

COMMITTEE OF ADJUSTMENT REPORT

DATE: May 15, 2025 **REPORT NO:** RPT-0182-25

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

FROM: Roxana Flores, Junior Planner

APPLICATION TYPE: Consent and Minor Variance Applications

APPLICATION NO: B81-22-LG, A39-22-LG & A40-22-LG

LOCATION: 347 & 335 Sixth Concession Road

AGENT / APPLICANT: Pavel and Angela Gerassime

OWNER: Pavel and Angela Gerassime, and Jerry Macerollo and Sandra Mercer-

Macerollo

SUBJECT: Request for a decision on a Consent and Minor Variance Application to

facilitate a lot line adjustment, and recognition of remaining farm parcel

and residential parcel areas.

RECOMMENDATION

THAT Application for Consent **B81-22-LG** from Pavel and Angela Gerassime, Owner of lands legally described as BURFORD CONCESSION 6 PART LOT 17, in the geographic Township of Burford, municipally known as **347 Sixth Concession Roa**d, County of Brant, proposing a lot line adjustment, having an area of approximately 0.10 Hectares (0.25 acres) to be severed from 347 Sixth Concession Road and conveyed to 335 Sixth Concession Road, **BE APPROVED**.

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

- The lot line adjustment is technical, minor in nature and compatible with surrounding land uses bringing the existing residential parcel lot area into greater compliance with Zoning By-Law 61-16.
- The proposal does not result in the creation of a new agricultural lot.
- The applications are consistent with the policies of *Provincial Planning Statement*.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan (2012) and Zoning By-Law 61-16.

AND

That Application for Minor Variance **A39-22-LG** Pavel and Angela Gerassime, Owner of lands legally described as BURFORD CONCESSION 6 PART LOT 17, in the geographic Township of Burford, municipally known as **347 Sixth Concession Road**, County of Brant, proposing to recognize the reduced area of the existing legal non-complying lot being 28.30

hectares (69.92 acres), as a result of related lot line adjustment application B81-22-LG, **BE APPROVED**

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

- The proposed variance is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

AND

That Application for Minor Variance **A40-22-LG** Pavel and Angela Gerassime, Applicant on behalf of Devon and Katelyn Budgell, Owner of lands legally described as CONCESSION 6 PART LOT 17, in the geographic Township of Burford, municipally known as **335 Sixth Concession Road**, County of Brant, proposing to recognize the modified area of the existing legal non-complying lot being 1,740.15 square metres (0.43 acres), as a result of related lot line adjustment application B81-22-LG, **BE APPROVED**

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

- The proposed variance is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

EXECUTIVE SUMMARY

Consent Application **B81-22-LG** proposes a lot line adjustment, with approximately 0.25 acres being severed from 347 Sixth Concession Road and consolidated with 335 Sixth Concession Road. The lands being conveyed are designated Hamlet and Villages and zoned Residential Hamlets and Villages.



Minor Variance Application **A39-22-LG** proposes to recognize the modified area of the existing legal non-complying lot being 28.30 hectares (69.92 acres), resulting from the related lot line adjustment **B81-22-LG**.

347 Sixth Concession Road Required (Agricultural – A)	40 hectares (98.8 acres)	
Existing	28.40 hectares (70.17 acres)	*legal non-complying
Proposed	28.30 hectares (69.92 acres)	*as a result of B81-22-LG

Minor Variance Application **A40-22-LG** proposes to recognize the modified area of the existing legal non-complying lot being 1,740.15 square metres (0.43 acres), resulting from the related lot line adjustment **B81-22-LG**.

335 Sixth Concession Road Required (Residential Hamlets and Villages – RH)	3000 square metres (0.74 acres)	
Existing	728.43 square metres (0.18 acres)	*legal non-complying
Proposed	1740.15 square metres (0.43 acres)	*as a result of B81-22-LG

The Consent and Minor Variance Applications related to the subject lands were previously submitted, deemed complete under the 2012 Official, and put on hold at the request of the Applicant. These applications are proceeding for review and approval, with the intent to proceed under the same policy framework. No changes have been made to the original proposal.

The lands municipally known as 347 Sixth Concession Road were subject to a Zoning By-Law Amendment Application (**ZBA46-15-BH**) which received approval from Council January 26, 2016. The Zoning By-Law Amendment proposed to rezone the subject lands from Agriculture (A) to Residential Hamlet and Villages (RH) (formerly Village Residential Type 1 (VR1)) to permit residential uses.

It is my professional opinion that the minor variances to recognize the undersized Agricultural parcel and residential parcel, are legal non-complying and considered existing lots of record, are appropriate and meet the four tests as established in Section 45(1) of the Planning Act R.S.O 1990:

- (a) The request is considered minor;
- (b) The request is desirable for the appropriate development or land use of the land, building or structure;
- (c) The request maintains the general intent and purpose of the Zoning By-Law; and
- (d) The request maintains the general intent and purpose of the Official Plan.

Therefore, it is my professional recommendation that the Consent and Minor Variance Applications **B81-22-LG**, **A39-22-LG**, and **A40-22-LG** be **APPROVED**, subject to the attached conditions.

LOCATION / EXISTING CONDITIONS

The subject lands are located east of West Quarter Townline Road and south of Sixth Concession Road.

LOCATION MAP Application: B81-A39-A40-22-LG 347 Sixth Concession Road

CON A LOT 18
CON A LOT 17
CON A LOT 18
CON A LOT 17
CON A LOT 18
CON A

AERIAL IMAGE Application: B81-A39-A40-22-LG 347 Sixth Concession Road



The subject lands municipally known as 347 Sixth Concession Road, within the geographic Township of Burford, County of Brant, contains one (1) residential dwelling, one (1) accessory structure and agricultural related buildings. The lot has a frontage of approximately 313.2 metres (1,026.9 feet) and an area of approximately 28.40 hectares (70.17 acres).

The benefitting parcel at 335 Sixth Concession Road within the geographic Township of Burford, County of Brant, contains one (1) existing dwelling. The lot has a frontage of approximately 22.86 metres (75 feet) and an area of approximately 728.43 square metres (0.18 acres).

The surrounding area consists of residential land uses to the east and agricultural land uses towards the north, south and west. The subject lands are privately serviced by well and septic.

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:

- (a) Shall be minor;
- (b) Shall be desirable for the appropriate development or land use of the land, building or structure;
- (c) Shall maintain the general intent and purpose of the Zoning By-Law; and
- (d) Shall maintain the general intent and purpose of the Official Plan.

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 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*.

The *Provincial Planning Statement* identifies that Settlement Areas shall be the focus of growth and development. *Settlement Areas* can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).

 The subject lands to be conveyed are designated as Hamlet and Villages and located within the settlement boundary of Cathcart. The Hamlet and Villages designation contemplates for residential development.

The *Provincial Planning Statement* notes that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The lot line adjustment will not result in the creation of a new residential building lot and will allow for an existing residential lot to be enlarged.

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 (2012)

The applications were previously submitted and deemed complete under the County of Brant Official Plan (2012). The resubmission is being reviewed in accordance with the same policy framework and transition policies as outlined in the new 2023 Official Plan.

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.

- 347 Sixth Concession Road is designated as Agriculture, Hamlet and Villages, and Natural Heritage within Schedule 'A' of the County of Brant Official Plan, with a portion of the subject lands being within the settlement boundary of Cathcart.
- The benefitting parcel at 335 Sixth Concession Road is designated as Hamlet and Villages and located within the settlement boundary of Cathcart.
- The 0.1 hectares (0.25 acres) to be conveyed are designated Hamlet and Villages and located within the settlement boundary of Cathcart. The lot line adjustment will not result in the creation of a new lot.

Section 2.2.3.2 of the County of Brant Official Plan advises that the Hamlets and Villages land use designation are intended to function as small rural clusters providing limited residential, commercial, industrial, institutional, and recreational services to the surrounding agricultural community.

• The Applicant is proposing to maintain one residential dwelling on each lot. No development is proposed as part of this application.

Section 1.11.2.9.2(d) describes how the objectives of Natural Heritage Designated areas are to prevent the development or site alteration of lands that are adjacent to Provincially significant natural heritage features, areas, and systems, including the diversity and connectivity of such features and functions, unless it can been demonstrated that there shall be no negative impacts on the features or their ecological functions.

The Natural Heritage features that exist at 347 Sixth Concession Road will not be impacted by the lot line adjustment.

Section 6.8.2.2(g) of the Official Plan provides policies for dealing with non-agricultural consents. Consents for the creation of easements or rights-of-way are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or 50(5) of the Planning Act, and the consent would not result in the creation of a new building lot.

The proposal is for a minor lot line adjustment and will not result in the creation of a new lot.

Section 6.10 of the County of Brant Official Plan provides policies for dealing with 'non-complying uses' where an existing use of land is permitted within the applicable zone in the Zoning By-law, but the lot, buildings or structures located on the property do not meet one or more of the provisions or regulations of the applicable zone, the use shall be considered to be legal non-complying.

As such, the following shall be the policies of the County with respect to noncomplying uses:

- a. Applications for the expansion, alteration or addition of the noncomplying use shall be considered by way of Zoning By-law amendment or minor variance, depending on the nature of the proposal and provided that the proposal can demonstrate that the expansion will have a minimal impact on surrounding land uses
- The retained agricultural parcel at 347 Sixth Concession Road is currently undersized (>40 hectares) at 28.40 hectares (70.17 acres).

- The undersized farm parcel at 347 Sixth Concession Road is considered to be 'legal non-complying' as the lot area was established prior to the provisions of the current Zoning By-Law 61-16.
- The application proposes a change to that parcel and therefore the 'non-complying' attributes will need to be recognized.
- The conveyance of approximately 0.1 hectares (0.25 acres) from 347 Sixth Concession Road will further reduce the parcel size of the farm parcel to 28.30 hectares (69.92 acres).
- The further reduction of the farm parcel at 347 Sixth Concession Road is considered appropriate as the lands being conveyed will allow for the existing residential parcel at 335 Sixth Concession Road to be brought into greater compliance with the Zoning By-Law.
- The existing residential parcel at 335 Sixth Concession Road is currently undersized (>3000 square meters) at 728.43 square metres (0.18 acres).
- The undersized residential parcel at 335 Sixth Concession Road is considered to be 'legal non-complying' as the lot area was established prior to the provisions of the current Zoning By-Law 61-16.
- The application proposes a change to the lot area of the parcel and therefore the 'non-complying' attributes will need to be recognized.
- The conveyance of approximately 1,011.71 square meter (0.25 acres) from 347 Sixth Concession Road will increase the residential parcel size to 1740.15 square metres (0.43 acres).
- The lot area increase to the residential parcel at 335 Sixth Concession Road is considered appropriate as the lands are considered undersized for a Residential Hamlet and Villages lot (>3000 square metres) and the conveyance will bring the parcel into greater conformity with the Zoning By-Law.

It is my professional opinion that the lot line adjustment request conforms to the policies of the County of Brant Official Plan.

Zoning By-Law 61-16:

The subject lands are zoned as Residential Hamlets and Villages (RH), Agriculture (A), and Natural Heritage within the Zoning By-Law 61-16.

Section 9, Table 9.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Residential Hamlets and Villages (RH).

Permitted uses include but are not limited to the following:

- Dwelling, Single-Detached
- Group Home

The chart below demonstrates zoning compliance requirements for lots within the Residential Hamlets and Villages (RH) and Agricultural (A) zones.

Frontage	Lot Area

Required (RH)	30 meters (98.43 feet)	3000 square meters (0.74 acres)
Severed Land (A40-22-LG)	22.86 metres (75 feet)	1740.15 square metres (0.43 acres)
Retained Lands (A39-22-LG)	313.2 metres (1,026.9 feet)	28.30 hectares (69.92 acres)
Required (A)	20 metres (66 feet)	40 hectares (98 acres)

It is my professional opinion that the lot line adjustment and subsequent variances maintain the intent of the County of Brant Zoning By-Law (61-16).

Analysis of the Four Tests (Section 45(1) of the *Planning Act* R.S.O 1990)

	Four Tests	Discussion - A39-22-LG (347 Sixth Concession Road)
1.	Shall maintain the general intent and purpose of the Official Plan.	347 Sixth Concession Road has an Official Plan Designation of Hamlet and Villages, Agriculture and Natural Heritage. The applicant has demonstrated that the agricultural portion of the retained lands will remain unchanged and continue to be used for agricultural purposes in the future. In my professional opinion the proposal in is keeping with the general intent of the County of Brant Official Plan.
2.	Shall maintain the general intent and purpose of the Zoning By-Law.	The subject lands are undersized (>40 hectares) at 28.40 hectares (70.17 acres). The conveyance of 0.1 hectares (0.25 acres) will further reduce the Agricultural parcel to 28.30 hectares (69.92 acres). The further reduction is appropriate as the lands being conveyed will bring the existing residential parcel into greater compliance with the Zoning By-Law 61-16 and is not expected to impact the existing agricultural land uses. In my professional opinion the proposal in is keeping with the general intent of the Zoning By-Law 61-16.
3.	Shall be desirable for the appropriate development or land use of the land, building or structure.	It is my professional opinion the proposed variance is desirable for the subject lands, as the lands to be conveyed cannot be farmed and the conveyance will establish a lot size and shape which is consistent with the surrounding residential parcels.
4.	Shall be minor in nature.	It is in my professional opinion that the proposed variance is minor in nature, as the subject lands will only convey 0.1 hectares (0.25 acres) and the retained lands will continue to be used for farming purposes.

	Four Tests	Discussion – A40-22-LG (335 Sixth Concession Road)
1.	Shall maintain the general intent and purpose of the Official Plan.	335 Sixth Concession Road has an Official Plan Designation of Hamlet and Villages and is located within the settlement boundary of Cathcart. The parcel to be conveyed from 347 Sixth Concession Road is designated as Hamlet and Villages and within the settlement boundary of Cathcart. The minor lot line adjustment will bring the existing residential parcels area, at 335 Sixth Concession Road into greater compliance with the Zoning By-Law 61-16 and will not result in the creation of a new lot. In my professional opinion the proposal in is keeping with the general intent of the County of Brant Official Plan.
2.	Shall maintain the general intent and purpose of the Zoning By-Law.	The subject lands are undersized (>3000 square metres) at 728.43 square metres (0.18 acres). The conveyance of 1,011.7 square metres (0.25 acres) will bring the existing parcel into greater compliance with the Zoning By-Law. In my professional opinion the proposal in is keeping with the general intent of the Zoning By-Law 61-16.
3.	Shall be desirable for the appropriate development or land use of the land, building or structure.	It is my professional opinion the proposed variance is desirable for the subject lands, as the conveyance will bring the existing residential parcels area into greater compliance with the Zoning By-Law and create a lot size and shape that is consistent with residential lots that currently exist along Sixth Concession Road.
4.	Shall be minor in nature.	It is in my professional opinion that the proposed variance is minor in nature, as only 1,011.7 square metres (0.25 acres) are being conveyed to 335 Sixth Concession Road. The retained lands will still be used for farming purposes.

INTERDEPARTMENTAL CONSIDERATIONS

	Agency Comments
Enbridge Gas	 Enbridge Gas Inc., operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service

	relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.
Fire	 No issues with this application for a lot line adjustment. If this adjustment leads to the creation of a new building lot in the future, then we will look at collecting the rural firefighting fee at that time.
Canada Post	 Please be advised that Canada Post does not have any comments on this application for a lot line adjustment as this will not impact mail delivery.
Parks and Forestry	No comments
Environmental Planning	No Comments
Development Engineering Department	 No objections to the proposed lot line adjustment as the existing 0.25 acre area to be added to 335 Sixth Concession Road appears to be too small to facilitate proper manoeuvring of agricultural implements. When staff attended the site, it was observed that the area is not currently used for agricultural purposes but instead manicured and likely already enjoyed for residential purposes. From the submitted drawings, staff are unable to confirm the existing setback between the existing garage and the eastern boundary line. Due to existing storm water drainage issues in the surrounding area, staff advise caution should there be impervious surfaces constructed (i.e. roof tops, patios, decks, driveways etc.) as a result of the boundary adjustment. Staff note that no development is proposed in the submitted application. Any additional sizable development will be required to be addressed via the Building Permit Process where matters such as lot grading and storm water management will need to be addressed to the satisfaction of the County.

PUBLIC CONSIDERATIONS

Notice of the application, including contact information and the date of the Public Hearing, was mailed 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. A site visit and the posting of the Public Notice sign were also completed on the same date.

No public comments were received at the time the report was written.

CONCLUSIONS AND RECOMMENDATIONS

Consent Application **B81-22-LG** proposes a lot line adjustment, with approximately 0.25 acres being severed from 347 Sixth Concession Rd and consolidated with 335 Sixth Concession Rd. The lands being conveyed are designated Hamlet and Villages and zoned Residential Hamlets and Villages.

Minor Variance Application **A39-22-LG** proposes to recognize the modified area of the existing legal non-complying lot being 28.30 hectares (69.92 acres), resulting from the related lot line adjustment **B81-22-LG**.

Minor Variance Application **A40-22-LG** proposes to recognize the modified area of the existing legal non-complying lot being 1,740.15 square metres (0.43 acres), resulting from the related lot line adjustment **B81-22-LG**.

It is my professional opinion that the minor variances to recognize the undersized Agricultural parcel and residential parcel, are legal non-complying and considered existing lots of record, are appropriate and meet the four tests as established in Section 45(1) of the Planning Act R.S.O 1990:

- (e) The request is considered minor;
- (f) The request is desirable for the appropriate development or land use of the land, building or structure;
- (g) The request maintains the general intent and purpose of the Zoning By-Law; and
- (h) The request maintains the general intent and purpose of the Official Plan.

Therefore, it is my professional recommendation that the Consent and Minor Variance Applications **B81-22-LG**, **A39-22-LG**, **and A40-22-LG** be **APPROVED**, subject to the attached conditions.

Roxana Flores

Hopes

Junior Planner

Reviewed by: Dan Namisniak, 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 # B81, A39 & A40-22-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)

APPLICANT: Pavel and Angela Gerassime

File No: B81 -22-LG 347 Sixth Concession Road (Lot Line Adjustment)

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

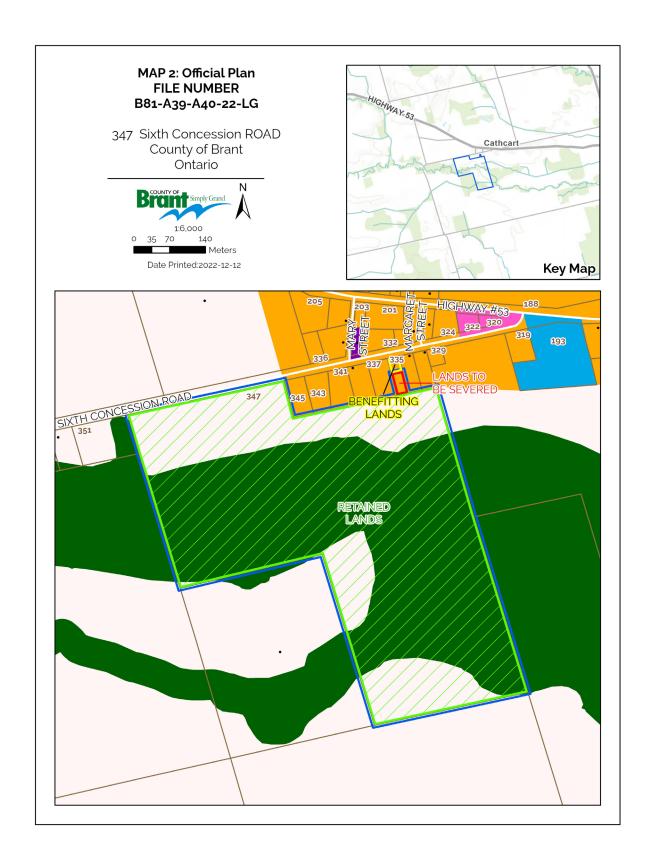
- 1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
- 2. That the Applicant provides a copy of the draft reference plan for the severed parcel, including the location of the existing buildings by a licensed surveyor, prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office) to the satisfaction of the County.
- 3. That related Minor Variance Applications A39 & A40-22-LG be approved by the Committee of Adjustment with no appeals.
- 4. That the severed parcel, being part of 347 Sixth Concession Road become part and parcel of the abutting lands municipally known as 335 Sixth Concession Road and the Applicant's Solicitor undertakes to register an Application Consolidation Parcels to ensure the consolidation and proof of same to the Secretary Treasurer, Committee of Adjustment.
- 5. That the Current Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official.
- 6. 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.
- 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.

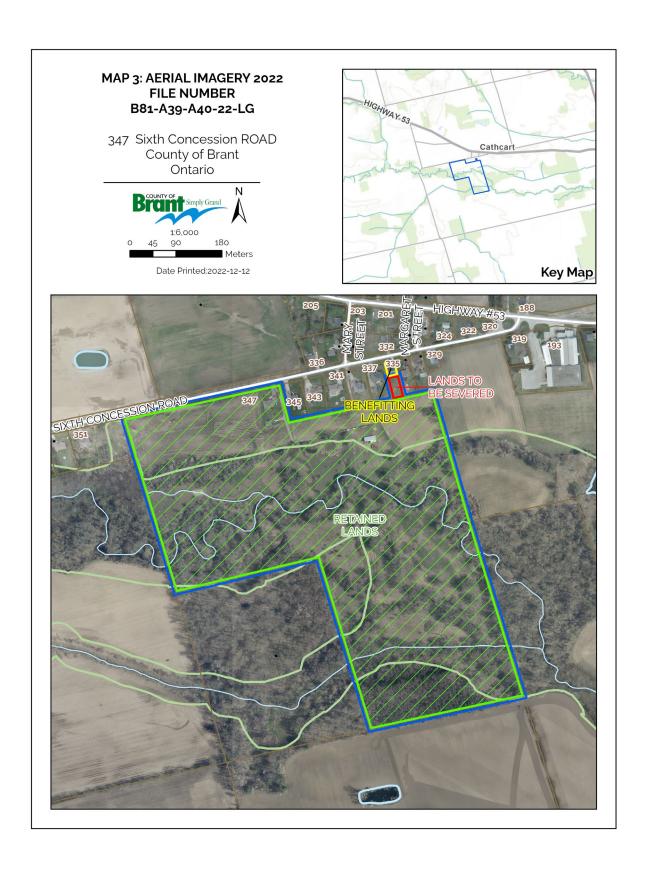
Attachment 1 - Zoning Map



Attachment 2 - Official Plan Map



Attachment 3 - Aerial Map



Attachment 4 - Site Plan

