



COMMITTEE OF ADJUSTMENT REPORT

DATE: February 20, 2025

REPORT NO: RPT-0067-25

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

FROM: Lauren Graham, Planner

APPLICATION TYPE: Consent

APPLICATION NO: B25-24-LG

LOCATION: 354 Bishopsgate Rd

AGENT / APPLICANT: Paulsan Construction Inc. c/o Zach Hoffner

OWNER: Paulsan Construction Inc. c/o Paul McCaig

SUBJECT: Request for a decision on Consent Application to facilitate a lot line adjustment.

RECOMMENDATION

THAT Application for Consent **B25-24-LG** from Paulsan Construction Inc. c/o Zach Hoffner, applicant on behalf of Paulsan Construction Inc. c/o Paul McCaig, Owner of lands legally described as CONCESSION 5 PART LOT 1, in the geographic Township of Burford, municipally known as 354 Bishopsgate Road, County of Brant, proposing a lot line adjustment, having an area of approximately 0.27 hectares (0.67 acres) to be severed from 354 Bishopsgate Road and consolidated with 356 Bishopsgate Road, **BE APPROVED**, subject to the attached conditions.

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

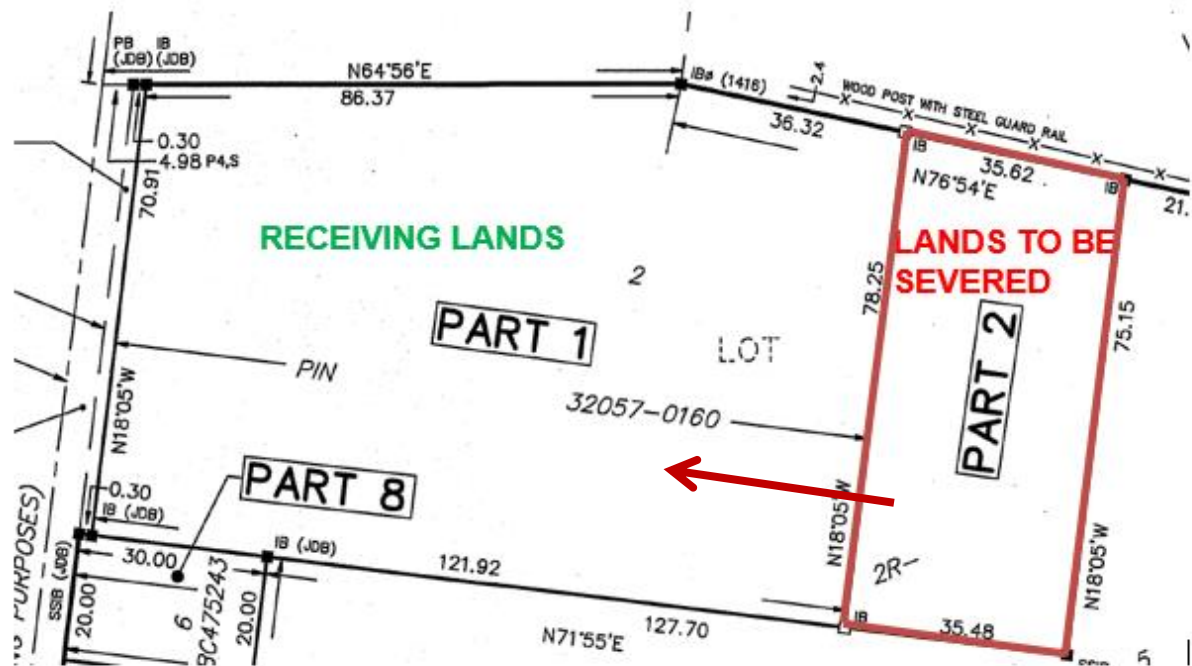
- The lot line adjustment is technical, minor in nature and compatible with surrounding land uses.
- The application is consistent with the policies of the Provincial Planning Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

EXECUTIVE SUMMARY

Consent Application **B25-24-LG** proposes a lot line adjustment, with approximately 0.27 hectares (0.67 acres) to be severed from 354 Bishopsgate Road and consolidated with 356 Bishopsgate Road. A previous consent application **B1-B2-24-HH** had been completed on the subject lands with an incorrect lot depth, resulting in a smaller lot area than proposed.

| Light Industrial (<u>M2</u>) | Frontage (min) | Lot Area (min) |
|--------------------------------------|-----------------------|------------------------|
| <i>Required</i> | 20 m | 1,100 sq. m |
| Receiving Lands (356 Bishopsgate Rd) | 70.91 m (232.64 feet) | 9,400 sq. m (0.94 ha) |
| Retained Lands (354 Bishopsgate Rd) | 86.73 m (284.55 ft) | 26,700 sq. m (2.67 ha) |

Figure 1: Proposed Severance Sketch



The subject lands are located within the Secondary Urban Settlement Boundary of Burford and are designated General Employment and zoned Light Industrial with site specific provision (M2-40).

A concurrent Site Plan Control application **SP22-24-DN** has been submitted for the receiving lands. Future development of the retained lands will be subject to technical review as part of a Site Plan Control Application.

Staff have reviewed the proposed Consent with applicable planning policy (i.e. Planning Act, Provincial Planning 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 the members of the public.

For the reasons outlined in this report, it is my professional recommendation that Consent Application **B25-24-LG** facilitating a lot line adjustment be **APPROVED**, subject to the attached conditions.

LOCATION / EXISTING CONDITIONS

The subject lands municipally known as 354 Bishopsgate Road, are located east of Bishopsgate Road and south of Colborne Street West.

The subject lands have a frontage of approximately 86.73 metres (284.55 feet) along Bishopsgate Road and an area of approximately 2.67 hectares (6.61 acres).

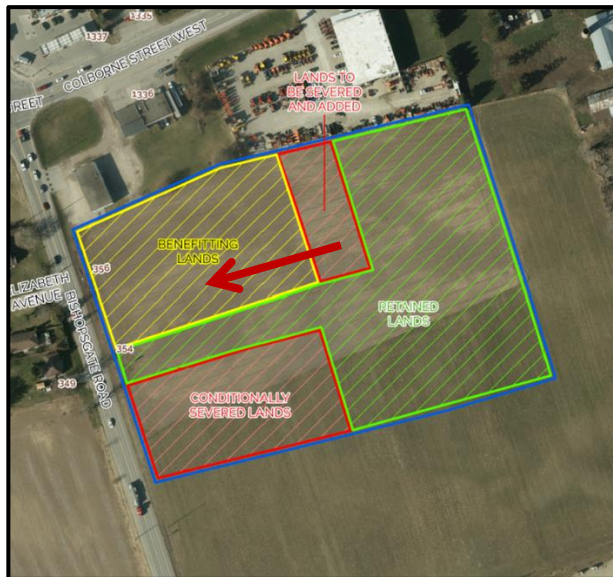
The benefitting parcel at 356 Bishopsgate Road, within the geographic Township of Burford is vacant. The lot has a frontage of approximately 70.91 metres (232.64 feet) along Bishopsgate Road and an area of approximately 0.94 hectares (2.33 acres).

The surrounding area consists of commercial land uses to the north, Agricultural land uses to the east, Residential and Agricultural land uses to the west and Industrial and Agricultural land uses to the south.

LOCATION MAP
Application: B25-24-LG
354 Bishopsgate Road



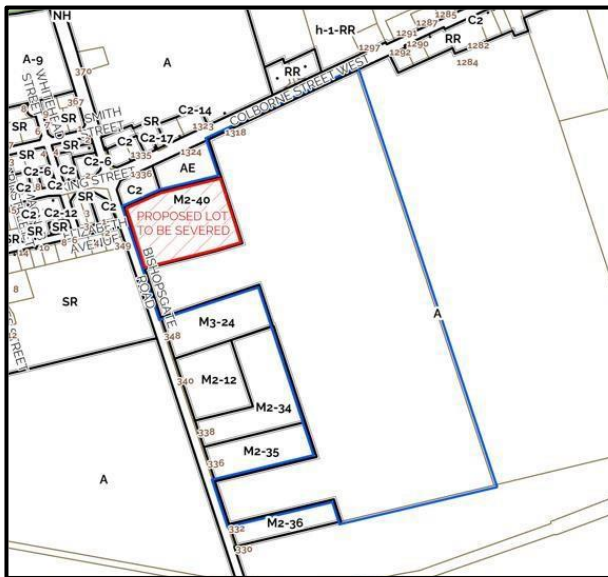
AERIAL IMAGE
Application: B25-24-LG
354 Bishopsgate Road



Previous Consent Application(s) **B75-22-DN, B76-22-DN, B77-22-DN & B78-22-DN** to facilitate the creation of three (3) new industrial building lots and one (1) shared access easement within the Employment land use designation, as well as **B32-23-DN and B1-B2-24-HH** to facilitate the creation of new industrial building lots, were approved by the Committee and recently finalized abutting the current consent proposal. Application **B8-24-DN** to facilitate the creation of new industrial building lot received Committee's approval on September 19, 2024, and is currently in the process of being finalized.

PREVIOUS CONSENT

Application: **B32-23-DN**



PREVIOUS CONSENT

Application: **B8-24-DN**



REPORT

Planning Act

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

- The application has regard for:
 - Section 2(p) the appropriate location of growth and development

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 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*.

The following demonstrates consistency with the applicable policies of the Provincial Planning Statement (2024):

| <i>Provincial Planning Statement – 2024</i> | <i>Planning Analysis</i> |
|--|--|
| <i>Section 2.8.1 of the Provincial Planning Statement advises Planning authorities shall promote economic development and competitiveness by:</i> <i>a) providing for an appropriate mix and range of</i> | <i>The lot line adjustment will permit development for lands designated for General Employment uses and zoned as Light Industrial with Site</i> |

| | |
|--|---|
| <i>employment, institutional, and broader mixed uses to meet long-term needs;</i> | Specific provision (M2-40) within a settlement area. |
| <i>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</i> | |
| <i>c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</i> | |
| <i>d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and</i> | This application allows for the intensification of an existing, vacant parcel within an area designated for employment uses. |
| <i>e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.</i> | The receiving lands are subject to Site Plan Control Application SP22-24-DN. Land use compatibility will be addressed through the Site Plan Control process. |
| <i>Section 2.8.2 of the Provincial Planning Statement advises Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.</i> | The subject lands are serviced by private water, sanitary and stormwater. A Drainage Report was conducted in 2024, with proposed municipal drain work being tentatively planned for construction in 2025. All future development within the drainage study area is expected to conform to the recommendations of the report. |

It is my professional opinion that the request is consistent with 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 located 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.

The subject lands are designated as General Employment within the County of Brant Official Plan (2023) and located within the Urban Settlement Area of Burford.

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

| <i>Official Plan (2023)</i> | <i>Planning Analysis</i> |
|---|--|
| <i>Part 3, Section 1.1 advises Employment Areas within the Urban System are clusters of economic activities that are generally industrial in nature and have existing or planned municipal water and/or wastewater servicing infrastructure.</i> | <i>The subject lands are located within the urban settlement area of Burford and are serviced by private water, sanitary and stormwater.</i> |
| <i>Part 5, Section 7.2 advises the General Employment Designation is intended to accommodate employment uses that are largely industrial in nature and remain a crucial component of the County's economy. The Employment designation applies to land that is comprised of or intended to be developed for a range of industrial uses and may include service commercial uses and related uses that directly service the employment area.</i> | <i>The subject lands are designated as General Employment. The lot line adjustment is required facilitate future light industrial development.</i> |
| <i>Part 5, Section 7.3.5 advises where adjacent to Highway 403 or a Major Arterial or Collector Road, buildings shall be designed to face the highway and/or major arterial or collector road. Parking, loading, waste collection, and storage areas shall be screened from view. Except for a limited amount of visitor parking, all parking loading, garbage collection, and storage are not permitted to be located between buildings. Shared access and parking among adjoining properties is encouraged.</i> | <i>An access easement was established on the retained lands through previous Consent Application B1-B2-24-HH to permit the receiving lands at 356 Bishopsgate Road access through the existing primary entrance. The easement size was determined for efficient ingress and egress of the site.</i> |

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 at 354 Bishopsgate Road are zoned as Light Industrial with site specific provision (M2-40), the lands to be transferred as part of this application are zoned as Light Industrial with site specific provision (M2-40) within the County of Brant Zoning By-Law 61-16.

The receiving lands at 356 Bishopsgate Road are zoned as Light Industrial with site specific provision (M2-40) within the County of Brant Zoning By-Law 61-16.

Section 11, Table 11.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Light Industrial.

The Site-Specific Provision (M2-40) permits the construction of light industrial uses and permits a required parking ratio for a warehouse use of 1 off street parking space per 135 square metres of gross floor area. All other provisions of the By-Law apply.

- ***Both the retained and receiving parcels meet the lot requirements for the Light Industrial (M2) zone.***

It is my professional opinion that the request 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">• Given that the purpose of the application is to correct “<i>the previous consent application (B1-B2-24-HH) on the subject lands which had been completed with an incorrect lot depth, resulting in a smaller lot area than proposed,</i>” DED staff do not have significant issues with the correction. Noting that staff were of the understanding that Parts 1 and 2 of the draft 2R-Plan were one parcel as they appear to be shown as Part 2 on 2R-9043. Through review of the associated site plan (SP22-24-DN) the corrected lot size currently is being utilized to design the site. |

PUBLIC CONSIDERATIONS

Notice of this Application, Contact information and Public Hearing Date were circulated by mail on February 5, 2025 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit along with the posting of the Public Notice sign was completed on February 3, 2025.

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

CONCLUSIONS AND RECOMMENDATIONS

Consent Application **B25-24-LG** proposes a lot line adjustment, with approximately 0.27 hectares (0.67 acres) to be severed from 354 Bishopsgate Road and consolidated with 356 Bishopsgate Road. A consent application **B1-B2-24-HH** on the subject lands had been completed with an incorrect lot depth, resulting in a smaller lot area than proposed.

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For the reasons outlined in this report, it is my professional recommendation that Consent Application **B25-24-LG** facilitating a lot line adjustment be **APPROVED**, subject to the attached conditions.

Lauren Graham

Lauren Graham
Planner

Reviewed by: Dan Namisniak, BA, CPT, MCIP, RPP – Manager of Development Planning

ATTACHMENTS

- 1. Zoning Mapping, Official Plan Mapping and Aerial Photo
- 2. Drawings
- 3. Circulation Notice

COPY TO

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

FILE # B25-24-LG

In adopting this report, is a bylaw or agreement required?

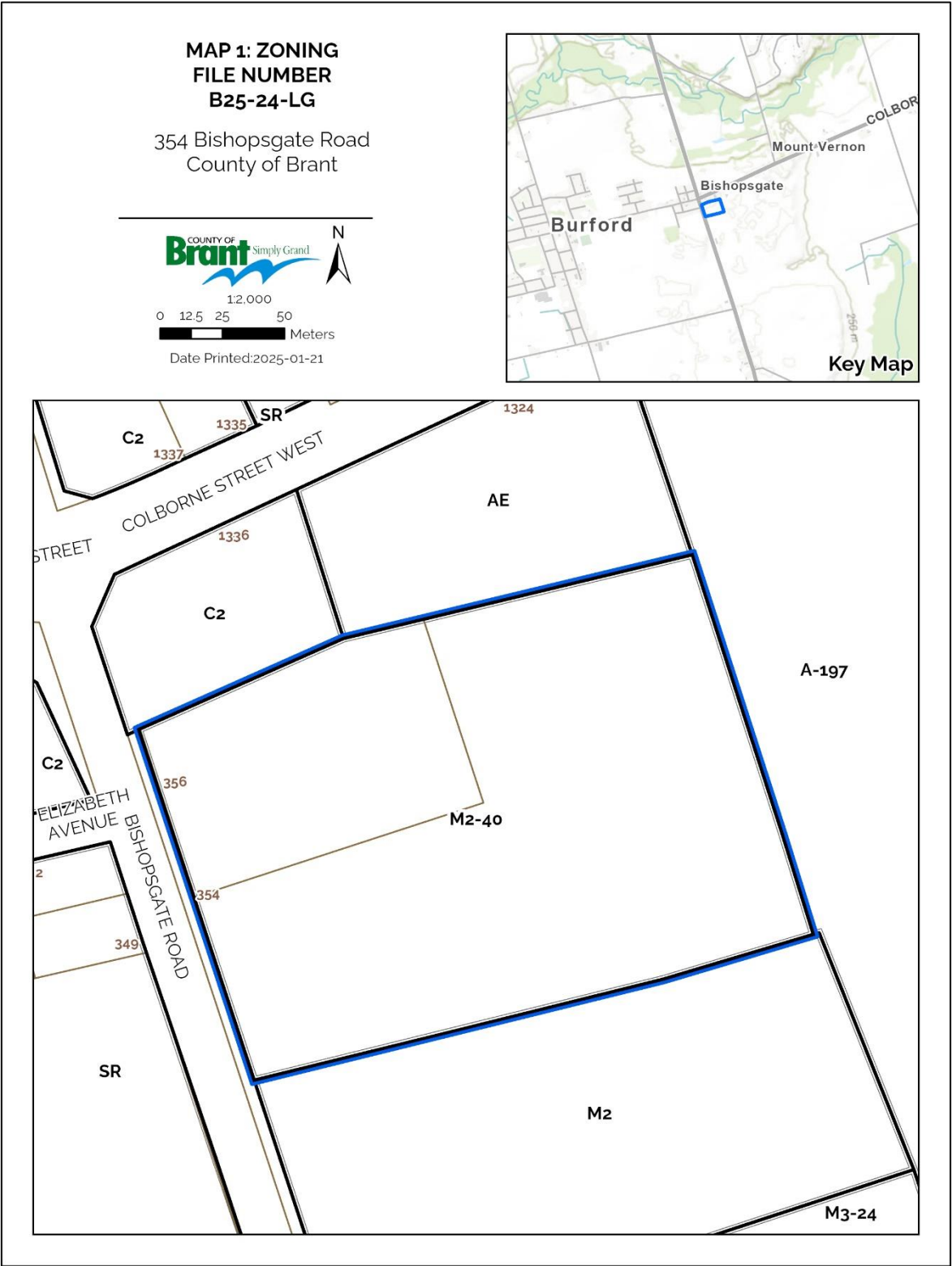
| | |
|--|------|
| By-Law required | (No) |
| Agreement(s) or other documents to be signed by Mayor and /or Clerk | (No) |
| Is the necessary By-Law or agreement being sent concurrently to Council? | (No) |

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

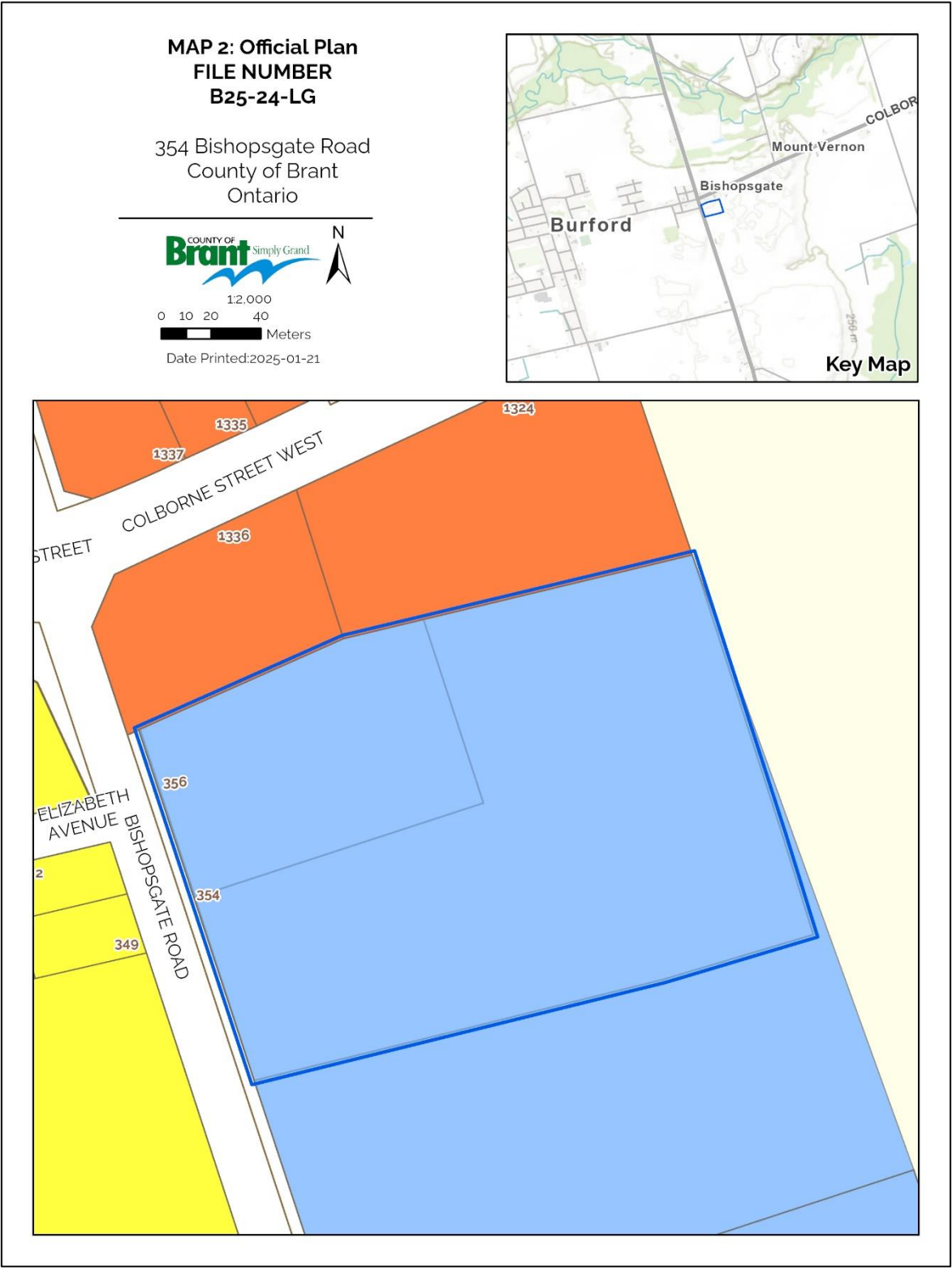
1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant/Owner provide a copy of a Draft Reference Plan prepared by a licensed surveyor, to be reviewed by the County of Brant, prior to the plan being deposited at the Land Registry Office.
 - a. That the Draft Reference Plan be required to identify the proposed severed parcel.
3. That the \$345.00 Deed Stamping Fee for each consent application 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 identified severed parcel currently part of 354 Bishopsgate Road, becomes part and parcel of the abutting lands identified as 356 Bishopsgate 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.
6. 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



METRIC
DISTANCES AND CO-ORDINATE SHOWN BY THIS PLAN ARE IN METERS AND ALL DISTANCES CONVERTED TO FEET BY DIVIDING BY 0.3048

SCHEDULE

| PART | LOT | CONCESSION | PLAN | DATE |
|------|-----|------------|------------|------|
| 1 | | | 32057-0042 | 2019 |
| 2 | | | 32057-0043 | 2019 |
| 3 | | | 32057-0044 | 2019 |
| 4 | | | 32057-0045 | 2019 |
| 5 | | | 32057-0046 | 2019 |
| 6 | | | 32057-0047 | 2019 |
| 7 | | | 32057-0048 | 2019 |
| 8 | | | 32057-0049 | 2019 |

**PLAN OF SURVEY OF
PART OF LOT 1
CONCESSION 5
(GEORGIAN TOWNSHIP OF BRANTFORD)
COUNTY OF BRANT
SCALE 1:1000**

LEGEND

SEE - STATIONED FROM SHAW
B - BOUNDARY BETWEEN ROAD AND
C - CROWN LAND
D - DRAINAGE
E - EASEMENT
F - FENCE
G - GROUNDWATER
H - HIGHWAY
I - IRON
J - JAIL
K - KILN
L - LANE
M - MOUND
N - NATURE
O - OIL
P - POND
Q - QUARRY
R - ROAD
S - SETBACK
T - TANK
U - UPRIGHT
V - VENT
W - WALL
X - X-ROAD
Y - YARD
Z - ZONE

NOTE:
BEFORE ANY USE OR DEVELOPMENT OF THE LAND SHOWN ON THIS PLAN, THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE SURVEYOR'S CERTIFICATE IS A STATEMENT OF THE SURVEYOR'S OPINION AND DOES NOT GUARANTEE THE ACCURACY OF THE DATA PROVIDED. THE SURVEYOR'S CERTIFICATE IS A STATEMENT OF THE SURVEYOR'S OPINION AND DOES NOT GUARANTEE THE ACCURACY OF THE DATA PROVIDED. THE SURVEYOR'S CERTIFICATE IS A STATEMENT OF THE SURVEYOR'S OPINION AND DOES NOT GUARANTEE THE ACCURACY OF THE DATA PROVIDED.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey plan as filed in my office, and that the same is a true and correct copy of the original survey plan as filed in my office, and that the same is a true and correct copy of the original survey plan as filed in my office.

October 20, 2024

John Mear
CHARTERED LAND SURVEYOR

Macaulay, White & Mear Ltd.
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Email: info@macaulaywhiteandmear.com