



Committee of Adjustment Report

Date: May 15, 2025

Report No: RPT – 0181 – 25

To: The Chair and Members of the Committee of Adjustment
From: Roxana Flores, Junior Planner
Application Type: Consent Application
Application No: B5-25-RF
Location: 490 Brant County Road #18
Agent / Applicant: GSP Group c/o Rachel Bossie & Richard Kelly-Ruetz
Owner: Stage Road Inc. c/o Bart Veldhuizen
Subject: Request for a decision on a Consent Application to create a new industrial lot in the Rural Settlement area of Cainsville.

Recommendation

THAT Consent Application **B5-25-RF** from Rene Veldhuizen applicant on behalf of Bart Veldhuizen, Owner of lands legally described as PLAN 659 PT LOTS 1 AND 2 RP 2R4000 PART 2 RP 2R6853 PART 2, and municipally known as 490 Brant County Road 18, proposing to sever for the creation one (1) new industrial lot with a frontage of 53.50 meters along Ewart Drive, depth of 114.78 meters and an area of approximately 0.61 hectares with the retained parcel maintaining a frontage of approximately 116.82 meters along Brant County Road 18 and 81.51 meters on Ewart Drive, with a depth of 114.78 meters and area of 1.03 hectares. **BE APPROVED**, subject to the attached conditions.

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

- The lot creation is compatible and consistent within the context of existing development.
- The application is consistent with the policies of the *Provincial Planning Statement (2024)*
- The application conforms with the policies of the County of Brant Official Plan (2023) and Zoning By-Law 61-16.

Executive Summary

Consent Application **B5-25-RF** proposes the creation of one (1) new industrial lot with an area of approximately 0.61 hectares (1.51 acres). The subject lands are located within a Rural Settlement area of Cainsville and are designated General Employment and zoned as Heavy Industrial with site specific (M3-10).

Heavy Industrial (M3)	Frontage (min)	Lot area (min)
<i>Required</i>	30.0 m	1,100 sq. m
Proposed Severed Lands	53.50 m	6,100 sq. m
Proposed Retained Lands	116.82 m & 81.51 m	10,300 sq. m

Figure 1: Proposed Severance Sketch



No development is being proposed as part of this application. Future development of the severed and retained lands will be subject to a detailed technical review as part of a Site Plan Control Application.

Staff have reviewed the proposed Consent Application 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 members of the public.

For the reasons outlined in this report, it is my professional recommendation that the Consent Application **B5-25-RF** to facilitate the creation of one (1) new lot be **APPROVED**, subject to the attached conditions.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Report

Location/ Existing Conditions

The subject lands are located within the Cainsville Settlement Area, north of Ewart Avenue, south of Colborne Street East, east of Brant County Road 18 and west of Zoeller Road. The subject lands are surrounded by industrial and institutional uses.

LOCATION MAP
Application: B5-25-RF
490 Brant County Road 18



AERIAL IMAGE
Application: B5-25-RF
490 Brant County Road 18



The subject lands have a frontage of approximately 116 metres (383.27 ft) along Brant County Road #18 and approximately 135 metres (41.15 ft) along Ewart Drive, and an area of approximately 1.64 hectares (4.05 acres).

The subject lands contain an existing large format retail use and related buildings (Peavy Mart) established and in compliance with previous Site Plan Approval SP20-12-JK and currently serviced by municipal water, sanitary and storm.

Analysis

Consistency and/or Conformity with Provincial and/or Municipal Policies/Plans

Planning Act

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

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (h) the orderly development of safe and healthy communities;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (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.

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (i) the adequacy of utilities and municipal services;
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

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>
Section 2.8.1 of the <i>Provincial Planning Statement</i> advises Planning authorities shall promote economic development and competitiveness by:	<i>The proposed lot will provide opportunity for development on lands designated General Employment and zoned for Heavy Industrial uses.</i>
a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs:	
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;	
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;	

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 employment uses of an underutilized vacant portion of a 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 severed lands are subject to Site Plan Control, and land use compatibility will be addressed through the Site Plan Control process.</i>
Section 2.8.2.1 Specifies that 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 currently serviced by private water, sanitary, and stormwater infrastructure within the Cainsville area. Currently, Cainsville has limited sanitary capacity and any new development within the area is subject to an interim sanitary servicing solution. Full municipal servicing is anticipated as part of future infrastructure planning initiatives for the area.</i>
Section 2.8.2.3 c) Specifies Planning authorities shall designate, protect and plan for all employment areas in settlement areas by prohibiting retail and office uses that are not associated with the primary employment use.	<i>The site-specific M3-10 zoning is existing and historically established to permit limited retail uses in addition to the uses permitted in the Heavy Industrial (M3) zone.</i> <i>The consent application does not propose to add new retail uses to the Subject Property or change the list of uses permitted by the existing zoning. A future sign manufacturing facility is planned for the Severed Lands, making the application consistent with PPS objectives by supporting new employment uses.</i>
Section 3.6.4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. At the time of the official plan review	<i>Municipal services in Cainsville are available but currently limited in capacity with plans for expansion. Future development will require a temporary private holding tank as an interim solution.</i> <i>Servicing will be reviewed through the Site Plan Approval process at the time of development.</i>

<i>or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on environmental health and the financial viability or feasibility of other forms of servicing set out in policies 3.6.2 and 3.6.3.</i>	
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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 General Employment and located within the Rural Settlement Area of Cainsville.

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

<u>Official Plan (2023)</u>	<u>Planning Analysis</u>
<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 Rural Settlement Area of Cainsville 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</i>	<i>The subject lands are designated as General Employment. The new lot created will facilitate future heavy industrial development.</i>

commercial uses and related uses that directly service the employment area.	
Part 6, Section 5.2 contains policies for consent , including Subsection 5.2.4 which states that as part of a complete application for a Severance to create a new lot(s) or a Lot Line Adjustment, an applicant shall submit the prescribed information, a Planning Justification Report and any other materials and information as identified by the County and any agency having jurisdiction, to demonstrate the following:	<p>The application complies with the policies of the Official Plan, as it contributes to orderly development and aligns with the intended land use designation. The severed Lands and the Retained Parcel comply with the provisions of the Zoning By-law.</p> <p>There is currently no municipal wastewater capacity for the severed lands. Any proposed development will be serviced by a holding tank for private wastewater management as an interim solution until municipal wastewater becomes available and will be reviewed through Site Plan Approval.</p>
<ul style="list-style-type: none"> the lands can be adequately serviced on municipal services. Where private servicing is permitted by this Plan, any proposed private potable water and onsite sewage disposal systems must be supported by a Hydrogeological Study. The study shall be prepared by a qualified engineer and must demonstrate and provide detailed explanation as to how the proposed development shall not negatively impact groundwater and surface water quality and quantity, and that each lot is capable of supporting private services; 	
<ul style="list-style-type: none"> 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; 	Both the retained lot and severed lot will both have frontage along a public road.
<ul style="list-style-type: none"> 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. 	Lot configurations for the proposed and retained parcels do not restrict future development or redevelopment potential.

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 Heavy Industrial with site specific (M3-10) 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 11, Table 11.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Heavy Industrial.

The Site-Specific Provision (M3-10) permits in addition to uses permitted in the Heavy Industrial (M3) Zone, the following shall also apply:

- A retail store selling home, agricultural, automotive and similar merchandise shall be permitted.
- Parking ratio for a retail store of 1 per 20 metres of parking space per 135 square metres of gross floor area.

<i>Heavy Industrial with Site Specific Provision (M3-10)</i>	<i>Required</i>	<i>Retained Land</i>	<i>Proposed Severed Land (vacant)</i>
<i>Lot Area Minimum</i>	1100 m²	10,339.00 m ² (1.03 ha)	6,131.00 m ² (0.61 ha)
<i>Lot Frontage, Minimum</i>	30.0 m	116.82 m & 81.51 m	53.50 m
<i>Minimum Street Setback</i>	15.0	21.48 m	<i>To be addressed through future Site Plan Control Applications.</i>
<i>Minimum Interior Side Yard Setback</i>	3.0 m	23.87 m & 0.0 m (Storage structure directly situated on proposed severed lot line which will be relocated/modified to meet 3.0 m setback)	
<i>Minimum Rear Yard Setback</i>	8.0 m	+8.0 m	
<i>Maximum Building Height</i>	12.0 m	4.62 m	

- ***Both the retained and severed parcels meet the lot requirements for the Heavy Industrial (M3) zone.***
- ***The subject lands containing existing development meet the zone requirements for the M3 zone.***
- ***It is staff understanding that the storage structure will be relocated or modified to comply with the interior side yard setback requirements of the retained lot. A condition of approval has been included to address this.***
- ***Future development will be subject to a detailed technical review as part of a Site Plan Control Application.***

It is my professional opinion that the Consent Application maintains the intent of the County of Brant Zoning By-Law 61-16.

Interdepartmental Considerations

The following documents were prepared and submitted for technical review as part of the submission of this application:

- 1. Completed and signed Consent Application form.
- 2. Planning Justification Brief (April 2024) prepared by Rachel Bosse, Registered Professional Planner, and by Richard Kelly-Ruetz, Registered Professional Planner.
- 3. Survey
- 4. Severance Sketch

The following comments were received from various internal and external agencies/departments as part of the circulation of this application:

Agency Comments	
Development Engineering Department	<ul style="list-style-type: none">• The draft survey provided shows the existing metal frame garage along the severance line with a fence offset of 3.24m. A site visit identified the garage is directly along the fence.• The existing storage building along the east limit of the property at Municipal #490 Brant County Road #18 directly abuts the proposed severance. A Minor Variance may be required.• There is currently no sanitary service to the severed lot and Cainsville has no wastewater capacity for any future buildings. Any future buildings would have to be on a private sewage treatment system. A temporary holding tank would be required for any future buildings until wastewater capacity becomes available. The County is in talks with the City of Brantford to connect the sanitary sewer system to theirs but there is no firm timeline as of yet, but it may take approximately 2-3 years (minimum). The county will require that the subject lands hook up to the wastewater system when it becomes available and decommission of the holding tank be registered on title with proper securities provided. This is similar to what other properties have done in Cainsville recently. The County strives to provide 56.8 L/s (3,516 L/min) for a 2-hour duration to ICI properties while maintaining a minimum pressure of 140 kPa (20psi) at all points in the distribution system. Properties requiring more must supplement this from other sources. NOTE: Fire flow tests represent the available flow and pressure at a snapshot in time. Capacity is constructed in blocks. Ongoing development may consume capacity from what is observed at any point in time. Available flow and

	<p>pressure at any time may be less than any previous field measurement.</p> <ul style="list-style-type: none"> County staff have conducted a sight distance check across the entire frontage of the Severed lot along Ewart Avenue. It was found that there is sufficient visibility in both directions of the proposed frontage. <p><i>*Please note: There is no existing garage on the property. The structure referenced above is a metal-frame storage structure situated directly on the proposed severed lot line. Staff is the understanding that this structure will be relocated or modified to comply with the required setback, and a condition has been included to address this.</i></p>
Policy Planning Division	<ul style="list-style-type: none"> Cainsville Land Use Strategy: Staff wish to advise the applicant that Council has approved moving forward with creating a Cainsville Premier Employment Hub Comprehensive Land Use Strategy to help attract the highest and best employment uses, determine preferred commercial uses, a multimodal transportation plan with connected trails and future transit, greenspaces to support employment users, and an urban design framework. It is expected that this Project will begin by late spring or summer of 2025. Consultation including feedback from existing businesses will form an important part of this project and all owners will be notified when the project formally begins. Should you have any questions or wish to be added to a preliminary mailing list, please do not hesitate to reach out to policy@brant.ca. All project information and updates will be posted on www.engagebrant.ca.
GIS	<ul style="list-style-type: none"> That the applicant provides CAD drawing or GIS files with line work to import into database. That a civic address will be required for the parcel, this can be requested at the County of Brants Civic Address Requesting Form.
Operations Department	<ul style="list-style-type: none"> Only comments from operations would be for future applications. No issue with severance. In future we would need entrance requirements, servicing requirements, traffic study possibly.
Parks Capital Planning & Forestry	<p>If this application moves forward, cash-in-lieu of parkland is required for the creation of one (1) new industrial lot and is detailed as follows:</p>

	<p><u>Parkland Dedication:</u></p> <ul style="list-style-type: none"> As per Section 3.1 and Section 3.2 of the County of Brant Parkland Dedication By-law - The County requires the payment of money as cash-in-lieu payment for an amount calculated as follows: <ul style="list-style-type: none"> Two percent (2%) of the Gross Land Area appraised value for commercial or industrial land uses; As per Section 3.3. the payment required shall be paid to the County: <ul style="list-style-type: none"> c) Prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and therefore the consent for severance has been granted and is in effect. As per Section 4 Appraisal: To determine the Cash-in-Lieu payment required, the landowner seeking approval for the site plan is required to submit an Appraisal Report, completed by a qualified appraiser, to the satisfaction of the County for review. The appraiser is to be approved by the County. <ul style="list-style-type: none"> The cost of the Appraisal Report shall be the responsibility of the landowner. The Appraisal Report will be reviewed by staff and the landowner will be notified of the required payment.
Fire	<ul style="list-style-type: none"> No objections to the land severance.
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.
Enbridge Gas	<ul style="list-style-type: none"> No objection to the proposed application, however they reserve the right to amend or remove development conditions.
Mississaugas of the Credit First Nation	<ul style="list-style-type: none"> Upon our review, we have determined that the project should be proceeded by, at minimum, a Stage 1 archaeological assessment to determine the location's archaeological potential. DOCA must be notified of, invited to participate in, and provided the opportunity to review this archaeological assessment, as well as any environmental assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project.

As part of the circulation, comments were not received from the following:

- Six Nations
- Hydro One

Public Considerations

Notice of this Application, contact information, and Public Hearing Date were circulated by mail on April 30, 2025, to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

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

Conclusions and Recommendations

The application facilitates the creation of a new industrial lot within the Rural Settlement Area of Cainsville, on lands designated as General Employment. It is consistent with the policy framework of the Official Plan 2012, supporting the protection, preservation, and expansion of employment opportunities through future Heavy Industrial development in alignment with the intended land use designation.

There is currently no municipal wastewater capacity for the severed lands. Any proposed development will be serviced by a holding tank for private wastewater management as an interim solution until municipal wastewater becomes available and will be reviewed through Site Plan Approval.

Council has approved the development of a Cainsville Premier Employment Hub Comprehensive Land Use Strategy, aimed at attracting optimal employment uses, defining preferred commercial opportunities, and planning for transportation, greenspaces, and urban design. The project is expected to begin in late spring or summer of 2025, with public consultation and feedback from local businesses.

After reviewing the proposed application and considering the intended use, it has been determined that the existing Site-specific M3-10 zoning remains appropriate as the proposal does not seek to change the uses permitted under the current zoning or introduce retail uses. The zoning provisions continue to align with the intended future industrial use and development on the property. Therefore, no amendments to the zoning by-law are required at this time, and the M3-10 zoning will remain unchanged.

A condition has been included to ensure that the existing storage structure is relocated or modified to comply with the 3.0 m interior side yard setback requirement in order to facilitate the severance.

No development is being proposed as part of this application. Future development of the severed and retained lands will be subject to a detailed technical review as part of a Site Plan Control Application, including access, landscaping, grading, noise, drainage, lighting etc.

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 the Consent Application **B5-25-RF** to facilitate the creation of one (1) new lot be **APPROVED**, subject to the attached conditions.

Prepared by:



Roxana Flores
Junior Planner

Attachments

- 1. Conditions of Approval
- 2. Zoning Map
- 3. Official Plan Map
- 4. Aerial Map
- 5. Severance Sketch
- 6. Site Photos

Reviewed By

- 1. Dan Namisniak, Manager of Development Planning
- 2. Jeremy Vink, Director of Planning

Copied To

- 3. Nicole Campbell, Secretary Treasurer of the Committee of Adjustment
- 4. Committee of Adjustment
- 5. Applicant/Agent

By-law and/or Agreement

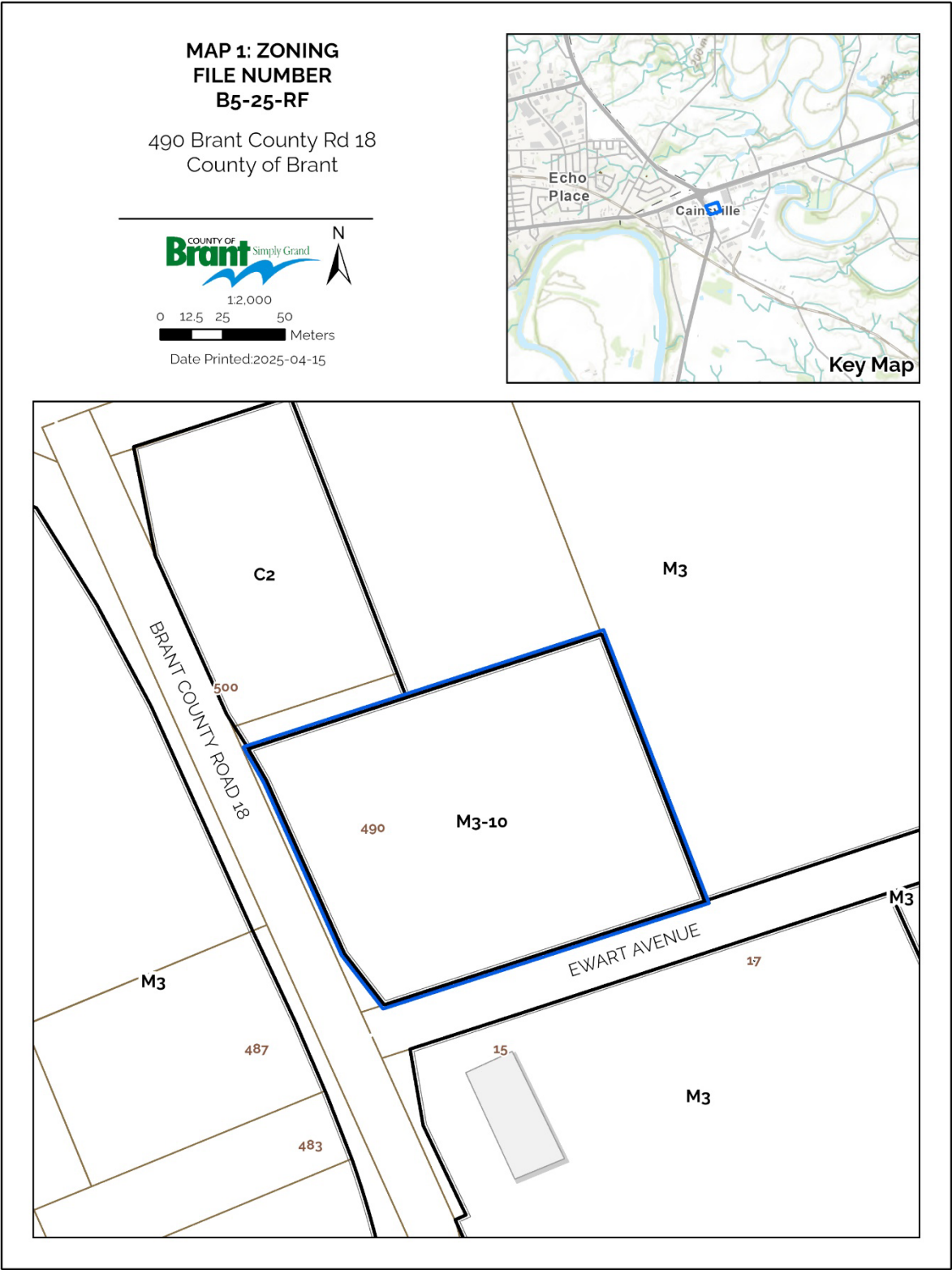
By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

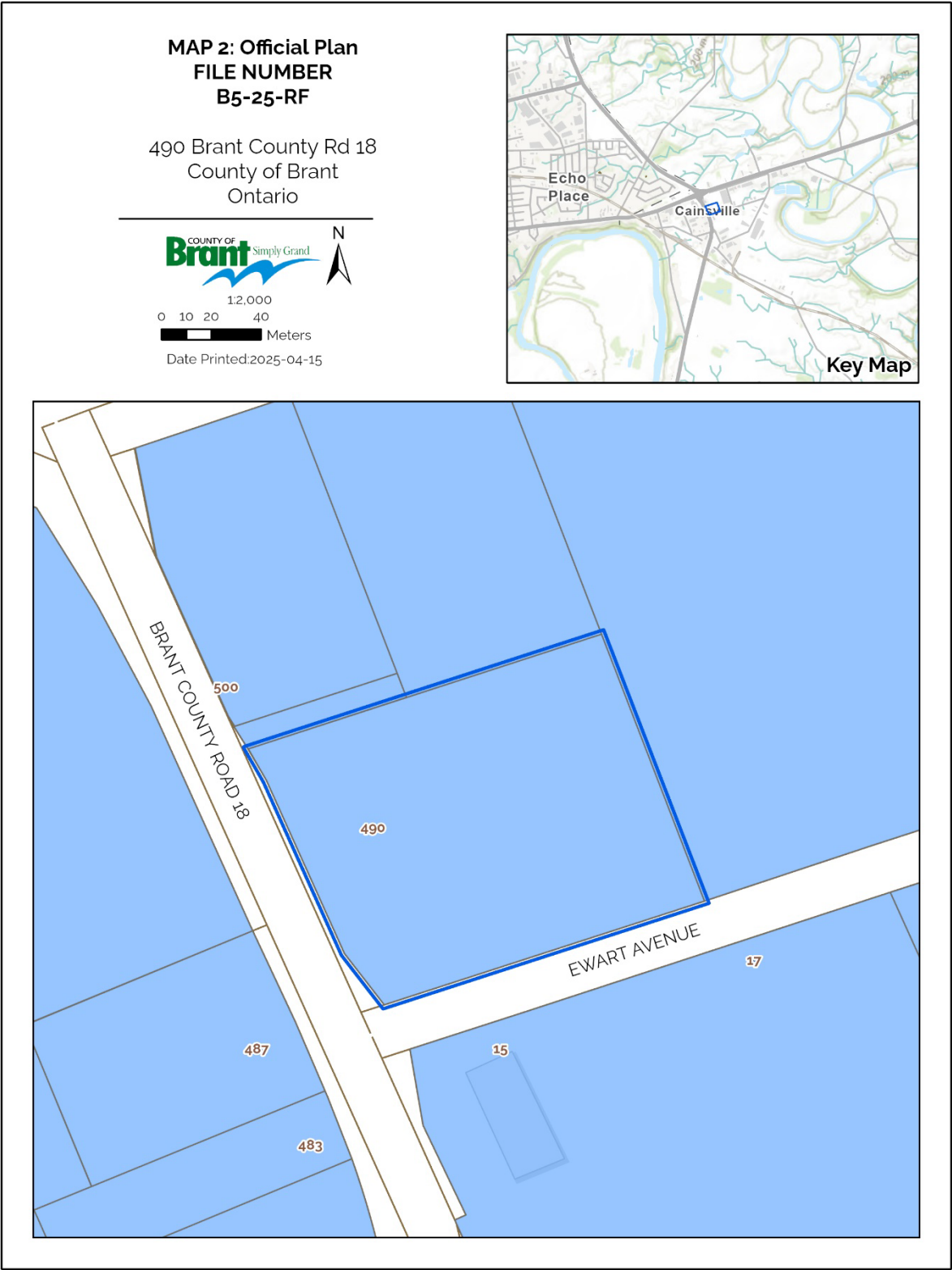
1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant(s) provide a copy of a Draft Reference Plan for the severed lands, completed by a licensed surveyor and reviewed by the County of Brant, prior to the finalization of the Consent (i.e. registration of the deeds in the appropriate Registry Office).
3. That the Owner/Applicant demonstrate that all detached structures have been relocated, modified and/or removed to comply with zoning regulations.
4. That the Owner/Applicant provide parkland dedication and/or cash-in-lieu of parkland equivalent to 2% of the appraised value of the gross land area for commercial or industrial land uses, per new lot, in accordance with Sections 3.1 and 3.2 of the County of Brant Parkland Dedication By-law 21-2022, to the satisfaction of the County of Brant.
5. That the Current Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
6. 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).
7. 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.
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 2 – Zoning Map

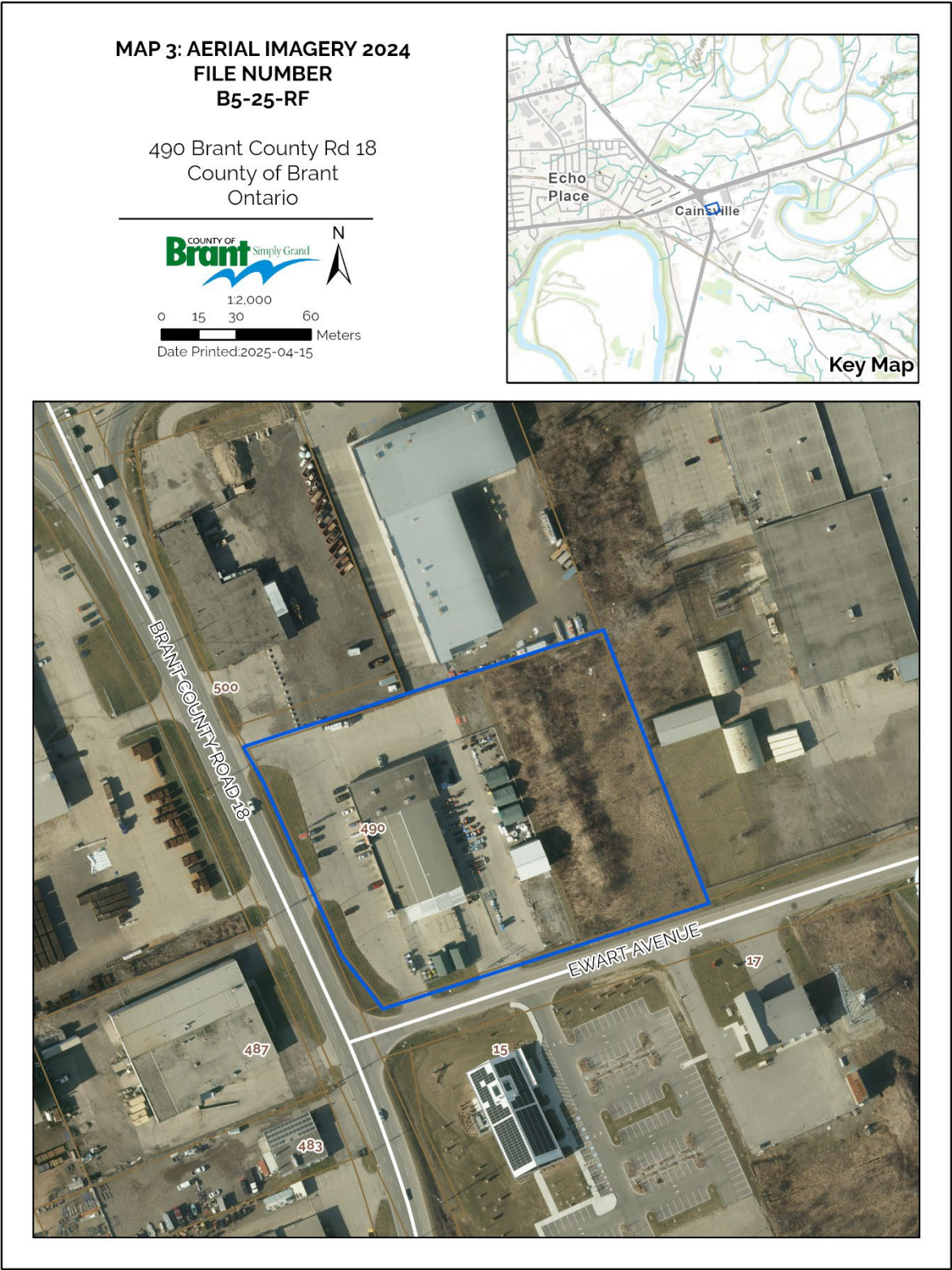


Attachment 3 – Official Plan Map

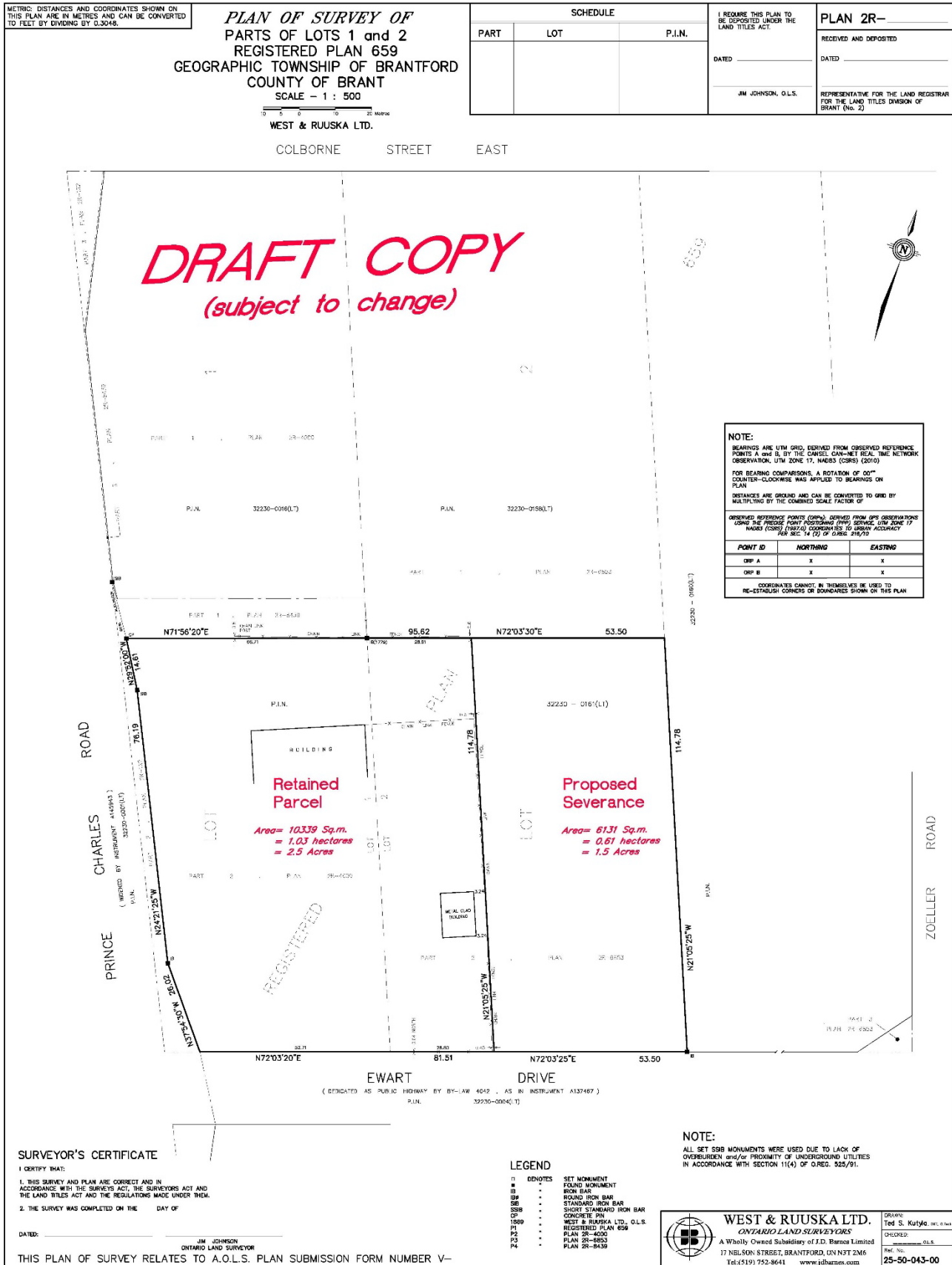


 General Employment

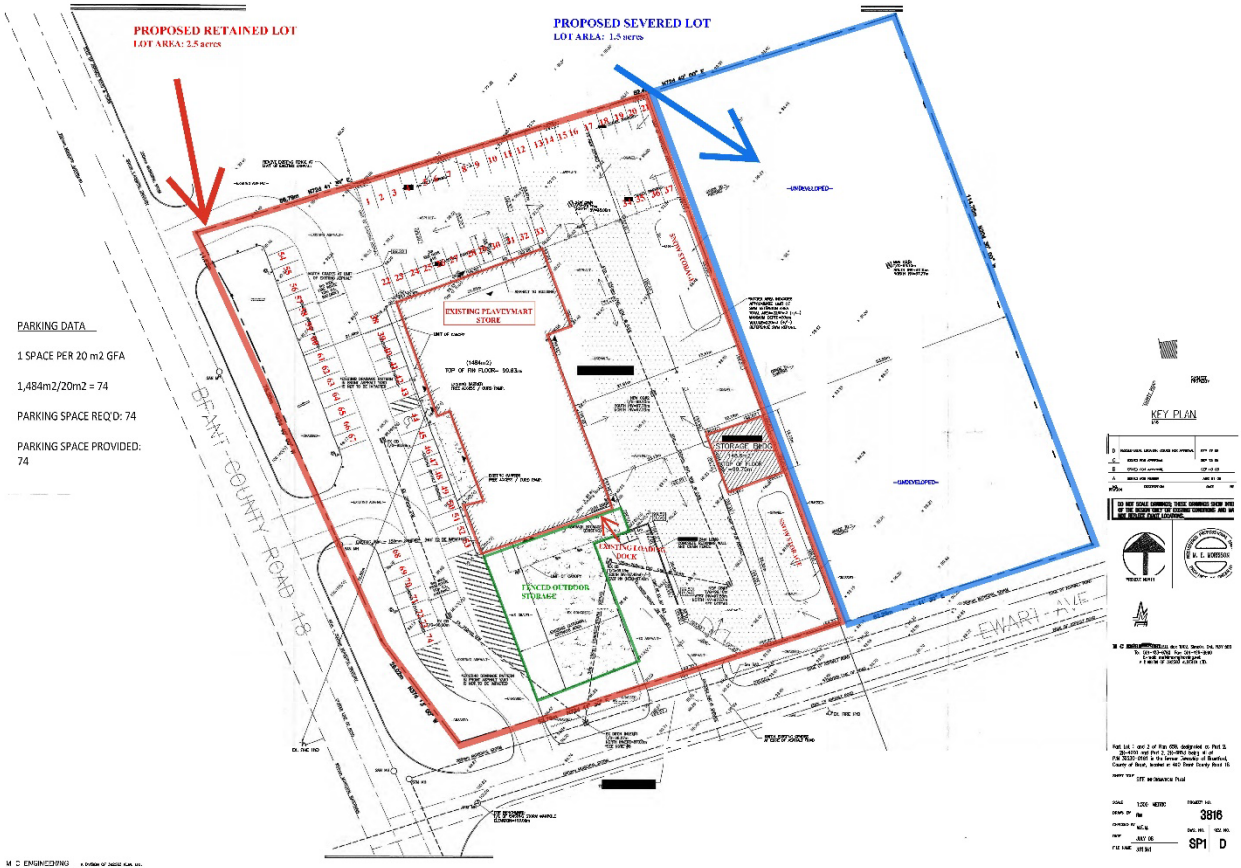
Attachment 4 – Aerial Map



Attachment 5 – Severance Sketch



Attachment 6 – Site Plan



Attachment 7 - Site Photos



Looking West of the lot



Looking East of the lot (vacant area)