



## **COMMITTEE OF ADJUSTMENT REPORT**

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**DATE:** February 20, 2025

**REPORT NO:** RPT-0508-24

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

**FROM:** Logan Keen, Planner

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**APPLICATION TYPE:** Consent Application & Minor Variance Application

**APPLICATION NO:** B17-24-LK & A1-25-LK

**LOCATION:** 29 Sixth Concession Road & 62 King Street

**AGENT/APPLICANT:** David Aston and Stephanie Mirtitsch, MHBC Planning

**OWNER(S):** Ruie and William Greenwood (29 Sixth Concession Road)

**SUBJECT:** Request for a decision on an application proposing a lot line adjustment and associated minor variance application.

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### **RECOMMENDATION**

THAT Consent Application **B17-24-LK** from MHBC Planning, Agent, on behalf of Ruie and William Greenwood, Owners of the lands legally described as Concession 6 Part Lot 2, in the Former Township of Burford, municipally known as 29 Sixth Concession Road, proposing to sever approximately 3.1 hectares from 29 Sixth Concession Road to the benefitting lands municipally known as 62 King Street, **BE APPROVED**, subject to the attached conditions.

THAT reason(s) for approval are as follows:

- The consent application maintains the function of the existing residential and agricultural land uses.
- The application is in conformity with the policies of the Provincial Policy Statement;
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law.

AND

THAT Minor Variance Application **A1-25-LK** from MHBC Planning, Agent, on behalf of Ruie and William Greenwood, Owners of the lands legally described as Concession 6 Part Lot 2, in the Former Township of Burford, municipally known as 29 Sixth Concession Road, seeking the following:

1. Relief under Planning Act, Section 45(1) to permit a lot area of 0.6 hectares for the proposed retained lands; and
2. Relief under Planning Act, Section 45(2) to permit the extension of a legal non-conforming use in recognition of the existing residential land uses.

## BE APPROVED.

THAT reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate function of the subject lands;
- The proposed minor variance is in keeping with the intent of the Official Plan and permits extension of the existing residential legal non-conforming condition of the site.

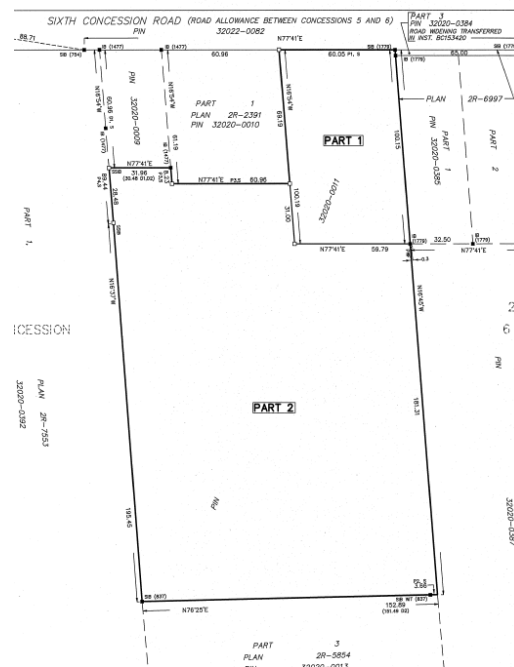
## EXECUTIVE SUMMARY

**Consent application B17-24-LK** proposes a lot line adjustment to sever and add 3.1 hectares of land from 29 Sixth Concession Road to adjoining lands at 62 King Street. The severed lands will have an area of 0.6 hectares (1.48 acres) and a frontage of 60 metres (196.85 feet) along Sixth Concession Road. The retained lands will have an area of approximately 153 hectares and a frontage greater than 150 metres along Sixth Concession Road and Bishopsgate Road.

Parcel	Frontage	Area
<b>Severed Lands (A1-25-LK)</b>	60 metres (196.85 feet)	0.6 hectares (1.48 acres)
<b>Retained Lands</b>	150 metres < (across multiple frontages)	3.1 hectares (7.66 acres), <i>to be added to lands at 62 King Street resulting in 153 hectares (378 acres)</i>

**Minor Variance Application A1-25-LK** is required to permit the creation of the undersized agricultural parcel and permit the continuation of the agricultural use within the Neighbourhoods designation. The approach utilizes the existing agricultural zoning as a tool to ensure orderly development of the lands which are located within the primary urban settlement area of Burford.

**Figure 1: Proposed Severance Sketch**



Staff have reviewed the proposed Consent Application and Minor Variance Application with applicable planning policy (i.e., Planning Act, Provincial Policy Statement (2024), County of Brant Official Plan (2023) and Zoning By-law 61-16) in review of any comments received from relevant departments, the Applicant, and members of the public.

It is my professional opinion that the Consent Application and subsequent Minor Variance Application to recognize the existing conditions of the site having consideration for Section 51(24), Section 45(2)(b) and meets the four tests established in Section 45(1) of the Planning Act.

Therefore, it is my professional recommendation that the Consent and Minor Variance applications B17-24-LK and A1-25-LK, be APPROVED, subject to the attached conditions.

## LOCATION / EXISTING CONDITIONS

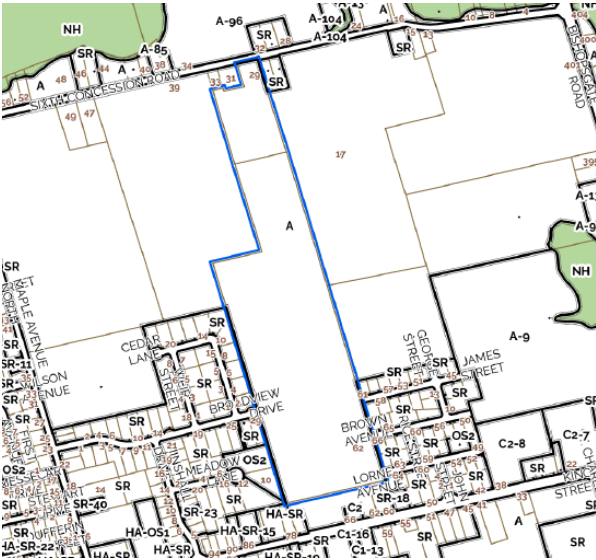
The subject lands are 3.7 hectares and have a frontage of 60 metres along Sixth Concession Road.

The lands are located south of Sixth Concession Road, east of Maple Ave N and west of Bishopsgate Road. The subject lands are bound by Agricultural uses and single detached residential dwellings.

The subject lands at 29 Sixth Concession Road have an existing single detached dwelling on private services and includes three (3) accessory structures that are to be included with the severed parcel. The adjoining and benefiting lands at 62 King Street are currently agricultural lands and do not have an existing dwelling on the property.

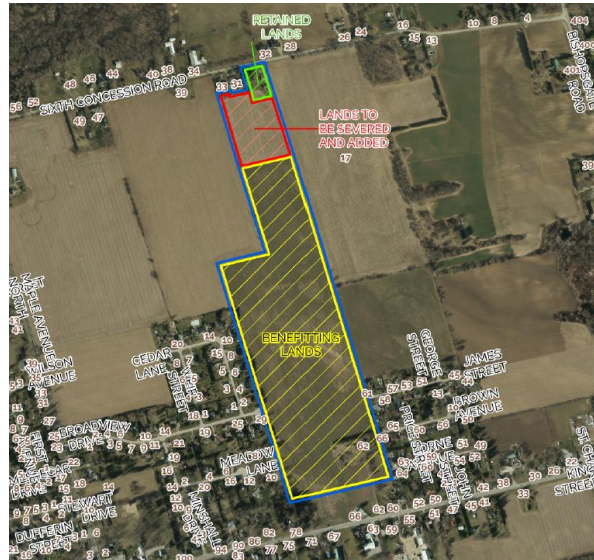
## LOCATION MAP

Application: B17-24-LK & A1-25-LK  
29 Sixth Concession & 62 King Street



## AERIAL IMAGE

Application: B17-24-LK & A1-25-LK  
29 Sixth Concession & 62 King Street



## REPORT

### Planning Act

Section 45 (1) of the *Planning Act* sets out criteria to be considered when reviewing Minor Variance applications.

In reviewing the application, staff analyzed the four tests as established in Section 45 (1) of the *Planning Act* R.S.O 1990:

- Shall be minor;
- Shall be desirable for the appropriate development or land use of the land, building or structure;
- Shall maintain the general intent and purpose of the Zoning By-law; and
- Shall maintain the general intent and purpose of the Official Plan.

Section 45 (2) b) of the *Planning Act* sets out powers of the Committee to permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

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

## **Consistency and/or Conformity with Provincial and/or 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 located within the Settlement Area of Burford in the County of Brant.***

*Section 2.3.1 2) a) where settlement areas should be based on densities and mixes of land uses which efficiently use land and resources.*

- ***The proposed lot line adjustment promotes density and mixes of land uses within settlement areas.***

***It is my professional opinion that the request is consistent with the policies of the Provincial Policy 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.

- ***The subject lands are located outside the Source Water Protection boundary and therefore will not have a negative impact on the existing source water.***

### **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 'Neighbourhoods'.***

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 2.3 of the County of Brant Official Plan speaks to lands within the Neighbourhoods designation having a full range of residential dwelling types, diverse in size, tenure, density and design.	<b><i>The proposed consent will facilitate the goal of having a full range of dwelling types within this designation.</i></b>
Section 1.1 of the County of Brant Official Plan outlines settlement areas are intended to accommodate the majority of current and future residential growth.  Additionally, within Section 1.1 the County of Brant has established a minimum density target of a minimum 50 residents and jobs per hectare in Designated Greenfield Areas.	<b><i>The subject lands are located within the Primary Settlement Area of Burford and a Designated Greenfield Area, of which the consent is providing lands for future growth.</i></b>
Section 7.1.6 of the County of Brant Official Plan speaks to new development or redevelopment within Designated Greenfield Areas shall consider the existing and planned uses of those neighbourhoods, compatibility, connectivity, and services as part of an appropriate mix of uses for Healthy and Complete Communities.	<b><i>The subject lands are located in the Designated Greenfield Area and are compatible in size and function with the surrounding parcels.</i></b>

***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) within the County of Brant Zoning By-Law 61-16. Section 6, Table 6.2.1 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

It is important to note that the existing parcel is legal non-conforming and does not meet the frontage and area requirements as outlined in the Zoning By-law. Section 45 (2) b) of the *Planning Act* sets out powers of the Committee to permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

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).

<b>Agricultural (A)</b>	<b>Required</b>	<b>Proposed Severed Lands</b>	<b>Proposed Retained Lands</b>
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Lot Area, Min (hectares)	40.0	3.1 to be added to lands at 62 King Street resulting in 153 hectares (378 acres)	0.6
Lot Frontage, Min (metres)	150.0	150.0 <	60.0

- ***The proposed severed lands are to be added to the balance of 62 King Street which will result in an area of approximately 153 hectares.***
- ***The proposed retained lands are seeking a Minor Variance to permit the creation of the undersized agricultural parcel and permit the continuation of the agricultural use within the Neighbourhoods designation. The approach utilizes the existing Agricultural (A) zoning as a tool to ensure orderly development of the lands which are located within the primary urban settlement area of Burford.***
- ***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	
Bell Canada	- No comments
Canada Post	- No comments
Enbridge	Enbridge Gas does not object to the proposed application(s), however, we reserve the right to amend or remove development conditions.  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>
Environmental Planning	- No comments
Mississauga's of the Credit First Nation	- No comments
Fire Department	- No comments
Parks Capital Planning and Forestry	- No comments
Development Engineering	- A legal survey is required showing the proposed new property boundary. Survey to be completed by a certified Ontario Land Surveyor.
Operations	- Operations can provide an update on the Buford Master servicing plan. Now that the Official Plan has been approved by the MECP and has been endorsed by Council on May 30, 2024. A public meeting will be held in the spring of 2025 that will present the recommended

	solutions as well as receive feedback from the community. Presentation material from the fall 2022 meeting is available for review at <a href="http://engagebrant.ca">engagebrant.ca</a> .
Hydro One	- No comments.
Grandbridge	- No comments

## 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.

Posting of the Public Notice sign was completed on February 4, 2025.

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

## CONCLUSIONS AND RECOMMENDATIONS

Consent Application B17-24-LK proposes a lot line adjustment to sever and add 3.1 hectares of land from 29 Sixth Concession Road to adjoining lands at 62 King Street. The severed lands will have an area of 0.6 hectares (1.48 acres) and a frontage of 60 metres (196.85 feet) along Sixth Concession Road. The retained lands will have an area of approximately 153 hectares and a frontage greater than 150 metres along Sixth Concession Road and Bishopsgate Road.

Minor Variance Application A1-25-LK is required to permit the creation of the undersized agricultural parcel and permit the continuation of the agricultural use within the Neighbourhoods designation. The approach utilizes the existing agricultural zoning as a tool to ensure orderly development of the lands which are located within the primary urban settlement area of Burford.

It is recommended that the application for Consent Application **B17-24-LK** and Minor Variance Application A1-25-LK **BE APPROVED**, subject to the attached conditions.

### Prepared by:

Logan Keen, Planner



**Reviewed by:** Dan Namisniak  
Manager 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 # B17-24-LK & A1-25-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:** Ruie and William Greenwood (29 Sixth Concession Road)  
Telephone City Aggregates Inc (62 King St)

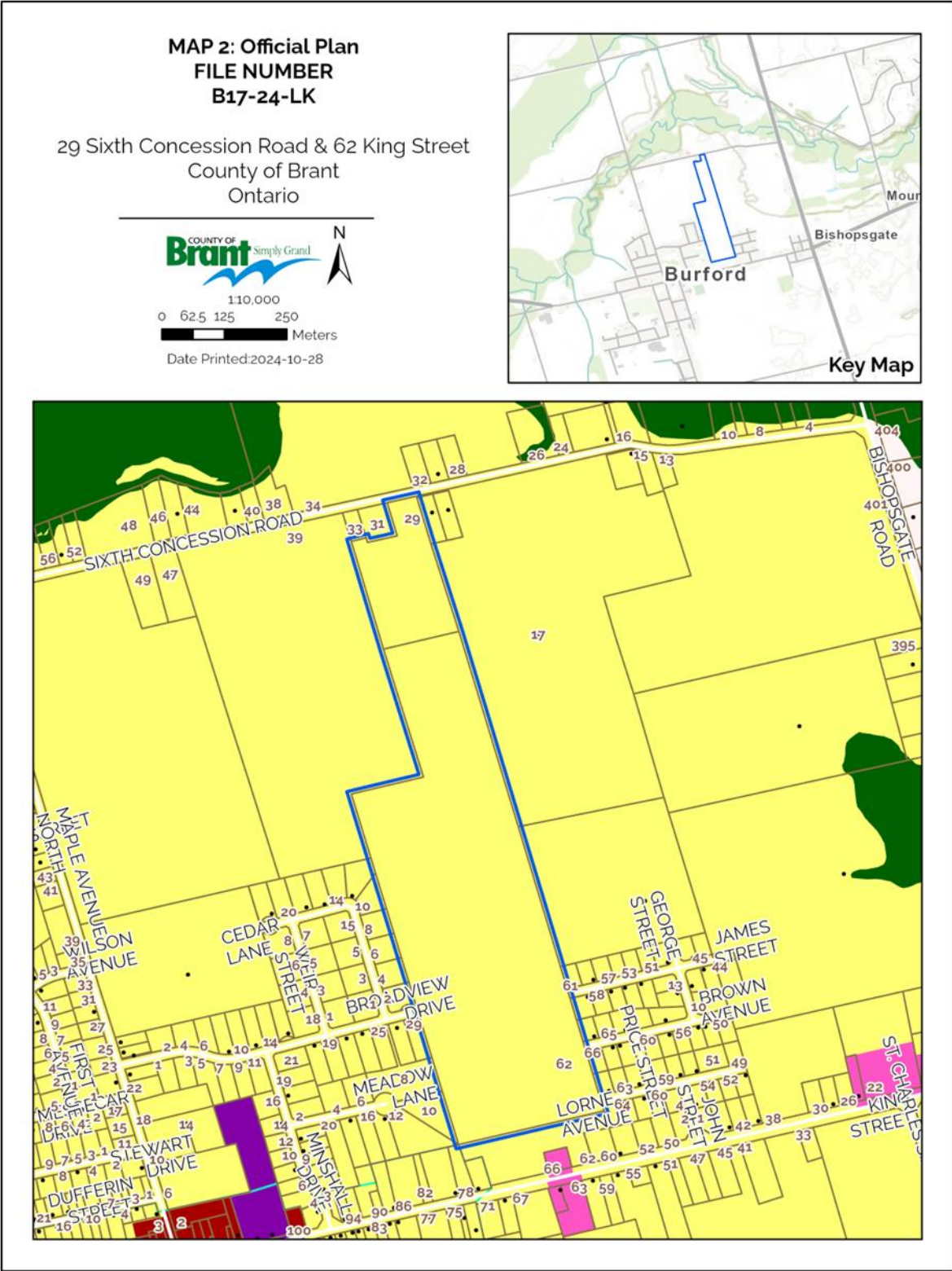
**File No:** B17-24-LK

### **LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT**

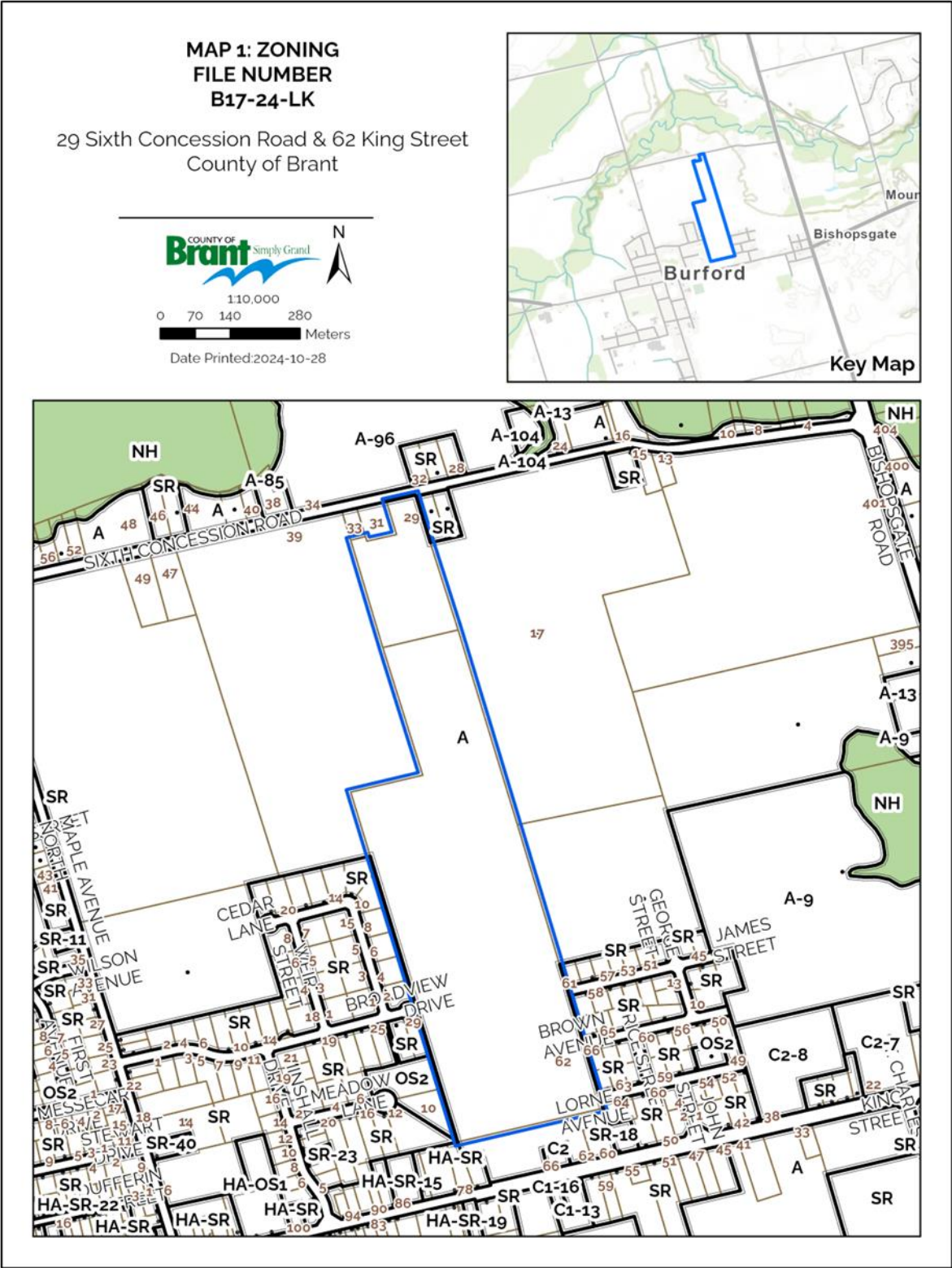
1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the identified severed parcel currently part of 29 Sixth Concession, becomes part and parcel of the abutting lands identified as 62 King Street. The Applicant's Solicitor is to provide a Solicitor undertaking 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 \$345.00 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

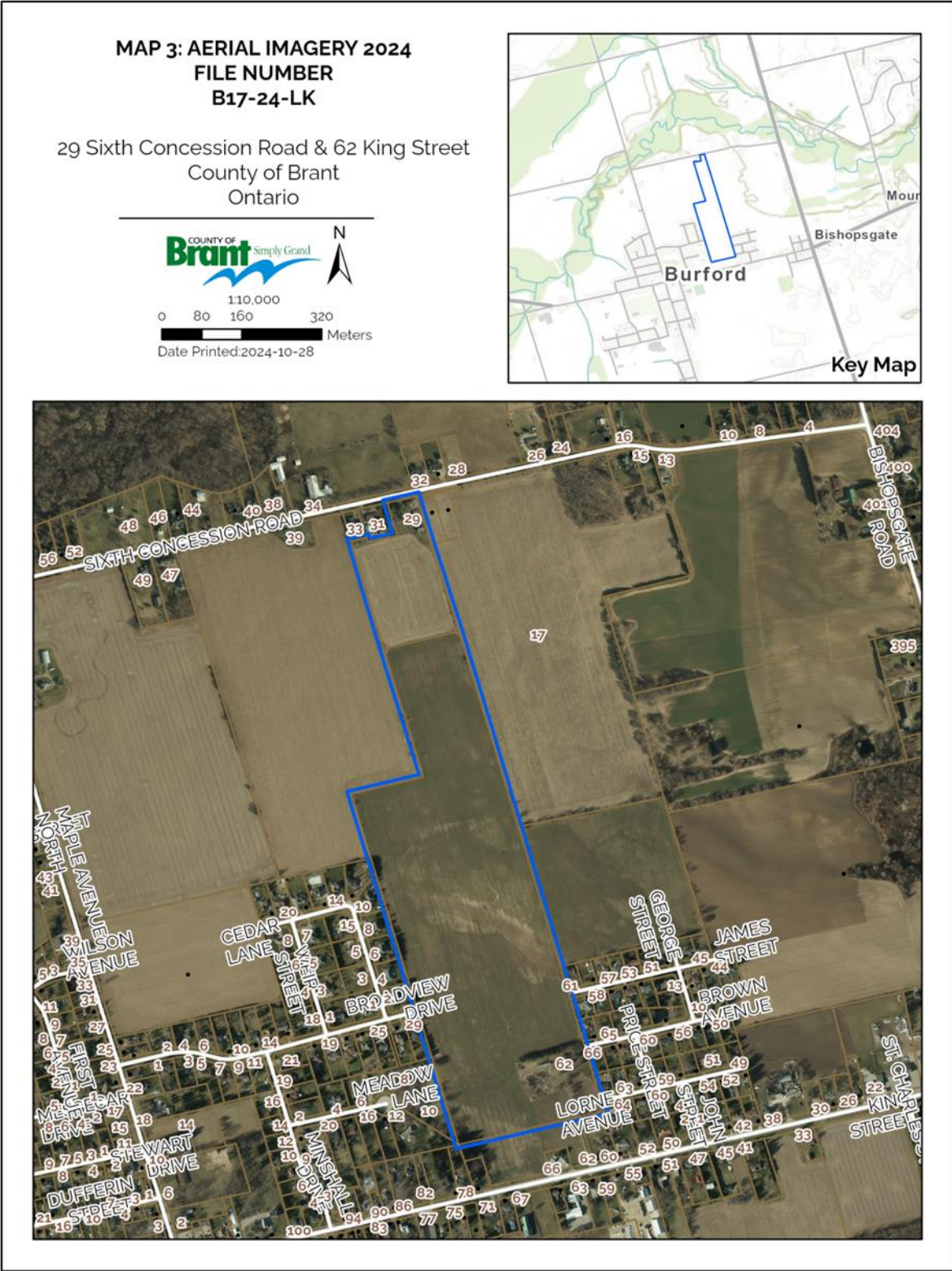


Attachment 2 – Zoning Map

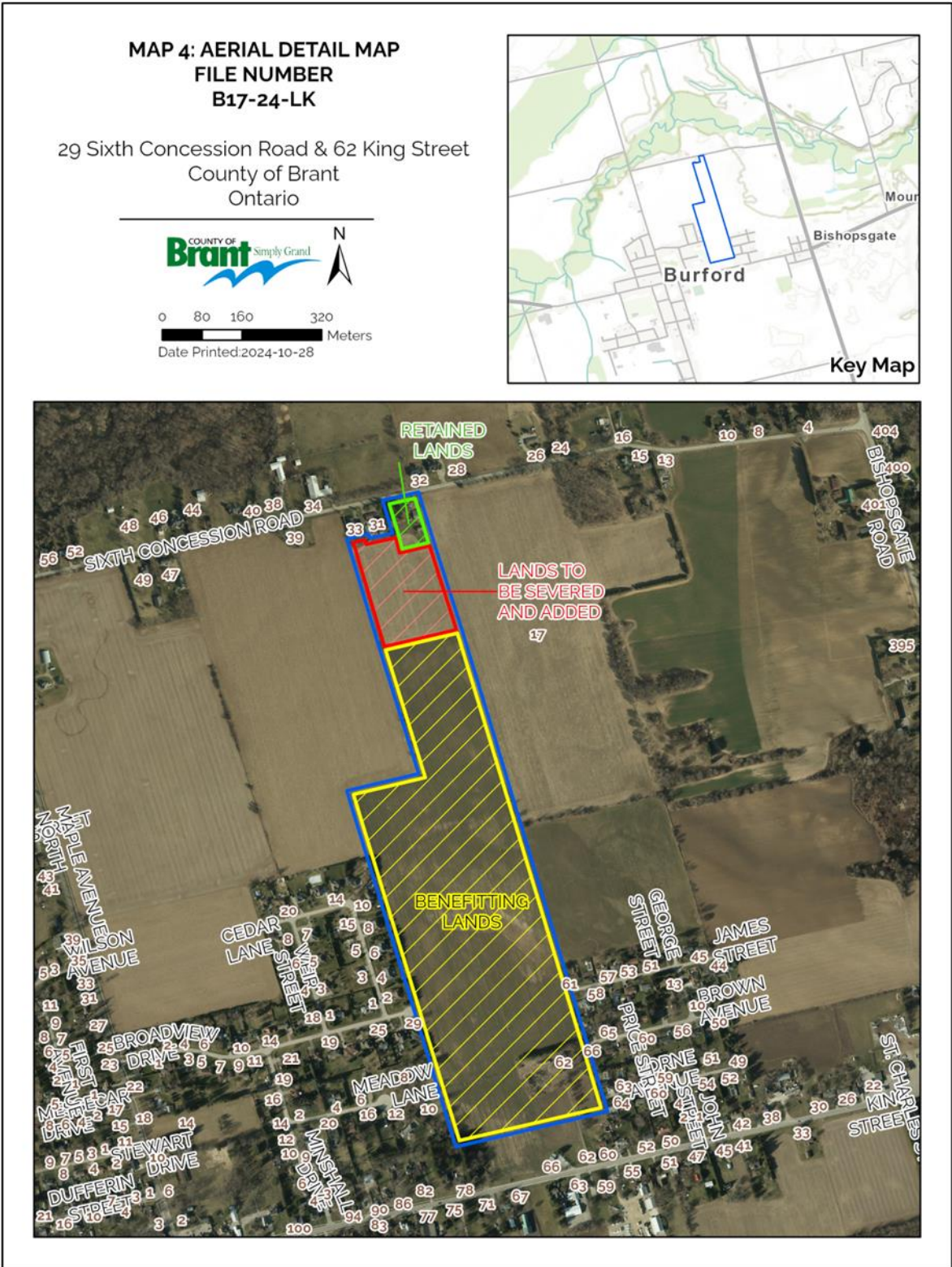




Attachment 3 – Aerial Map



## Attachment 4 – Aerial Detail Map





Attachment 5 – Zoning Detail Map

