Official Plan (Schedule E- Road Network), which also limit individual access entrances for safety reasons as per Official Plan Section (6.8.2). • County staff attended the site on January 10th, 2025, and the following was observed: • The new garage foundation walls have been constructed within the severance parcel, and the setbacks to the severance line do not match the proposed Severance Plan (DWG No. 3331-2 dated June 5, 2024, REV. 1) by J.H. Cohoon Engineering Ltd. An updated drawing will be required to illustrate new setbacks and zoning compliance. (See attached photo) • A new gravel driveway has been constructed for Mun. #290 through a portion of the shared access easement, being Part 4, 2R-4549. • A Legal survey will be required to confirm the new property boundaries and setbacks to the new garage. Survey is to be completed by certified Ontario Land Surveyor. • Municipal # 292 (Parts 1 & 3, 2R-4549) are within the GRCA regulation limit.
Canada Post	<ul style="list-style-type: none"> • No comments.
Environmental Planning	<ul style="list-style-type: none"> • No comments.
Hydro One	<ul style="list-style-type: none"> • No comments
Parks Capital Planning and Forestry	<ul style="list-style-type: none"> • No comments.
GRCA	<ul style="list-style-type: none"> • GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the <i>Planning Act</i> as per our CA Board approved policies. • Information currently available at this office indicates that 292 Highway 5 contains a wetland and the regulated allowance adjacent to the wetland. The lands to be retained do not contain any natural

	<p>hazard features of interest to the GRCA. A copy of GRCA's resource mapping is attached.</p> <ul style="list-style-type: none"> • Due to the presence of the features noted above, a portion of the property to be enlarged is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24. • The applicant is proposing to sever a parcel of land from 290 Highway 5 and merge the parcel with 292 Highway 5 as a lot line adjustment. The additional lot area will facilitate the construction of a detached garage on the enlarged parcel. GRCA staff have reviewed the circulated information and we do not have any concerns with the proposed lot line adjustment or detached garage. As such, the GRCA has <u>no objection</u> to the proposed application. • Consistent with GRCA's approved fee schedule, this application is considered a minor consent and the applicant will be invoiced \$465.00 for GRCA's review of this application.
Fire	<ul style="list-style-type: none"> • No Comments

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 January 31, 2025.

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

CONCLUSIONS AND RECOMMENDATIONS

Consent Application **B27-24-LK** is required in order to sever a 352.5 square metre strip of land from of the western property line of 290 Brant County Highway 5 and be added to the abutting property at 292 Brant County Highway 5.

Comments were received from internal and external 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 for this Consent application.

For the reasons outlined in this report, it is my professional recommendation that Consent Application **B22-24-LK** facilitating a severance for a line lot adjustment be **Approved**, subject to the attached conditions.

Prepared by:



Logan Keen,
Planner

ATTACHMENTS

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Aerial Detail Map
5. Severance Sketch

COPY TO

1. Dan Namisniak, Manager of Development Planning
2. Jeremy Vink, Director of Planning
3. Nicole Campbell, Secretary Treasurer of the Committee of Adjustment
4. Applicant/Agent

FILE # B27-24-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)

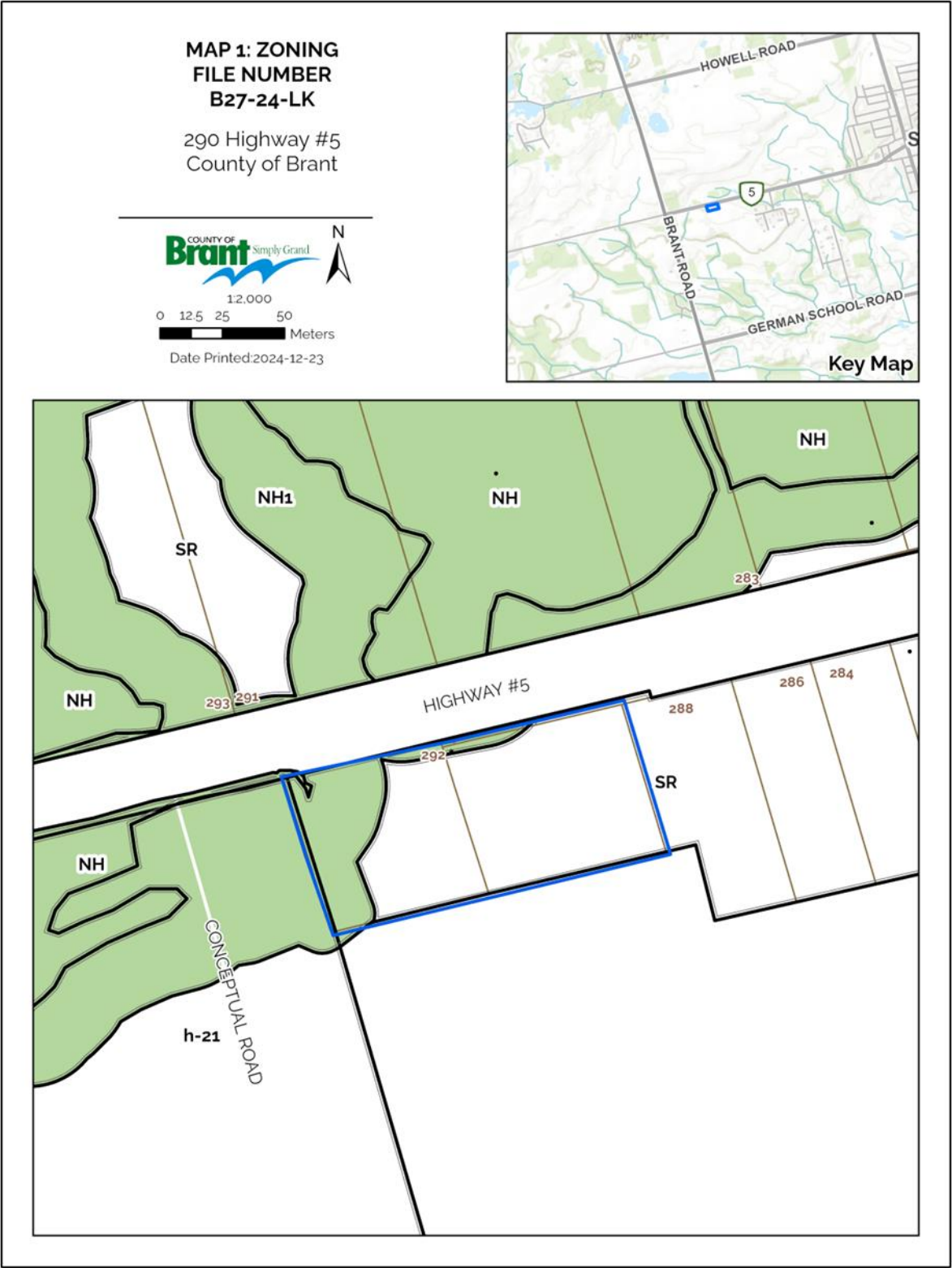
Is the necessary By-Law or agreement being sent concurrently to Council? (No)

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

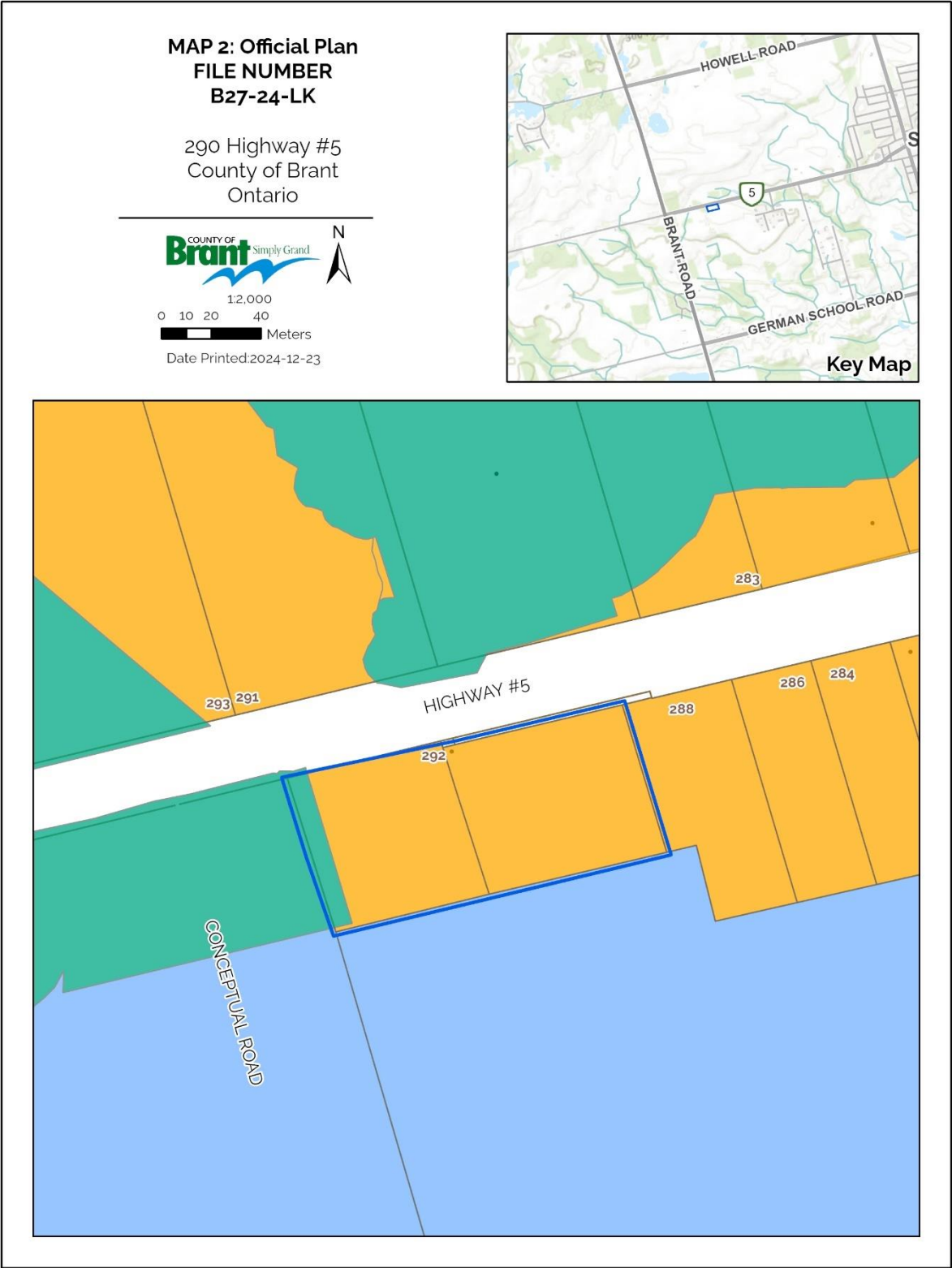
1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant(s) provide a copy a Draft Reference Plan for the retained lands, completed by a licensed surveyor and reviewed by the County of Brant, prior to the finalization of the Consent (i.e. registration of the deeds in the appropriate Registry Office).
 - a. That the Draft Reference Plan be utilized to demonstrate zoning compliance on the retained lands, identifying the proposed severed and retained parcels, the location of the existing buildings, setbacks, well and septic bed.
3. That the \$345 Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
4. 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).
5. 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.
6. That the Applicant ensures the limits of the existing easement be maintained and associated documents be modified as required.
7. That the Applicant ensures the retaining wall is removed in its entirety or partially or a suitable alternative as determined by the County of Brant.
8. 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.

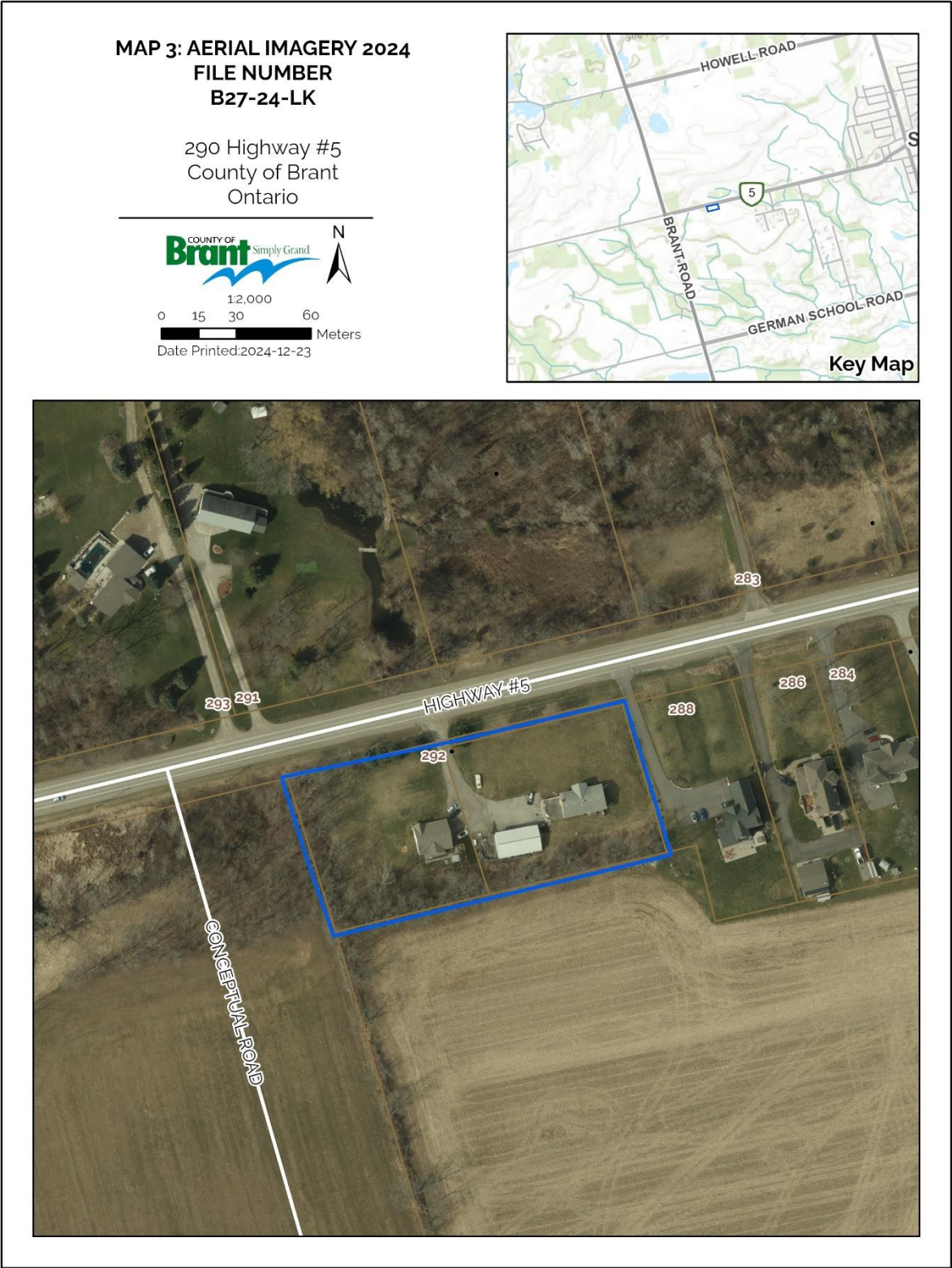
Attachment 1 – Zoning Map



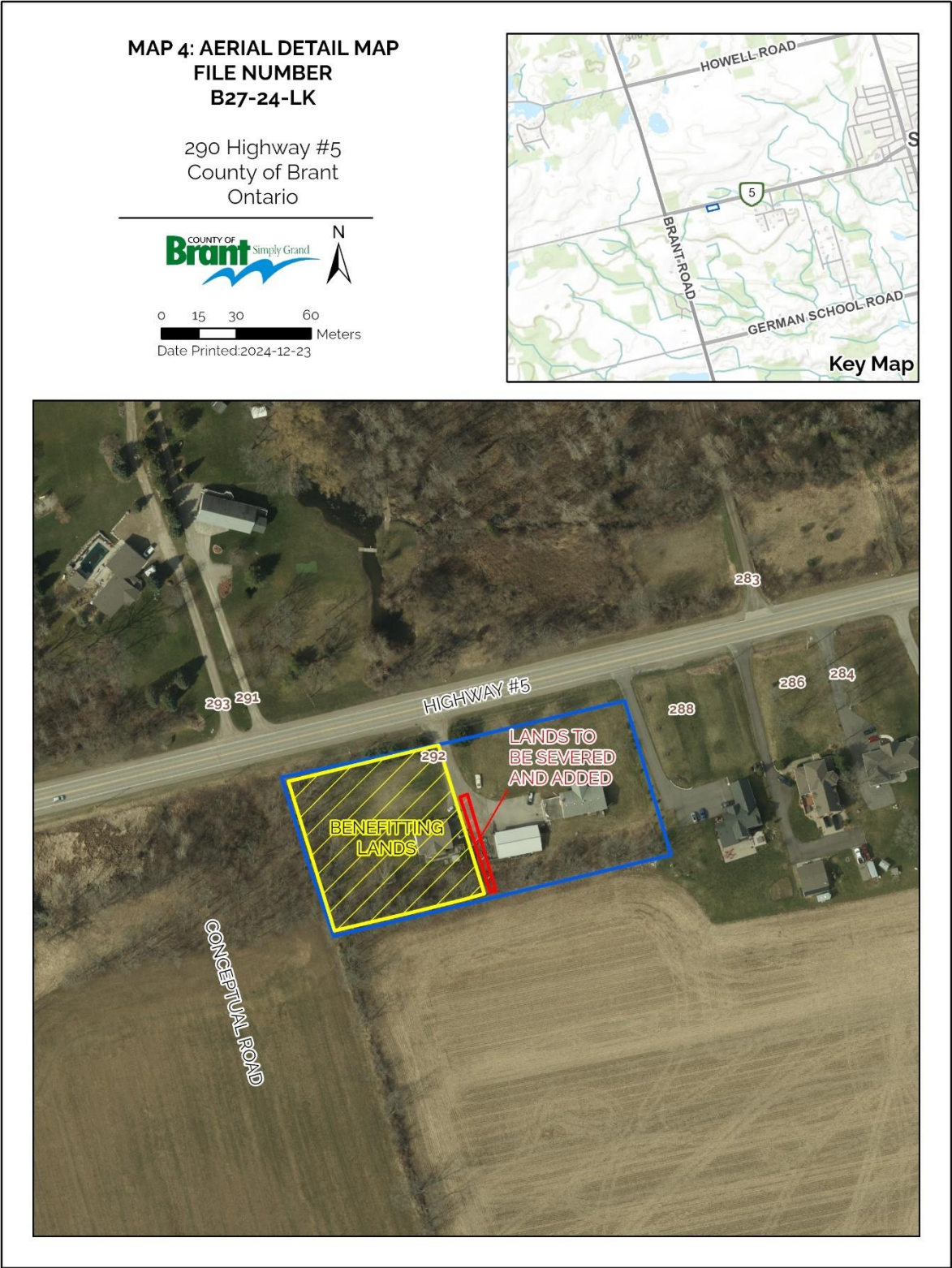
Attachment 2 – Official Plan Map



Attachment 3 – Aerial Map



Attachment 4 – Aerial Detail Map



Attachment 5 – Severance Sketch

