



Committee of Adjustment Report

Date: June 19, 2025

Report No: RPT – 0183 – 25

To: The Chair and Members of the Committee of Adjustment
From: Afsoon Veshkini, Junior Planner
Application Type: Consent (Surplus Farm Dwelling Severance)
Application No: B8-25-AV
Location: 54 Clarke Road
Agent / Applicant: Kris Martin
Owner: David L Rosebrugh
Subject: Request for a decision on a Consent Application to sever a surplus farm dwelling.

Recommendation

THAT **Consent Application B8-25-AV** from Kris Martin, on behalf of David L Rosebrugh owner of lands legally described as CONCESSION 1, PART OF LOT 18, REFERENCE PLAN 2R-6865, PARTS 1 TO 3, in the geographic former Township of South Dumfries, municipally known as **54 Clarke Road**, County of Brant, proposing to sever a surplus farm dwelling and associated accessory structures with an area of approximately 1 hectare (2.47 acres) and a frontage of approximately 99 meters (324.8 feet), **BE APPROVED** subject to the attached conditions.

THAT the reason(s) for the approval of Consent Application B8-25-AV are as follows:

- The existing farm dwelling is considered surplus to the needs of the farm operation, as a result of farm consolidation in the County of Brant with appropriate conditions included in order to ensure zoning compliance, conformity to the Official Plan and consistency with the Provincial Planning Statement.

Executive Summary

Consent Application B8-25-AV proposes to sever a surplus farm dwelling from the existing farm parcel with the remaining lands being consolidated with the abutting farm parcel at 446 German School Road (Roll Number 292001602052700).

Agricultural (A) Zone	Proposed Severed Lands (<i>Surplus Dwelling</i>)	Proposed Retained Lands	Proposed Total Retained Lands (<i>After Consolidation</i>)
Lot Area	1 ha (2.47 ac)	18.1 ha (44.72 ac)	122.78 ha (303.4 ac)
Lot Frontage	99 m (324.8 ft)	656 m (2,152.23 ft)	740 m (2,427.82 ft)

The retained lands, approximately 18.1 hectares (44.72 acres) in size, are proposed to be consolidated with the abutting agricultural property legally described as SOUTH DUMFRIES CONCESSION 1, PART OF LOTS 17 AND 18, COUNTY OF BRANT, which consists of approximately 104.70 hectares (258.7 acres) and a frontage of 740 meters on German School Road. Upon consolidation, the resulting farm parcel would total approximately 122.78 hectares (303.4 acres).

The retained lands are to be rezoned to Agriculture with a Special Exception (A-9) to prohibit any future residential development on the retained lands. The abutting lands with roll number 292001602052700 are already zoned Agriculture with a Special Exception (A-9) prohibiting any construction of residential development.

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.

Based on the analysis provided in this report, it is my professional recommendation that Consent Application B8-25-AV BE APPROVED, subject to the attached conditions.

Location / Existing Conditions

The subject lands are located east of Clarke Road, south of German School Road, north of Governor's Road East, and west of Brant Road. The lands are situated outside of the Paris Settlement Boundary, within the geographic former Township of South Dumfries in the County of Brant.

The lands, municipally known as 54 Clarke Road, have approximately 755 meters (2477 feet) of frontage on Clarke Road and comprise a total lot area of approximately 19.1 hectares (47.2 acres). The subject lands contain Significant Woodlands, primarily located in the southeastern corner of the lot, as well as Warm Water Fish Habitat. The parcel is rectangular in shape and contains one residential dwelling and two accessory structures, all of which are located within the proposed severed lot. The proposed retained parcel is currently being rented by the applicant and is actively farmed.

A recent site visit and the submitted photographs confirm the presence of multiple commercial vehicles and equipment on the subject lands. The owner has indicated that half of these vehicles can be stored inside the existing garage (storage building), while the remaining vehicles must be parked outside. The second accessory structure on-site is used for general storage purposes.

The benefiting parcel at 446 German School Road, owned by 1778206 Ontario Inc. (Kris Martin) have approximately 740 meters (2427.8 feet) of frontage on German School Road and a total area of 104.7 hectares (258.7 acres). The lands are actively farmed and contain several

accessory structures related to agricultural use. There is no livestock operation on the subject lands. The property contains Significant Woodlands in the southern portion, as well as Significant Wetlands and Warm Water Fish Habitat.

The surrounding area is primarily characterized by agricultural land uses to the north, east, west, and south. The subject lands are privately serviced.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Report

Analysis

- Planning Act

Section 53(12) of the Planning Act states that, in considering whether a provisional consent is to be given, the approval authority shall have regard to the same criteria as set out in Section 51(24), with necessary modifications. As such, Section 51(24) sets out the applicable criteria to be considered when reviewing consent (severance) applications.

- Provincial Planning Statement (PPS) – 2024

The Provincial Planning Statement (2024) provides policy direction on matters of provincial interest related to land use planning and development, forming the foundation for regulating the use and development of land in Ontario. In accordance with Section 3 of the Planning Act, all decisions affecting planning matters must be 'consistent with' the Provincial Planning Statement.

Although the subject lands are currently designated General Employment in the County of Brant Official Plan, the application is being reviewed under the surplus farm dwelling policies of the Provincial Planning Statement (2024), rather than as an employment land use. This approach reflects the current agricultural use of the property and the ownership pattern, as the lands are part of a larger farm operation.

Section 4.3.2 specifies that planning authorities shall use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.

- **The proposed severance is consistent with Section 4.3.2 of the PPS (2024). The retained agricultural lands, approximately 18.1 ha in size, are to be merged with the abutting 104.7 ha agricultural parcel under the same ownership. This consolidation supports ongoing agricultural operations and strengthens the geographic and functional continuity of the agricultural system, consistent with provincial guidance.**

Section 4.3.3.1 specifies that lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to an agricultural operation as a result of farm consolidation, provided that:

Policy Reference	Policy Requirement	Planning Analysis
4.3.3.1 (a)	The new lot is limited to the minimum size required to accommodate the use.	The proposed severed lot is approximately 1 ha in size, containing only the existing dwelling and accessory structures, reflecting the minimum area necessary to accommodate the use.
4.3.3.1(b)	The lot is serviced with appropriate sewage and water services.	The severed lot is privately serviced, fulfilling the requirement for appropriate sewage and water services.
4.3.3.1(c)	New dwellings and additional residential units are prohibited on the remnant parcel of farmland created by the severance.	The retained lands are to be rezoned to Agriculture with a Special Exception (A-9) zone to prohibit any future residential development, ensuring conformity with this policy requirement.

- **The proposal meets the criteria of Section 4.3.3.1 of the PPS, which allows lot creation in prime agricultural areas only for a “residence surplus to an agricultural operation” resulting from farm consolidation.**

Section 8.0 defines a “residence surplus to an agricultural operation” as “one existing habitable detached dwelling, including any associated additional residential units, that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).”

- **In line with Section 8.0, the surplus dwelling qualifies as one rendered unnecessary due to farm consolidation, as the owner will be operating the resulting 122.78 ha as a single farm unit. As such, the application is consistent with the PPS and supports the long-term protection and efficiency of agricultural land.**

It is my professional opinion that Consent Application B8-25-AV is consistent with the Provincial Planning Statement (2024), as it supports farm consolidation, limits lot creation in prime agricultural areas to a surplus dwelling and contributes to the long-term viability and continuity of the agricultural land base.

- County of Brant Official Plan (2023)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that

affect a planning matter shall 'conform to' local municipal policies, including but not limited to the County of Brant Official Plan.

- **The subject lands, municipally known as 54 Clarke Road, are designated as General Employment and Natural Heritage System on Schedule A of the County of Brant Official Plan. The surrounding lands are predominantly designated Agriculture and the parcel is currently in agricultural use.**
 - **The General Employment designation has been identified by County Staff as a mapping error where the correction will be included as part of the next Official Plan Housekeeping Amendment initiated by the County. The lands are to be appropriately designated as Agriculture and Natural Heritage consistent with the surrounding lands. The review of the subject application can only be considered if the lands are redesignated as proposed. Should the lands not be redesignated the severance is premature and would require additional planning approvals including zoning changes to be consistent with the current Official Plan.**

The following analysis outlines how Consent Application B8-25-AV conforms to the applicable policies under Section 2.3.7 to section 2.3.11 of the County of Brant Official Plan (2023), which governs consents within agricultural areas, including severances for surplus farm dwellings:

Policy 2.3.7 of the Official Plan	Planning Analysis
The residence surplus to the farming operation is the direct result of a farm consolidation where the farming operation is merged with a contiguous farming operation in which no new lot is created or located within the County or an adjacent municipality;	The existing dwelling at 54 Clarke Road is not required as a result of consolidation with an adjacent farm parcel, forming a 122.78 ha farm operation.
No prior severance has been granted for residential purposes from the lands containing the surplus residence since January 1, 1999, as demonstrated through land registry records, deeds, and/or a survey.	The most recent residential severance occurred in 1975. No residential severances have been granted from the subject lands since that time.
The lands to be consolidated as part of the farming operation have a minimum lot size of 19 hectares, unless proposed to be merged with an abutting farming operation;	The retained lands, approximately 18.1 ha in size, are proposed to be consolidated with an adjacent agricultural property legally described as South Dumfries Concession 1, Part of Lots 17 and 18. The abutting parcel consists of approximately 104.70 ha

	and the resulting farm parcel would total approximately 122.78 ha.
The residence surplus to the farming operation was built at least 15 years ago or has replaced a residential dwelling that was built at least 15 years ago;	Recognizing a recent addition, the primary dwelling structure was constructed over 15 years ago.
The residence surplus to the farming operation must be considered a habitable residential dwelling that meets building code requirements for occupancy;	The existing dwelling is habitable and is currently occupied by the property owner and a permit was issued for the recent addition in 2022.
The lands to be consolidated as part of the farming operation have been purchased by a bona fide farming operator prior to the application for consent or there is a legally binding agreement of purchase and sale.	The applicant, who is the prospective buyer of the retained lands, is a registered bona fide farmer.
Accommodation of the surplus residence, accessory residential buildings and structures, existing access, and water and wastewater services;	The 1.0 ha lot contains the dwelling, two residential accessory structures, and services.
That the proposal will comply with the Minimum Distance Separation Formulae. More specifically: Where the existing surplus residence to be severed and a livestock facility or anerobic digester are located on separate lots prior to the consent, Minimum Distance Separation Formulae I is not required.	No livestock facility is on the same lot; MDS I compliance is met.
The severed lot containing the residence shall have a minimum lot area of 0.4 hectares and a maximum lot area of 1 hectare based on:	The proposed severed lot is 1.0 ha, meeting the lot area requirement.
Minimum lot frontage of 20 metres, measured from the front of the lot to the rear of the lot;	The proposed lot has approximately 99 m of frontage—well above minimum.
Safe and direct access to a public road, maintained year round, to the satisfaction of the County;	The lot has direct access to Clarke Road, a maintained public road.

Compatibility with surrounding established lot fabric	The severed lot is rectangular in shape and is consistent with the established rural lotting pattern.
Location within proximity to an existing building cluster; and Minimization of agricultural land consumption.	The dwelling proposed to be severed is situated in close proximity to the existing accessory structures that form a cluster on the property.
The lands containing the residence surplus to the farming operation have been owned by a bona fide farming operator for at least three years, as demonstrated through land titles and a farm business registration number;	The proposed retained lands have been rented to the owner/farmer of the adjacent agricultural parcel, who intends to purchase the lands through this application. The lands have been actively farmed as part of the neighbouring farm operation for several years.

- **The proposal satisfies the criteria under Section 2.3.7 of the Official Plan for surplus farm dwelling severances.**

Policies 2.3.8 to 2.3.11	Policy Requirement	Planning Analysis
2.3.8	Farmer must own and operate the farm and have a farm business registration.	The applicant satisfies these conditions, including providing proof of farm business registration.
	Farmer must own other farm properties and a separate residence.	The farmer operates multiple farm parcels and resides elsewhere.
	Ownership can include sole proprietors, corporations, or partnerships with registration.	The applicant satisfies these conditions, including providing proof of farm business registration.
2.3.9	Lands rented to others do not qualify the owner as a bona fide farmer.	The retained land, although currently rented, is being purchased by the bona fide farmer who has been actively farming them, thereby satisfying the intent of the policy.
2.3.10	New residential dwellings must be prohibited on retained lands via by-law.	The retained parcel is to be rezoned to A-9, prohibiting residential development.

2.3.11	Severances for irregular or flag-shaped lots are not supported.	The severed lot is not irregular or flag-shaped, meeting the policy requirement that discourages such lot configurations.
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- The proposal conforms to Policies 2.3.8 to 2.3.11 of the Official Plan, as the applicant is a bona fide farmer with a valid farm business registration, owns multiple farm parcels, resides off-site, the retained lands will be rezoned to prohibit residential use, and the severed lot meets all applicable criteria.

It is my professional opinion that Consent Application B8-25-AV conforms to the County of Brant Official Plan (2023), as it is consistent with the policies for surplus farm dwelling severances and supports the continued use of the retained lands for agricultural purposes.

- Zoning By-Law 61-16

The subject lands, known as 54 Clarke Road, are zoned as Agriculture (A) and Natural Heritage (NH) in accordance with Schedule 'A' of the County of Brant Zoning By-Law 61-16, as updated through the March 2024 Office Consolidation. The subject lands, identified by Roll Number 292001602052700, are primarily zoned Agricultural with a Special Exception (A-9), with portions designated as Natural Heritage (NH).

Section 6, Table 6.1.1 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

Section 6, Table 6.2.1 of the County of Brant Zoning By-Law 61-16 advises the zoning requirements for each permitted building type for lands zoned as Agricultural (A).

Agricultural (A) Zone	Required, All Other Uses	Retained Lands (with lands to be Consolidated)	Required, Single Detached Dwelling	Severed Lands (Surplus Dwelling)
Lot Area, Min (ha)	40.0	122.78	40.0	1.0
Lot Frontage, Min (m)	150.0	740	150.0	99*
Street Setback, Min (m)	25.0	—	10.0	13.7
Interior Side Yard Setback, Min (m)	15.0	—	4.0	>30
Rear Yard Setback, Min (m)	15.0	—	10.0	>40

Lot Coverage, Max	30%	<2%	30%	8.5%
Landscaped Open Space, Min	30%	–	30%	–
Building Height, Max (m)	10.0 m	–	10.0	<10

* The required frontage for a single detached dwelling in the Agricultural zone is 150 meters, and the severed lot has a frontage of 99 meters. However, in accordance with Section 4.29(b) of the Zoning By-law, “where the severed and retained lands have a minimum 20.0 meter frontage, then said lot shall be deemed to comply with the requirements of this By-law with respect to the required lot area and lot frontage.

Section 4.29 of the County of Brant Zoning By-Law 61-16 specifies development criteria for Surplus Farm Dwellings. The following demonstrates conformity with sections 3.6 and 4.29 of the Zoning By-Law.

Section 3.6 and 4.29 of Zoning By-Law 61-16		Planning Analysis
3.6	This section defines Farm Consolidation to mean the acquisition of additional farm parcels to be operated as one farm operation within the Province of Ontario.	Staff have verified that the subject lands have been acquired as additional farm parcels to be added to the Farm Operation and that the dwelling is surplus.
	This section defines Farm Operation to mean lands that are assessed as farmland and have a valid Farm Business Registration Number or an official letter of exemption from Agricorp, for the purpose of on-site agricultural uses, but does not include cannabis production and processing.	Staff have verified the applicant as having a valid Farm Business Registration Number for the purpose of agricultural uses.
4.29 (a)	It states the severed lands shall be limited to an appropriate size to accommodate private onsite servicing, being generally less than 0.6 ha in size.	The severed lands are limited to 1 ha in size to accommodate private services, accessory structures and limit the amount of land taken out of production.
4.29 (b)	It states that where the severed and retained lands have a minimum 20.0 metre frontage, then said lot shall be deemed to comply with the requirements of this By-Law with	Both the retained land (760 m) and the severed land (99 m) exceed the minimum frontage requirements.

	respect to the required lot area and lot frontage.	
4.29 (c)	This policy states the dwelling on the severed lands shall only be considered surplus to the farming operation if it was constructed a minimum of 15 years prior to the date the application for the surplus farm dwelling consent is received.	The age of the dwelling is greater than 15 years old from the date the application was received.
4.29(d)	It states the dwelling must be considered habitable at the time of application, as may be determined by the local municipal Chief Building Official.	The surplus dwelling is considered habitable, as it is currently occupied by the property owner and a permit was issued for the recent addition in 2022.
4.29 (e)	This section states that Minimum Distance Separation Guidelines shall apply to the severed lands as a Type B land use;	The Minimum Distance Separation Formulae is not required per Implementation Guideline #9 in the Ontario Ministry of Agriculture, Food and Rural Affairs Publication 853, which states where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy.
4.29 (f)	It states that for any retained lands, being the lands containing the farming operation, a Special Exception Agricultural Zoning shall be applied to the lands on 'Schedule A' of this ByLaw and such amendment to 'Schedule A' shall be made as part of the granted consent without further notice being required provided the requirements of the Planning Act are met said special exception shall be applied to prohibit a dwelling unit on the retained lands and, provided there is a minimum of	As a condition of consent, the retained lands will be rezoned to Agricultural with a Special Exception (A-9) to prohibit future residential development and to satisfy zoning requirements for lot area and frontage, as both the severed and retained lands exceed the 20-metre frontage minimum.

	20.0m of frontage, and applied to grant relief required under Section 6.2 for minimum lot area and lot frontage.	
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- **The proposed severance complies with these sections of the Zoning By-Law. The dwelling is confirmed to be surplus, habitable, and over 15 years old, and the retained lands will be rezoned to prohibit future residential use. The proposal supports farm consolidation and maintains agricultural integrity.**

Section 4, Table 4.4.1 of the County of Brant Zoning By-Law advises the required development regulations for accessory structures permitted in the Agricultural (A) zone.

There are two accessory structures located on the severed lot. One is a storage building with an area of approximately 362 sq.m (3,896.54 sq.ft), for which a building permit was issued in March 2024. The second is an older accessory structure, open on one side, with an area of approximately 219 sq.m (2,357.3 sq.ft), and is currently used for storing materials related to the owner's business.

Agricultural (A) Zone	Required	Existing Accessory Structure 1 (the newer one)	Existing Accessory Structure 2
Lot coverage, Maximum (%)	5% of the total lot area	5.81 (3.62+2.19)	
Street Setback, Minimum (m)	10.0	19.7	> 25
Interior side yard and rear yard setback, Minimum (m)	3.0	3.07 and 4.07	> 8
Structure height, Maximum (m)	7.0	6.8	< 6.8

- **The proposed severed lot does not comply with the maximum lot coverage permitted for accessory structures under the Zoning By-law. The total lot coverage for accessory structures is calculated at approximately 5.81%, which exceeds the permitted maximum of 5%. As such, the subsequent Planning Act Application will need to permit increased accessory structure lot coverage on the severed lands, in accordance with the conditions of approval.**

Section 5.13(a) of the Zoning By-law states that a maximum of one (1) commercial vehicle is permitted to be parked or stored unenclosed on a property zoned Agricultural (A).

As noted, staff as part of the site visit observed various commercial vehicles on the lands and confirmed the use with the applicant. As the Zoning By-law the definition of Commercial Vehicle is as follows:

"A vehicle having attached to it, or the ability to attach to it, a truck or delivery body and includes any ambulance, mobile refreshment cart, hearse, cube van, casket wagon,

school bus, tilt and load truck, dump truck, fire apparatus, bus, tractor, or commercial trailer that may be used for hauling purposes on a public right-of-way."

Based on site observations, and the applicant's statement, multiple commercial vehicles and equipment are present on the subject lands, as confirmed by submitted photographs. These include three dump trucks, two farm tractors, two pickup trucks, and one highway tractor (8 vehicles). The applicant noted that approximately half of the vehicles can be stored inside the existing garage (storage building), while the remainder must be parked outside. The second accessory structure on the property is used for general storage. The vehicles are associated with the property owner's contracting business, which provides services such as fence row clean-up, field tile and ditch maintenance, excavation for barn foundations, and demolition of old barns. According to the applicant, about 90% of these services support the local farming community.

- **While the applicant has explained that their business primarily supports agricultural operations, the current number of commercial vehicles exceeds the zoning limit. This represents a zoning conformity that shall be addressed either through removal of excess vehicles or a separate Zoning By-law Amendment to legalize the expanded commercial activity. The applicant should explore options to legalize the use of the property with the County.**

It is my professional opinion that the proposal generally complies with the intent of the County of Brant Zoning By-Law, particularly with respect to surplus farm dwelling policies and Agricultural (A) zone requirements, and the retained lands will be rezoned to A-9 to prohibit future residential use, in accordance with Section 4.29(f). However, the severed lot exceeds the maximum lot coverage for accessory structures, and the number of commercial vehicles stored on-site exceeds the zoning limit. While the business supports agricultural operations, this represents a non-conformity. As conditions of approval, the applicant must:

- 1. Obtain approval to permit the increased accessory structure lot coverage (approximately 5.81%) on the severed lands; and***
- 2. Address the current commercial vehicle storage and use on the property, either by permitting the use through a site-specific provision or by bringing the property into compliance with the Zoning By-Law through the prohibition of such use.***

Interdepartmental Considerations

- Operations Department (County of Brant): No comments.
- Development Engineering Department (County of Brant):
 - Clarke Road is classified as Rural Local Road, with a right-of-way of 15m to 22m as noted in the County's Official Plan. The existing road allowance width is sufficient as such, road widening will not be required.
 - Staff performed a site inspection on April 14th, 2025 and noted that there are no Hydro Poles along the easement shown as Part 2, 2R-6865, also shown as Part 3 on the submitted Draft Legal Survey. This easement may be released and abandoned if not in use.

- There is a Hydro Service along the west limit of the Retained Lands from 20m+- north of the south limit to the Severed Lands, as shown on the submitted Draft Legal Survey. An Easement may be required
- The Subject Lands are within the GRCA Regulation Limits.
- Environmental Policy Planning (County of Brant): No comments.
- Fire Department (County of Brant):
 - The fire department has no objection to this severance.
 - There is a rural firefighting fee for lot severance that will be required.
- Geographic Information Systems Analyst (County of Brant):
 - 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 retained parcel, this can be requested at the [County of Brants Civic Address Requesting Form](#).
- Grand River Conservation Authority (GRCA):
 - No Objections to the proposal.
 - Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.
- Canada Post: No comments.
- Hydro One: No comments.

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

- Building Division (County of Brant)
- Six Nations

Public Considerations

Notice of this application, including contact information and the date of the public hearing, was circulated by mail on May 28, 2025, to all property owners within 60 meters of the subject lands, in accordance with Section 45(5) of the Planning Act. A Public Notice sign was posted on the property on June 3, 2025. A site visit was conducted on May 8, 2025.

At the time of writing this report, only one public inquiry has been received, requesting additional information about the application. No other inquiries or concerns have been submitted by members of the public.

Conclusions and Recommendations

Consent Application B8-25-AV proposes to sever a surplus farm dwelling and associated accessory structures from the property known as 54 Clarke Road, with the retained lands to be merged with the abutting agricultural parcel at 446 German School Road. The resulting consolidated farm unit will total approximately 122.78 hectares. The proposal supports the continued agricultural use of the lands and meets the intent and policies of the Planning Act,

the Provincial Planning Statement (2024), and the County of Brant Official Plan (2023) subject to being in an Agriculture designation.

The proposal generally complies with the requirements of Zoning By-Law 61-16, including the criteria for surplus farm dwelling severances. The dwelling is confirmed to be surplus, habitable, and over 15 years old, and the retained lands will be rezoned to Agriculture with a Special Exception (A-9) to prohibit future residential development.

However, the severed lot exceeds the maximum permitted lot coverage for accessory structures and includes more than one unenclosed commercial vehicle, contrary to Section 5.13(a) of the Zoning By-Law. These constitute zoning non-conformities. As conditions of approval, the applicant will be required to:

- Obtain approval to permit the increased accessory structure lot coverage (approximately 5.81%) on the severed lot; and
- Address the current commercial vehicle storage and use on the property, either by permitting the use through a site-specific provision or by bringing the property into compliance with the Zoning By-Law by prohibiting such use.

As noted, a portion of the subject lands is designated General Employment in the Official Plan, which staff have identified as a mapping error. As a condition of approval, an Official Plan Amendment to redesignate the lands to Agriculture shall be obtained to the satisfaction of the County of Brant.

It is the professional opinion of staff that the proposed severance represents sound land use planning, supports long-term agricultural viability, and is in the public interest. Therefore, it is recommended that Consent Application B8-25-AV be approved, subject to the attached conditions, including the rezoning of the retained lands to A-9 and consolidation with the abutting agricultural parcel.

Prepared by:

Afsoon Veshkini, Junior Planner

A handwritten signature in black ink, appearing to be 'A. Veshkini', with a stylized flourish at the end.

Attachments

1. Conditions of Approval
2. Zoning Maps
3. Official Plan Maps
4. Aerial Maps
5. Severance Sketches
6. Site Plan
7. 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

File # B8-25-AV

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)

Attachment 1

Applicant: Kris Martin

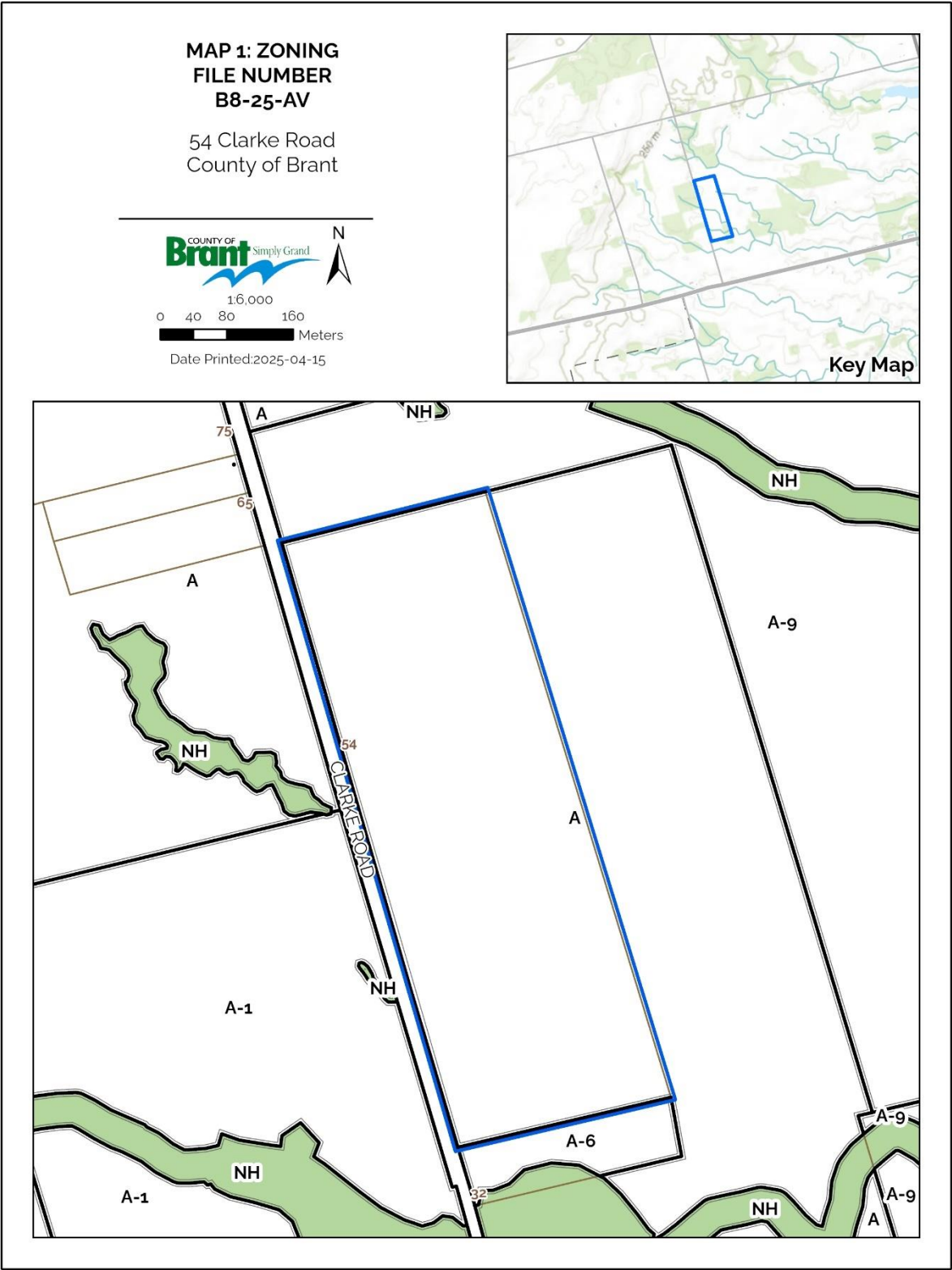
File No: B8-25-AV

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 retained lands, completed by a licensed surveyor and reviewed by the County of Brant, prior to the finalization of the Consent (i.e. registration of the deeds in the appropriate Registry Office).
3. That a subsequent Planning Act Application be received, deemed complete and approved with no appeals. The purpose of the subsequent Planning Act Application shall be to amend the Zoning By-law to:
 - a. Rezone the retained lands to Agricultural with a Special Exception (A-9) to prohibit a dwelling unit as a permitted use;
 - b. Permit the increased accessory structure lot coverage (approximately 5.81%) on the severed lands; and
 - c. Address the current commercial vehicle storage/use on the property to either: (i) permit the use through a site-specific provision; or (ii) bring the property into compliance with the Zoning By-law by prohibiting such use.
 - d. Any further Planning Applications required to satisfy the conditions of approval must be received and deemed complete a minimum of four (4) months prior to the lapsing of the Consent.
4. That the Applicant(s) provide proof/copy of draft approved civic addressing for the Severed and Retained lands issued by the Planning Division to the satisfaction of the County of Brant.
5. That an Official Plan Amendment be approved to redesignate the subject lands from General Employment to Agriculture, prior to finalization of the Consent, to the satisfaction of the County of Brant.
 - a. That the Owner/applicant(s) acknowledge that a larger portion of the subject lands is currently designated as General Employment in the County of Brant Official Plan (2023), and that this designation has been identified by staff as a mapping error.
6. That the Owner/ Applicant(s) provide Parkland dedication and/or Cash-in-lieu of parkland in the amount of \$6016.00, per new lot, to be paid to the County of Brant in accordance with Parkland Dedication By-Law 21-2022, Section 3.1 and 3.2 to the satisfaction of the County of Brant.

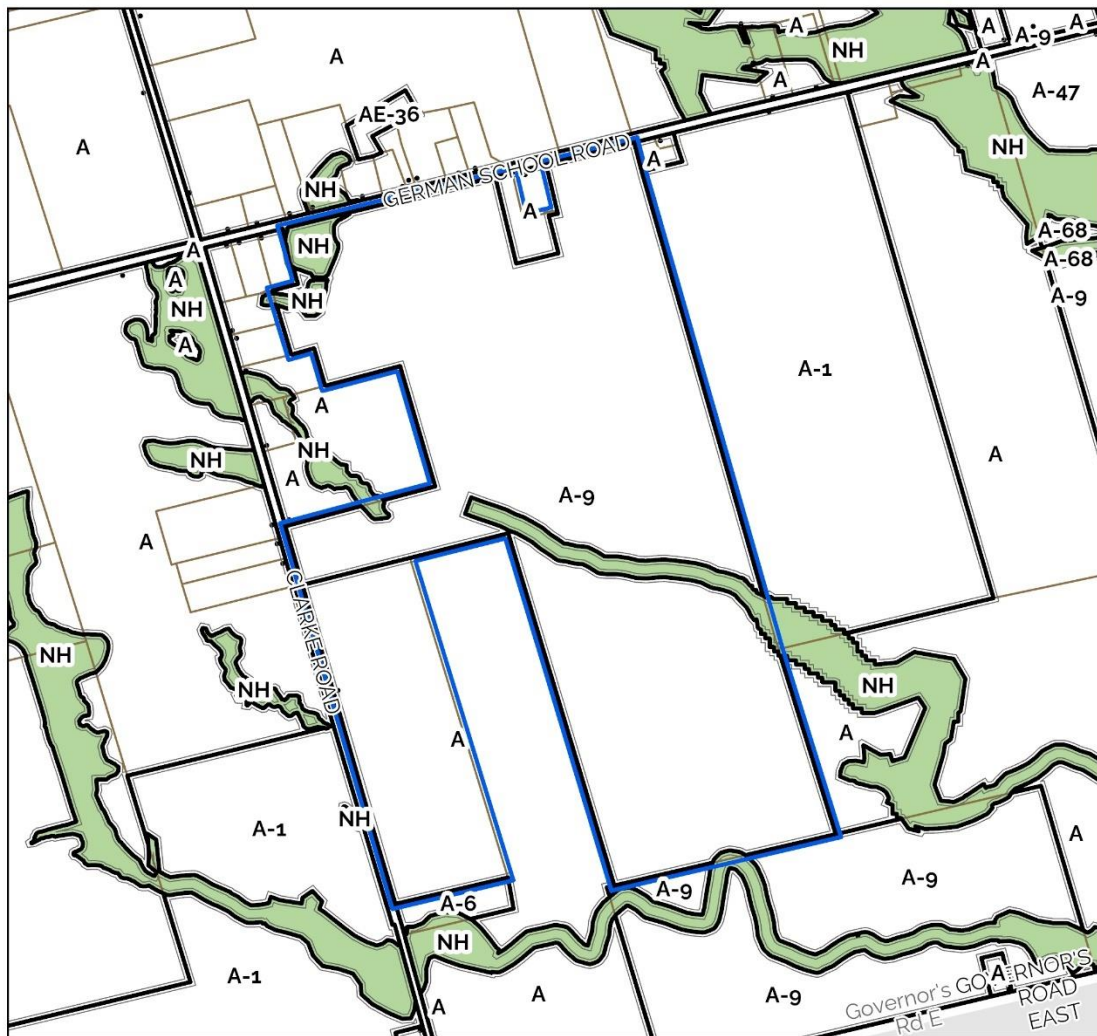
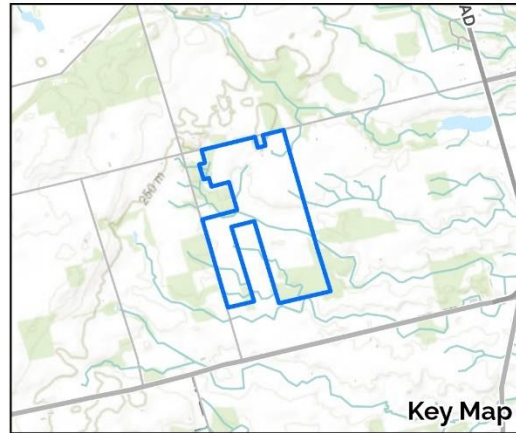
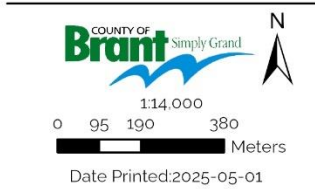
7. That the Applicant(s) provide proof that \$600.00, per new building lot, in monies for firefighting purposes has been submitted to the County of Brant, or some other method acceptable to the Fire Department if required, prior to the stamping of the deeds.
8. That the current Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
9. That the retained parcel becomes part and parcel of the abutting lands presently legally described SOUTH DUMFRIES CONCESSION 1, PART OF LOTS 17 AND 18, COUNTY OF BRANT (roll number 292001602052700) 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.
10. That the Applicant(s) 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).
11. 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.
12. 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.

Attachment 2 – Zoning Maps

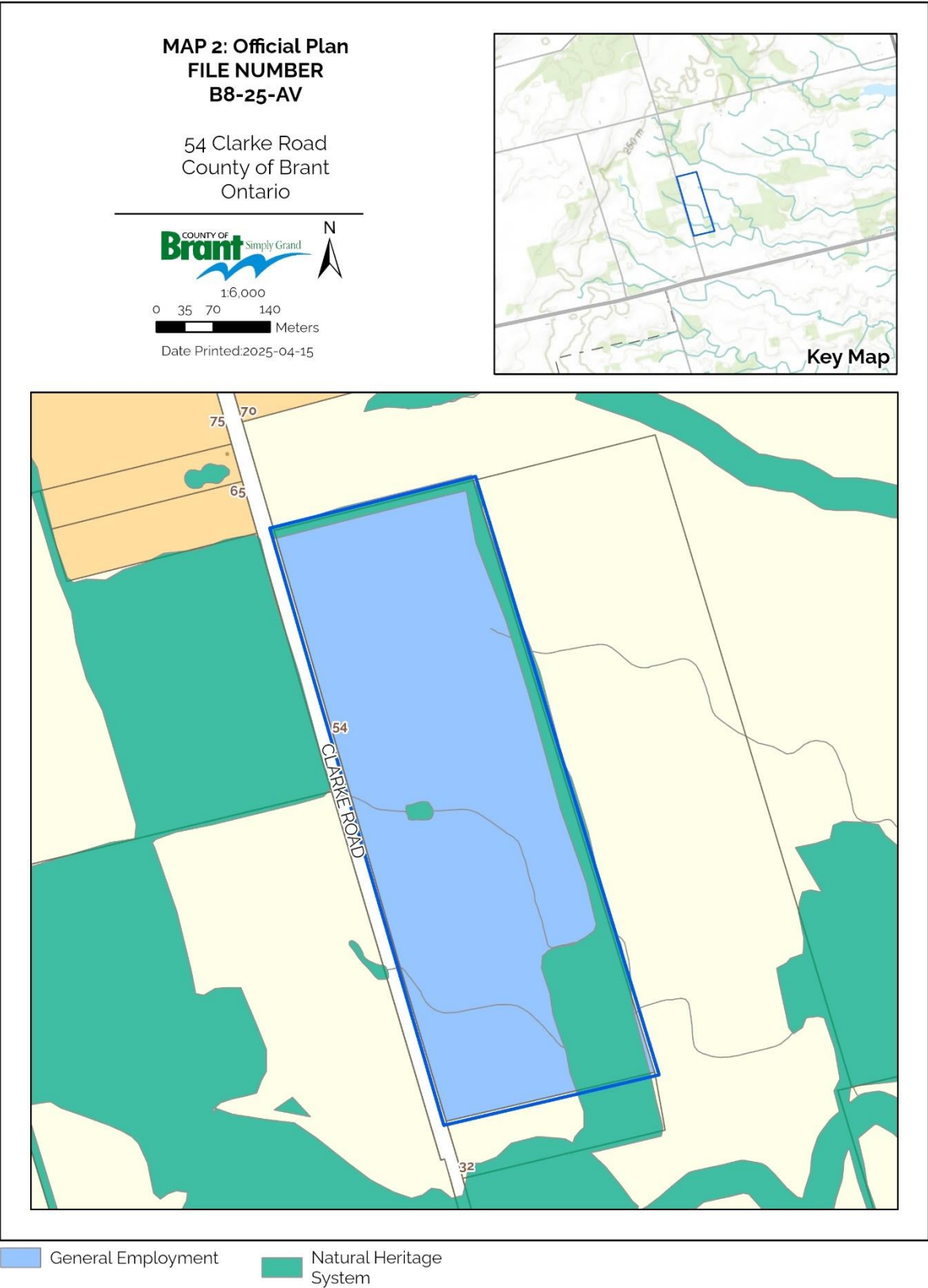


**MAP 1: ZONING
FILE NUMBER
B8-25-AV**

54 Clarke Road
County of Brant



Attachment 3 – Official Plan Maps



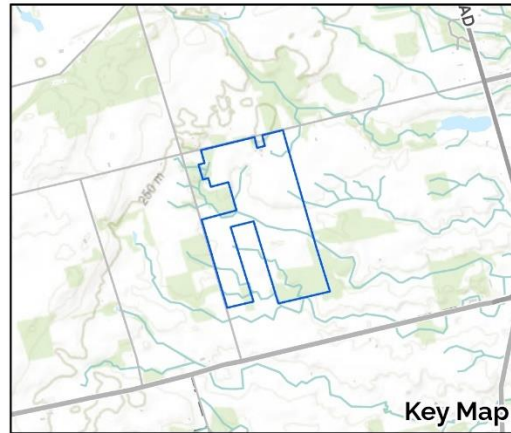
**MAP 2: Official Plan
FILE NUMBER
B8-25-AV**

54 Clarke Road
County of Brant
Ontario

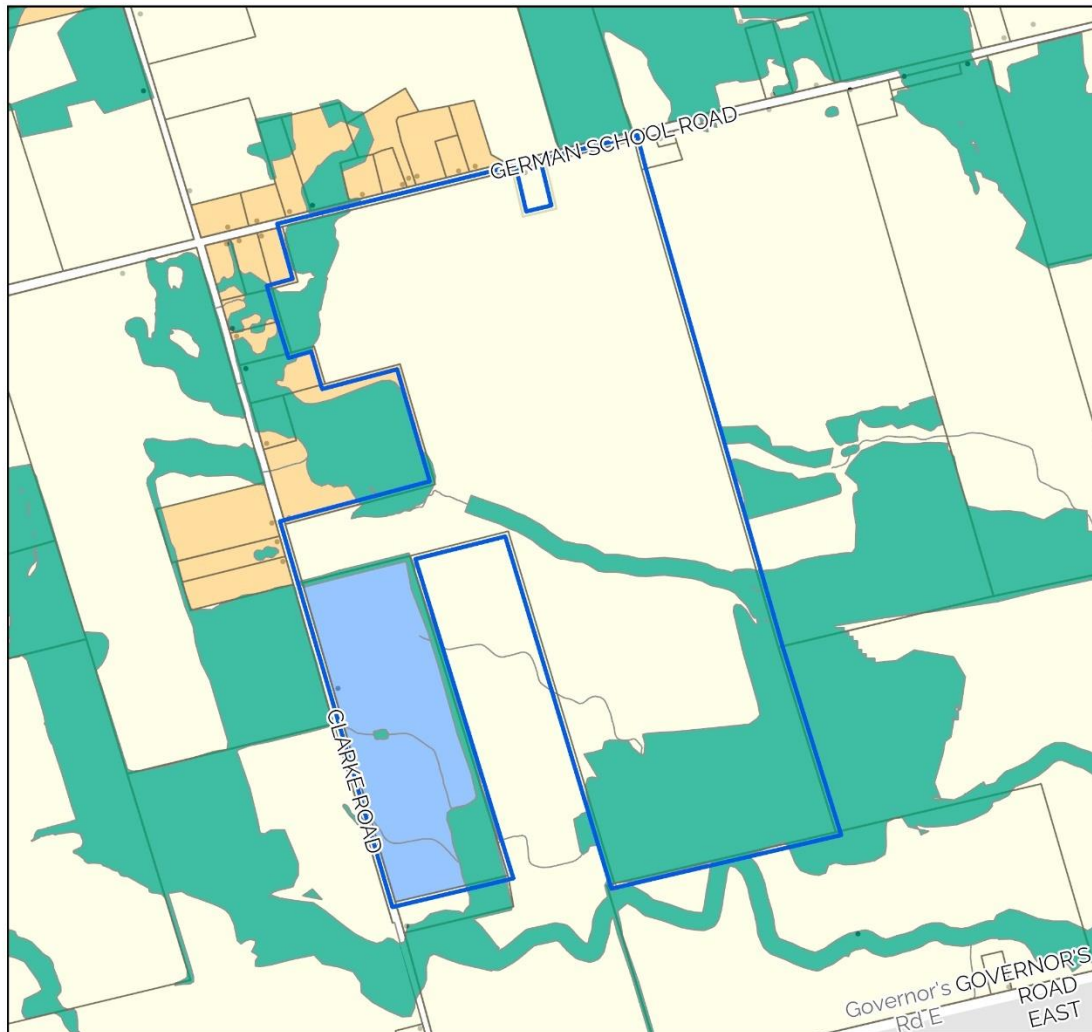


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Date Printed: 2025-05-01

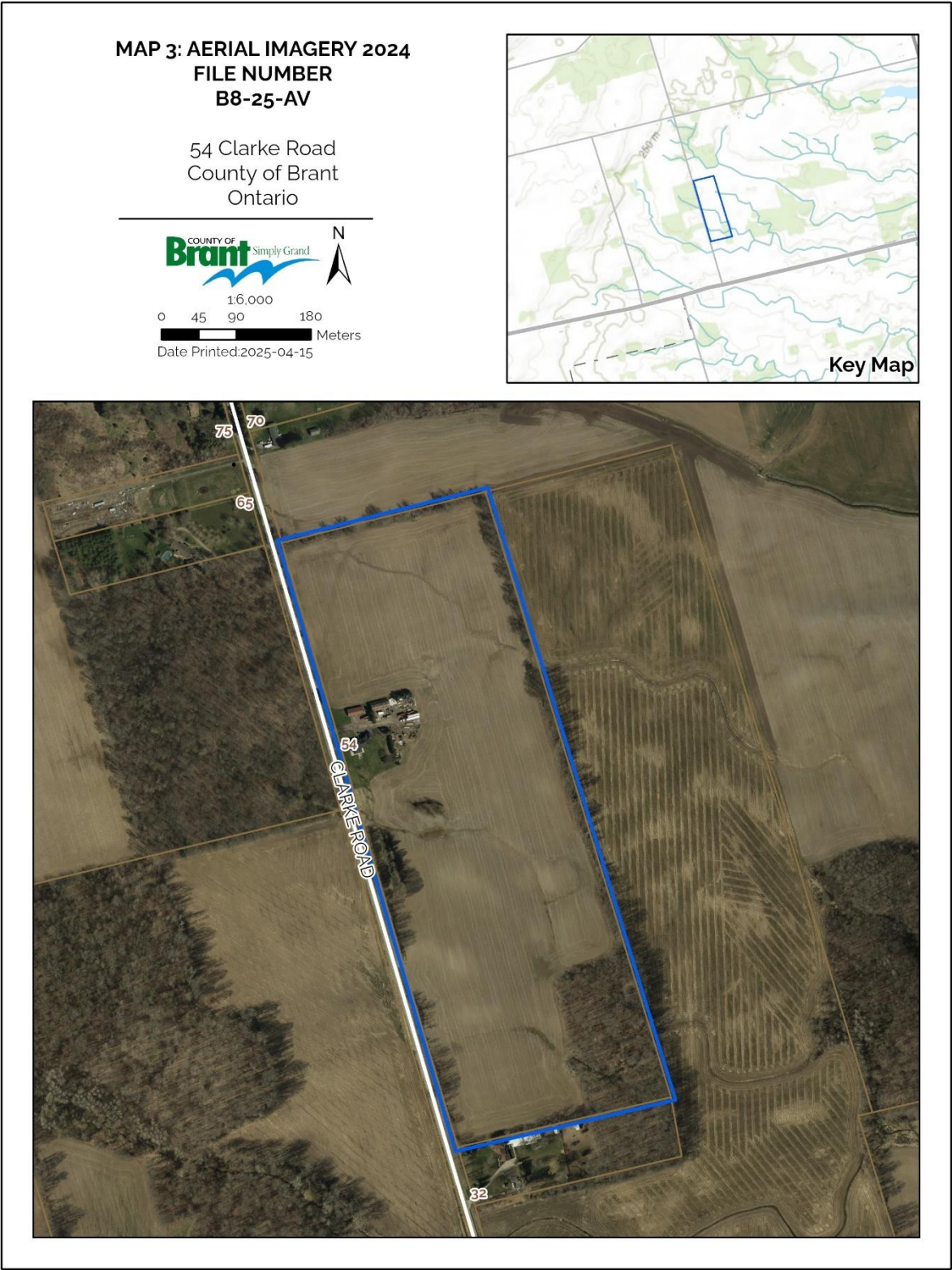


Key Map



- | | | |
|--------------------|-------------------------|-------------|
| General Employment | Natural Heritage System | Agriculture |
| | | Countryside |

Attachment 4 – Aerial Maps

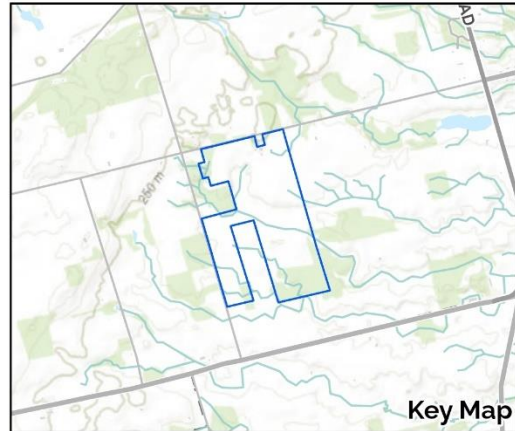


MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B8-25-AV

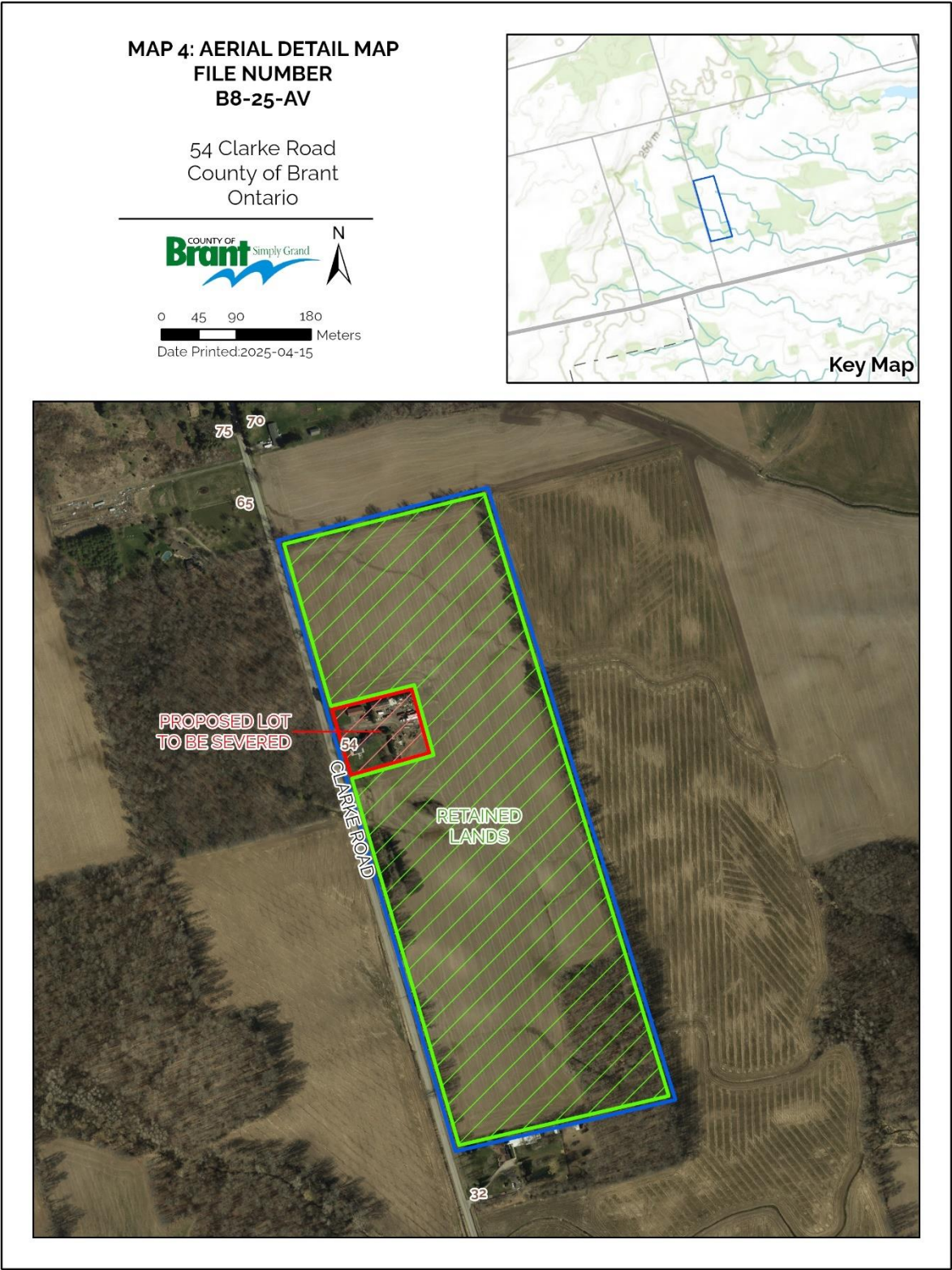
54 Clarke Road
County of Brant
Ontario



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Date Printed: 2025-05-01



Attachment 5 – Severence Sketeches

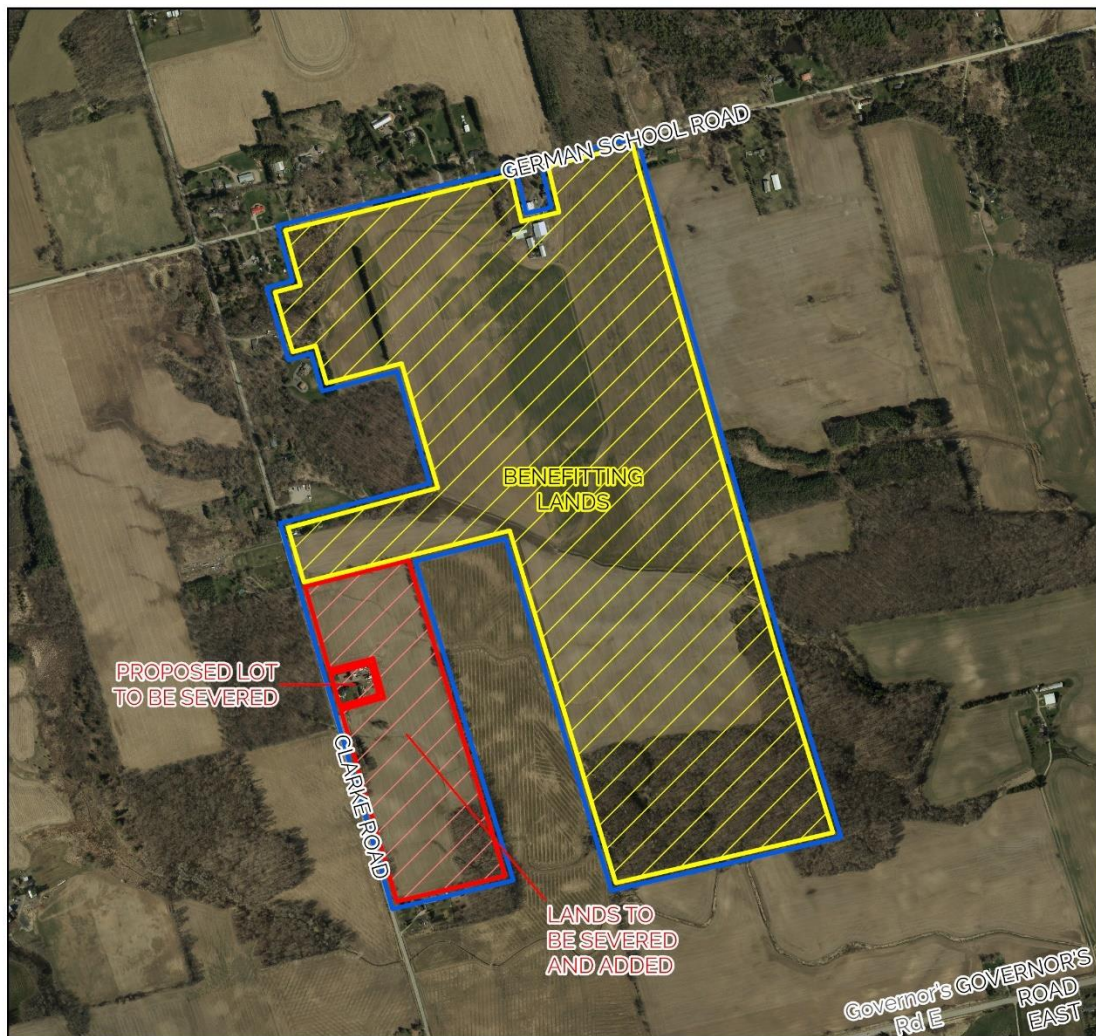
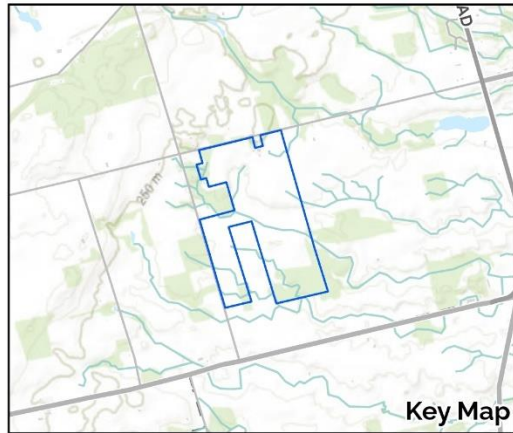


MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B8-25-AV

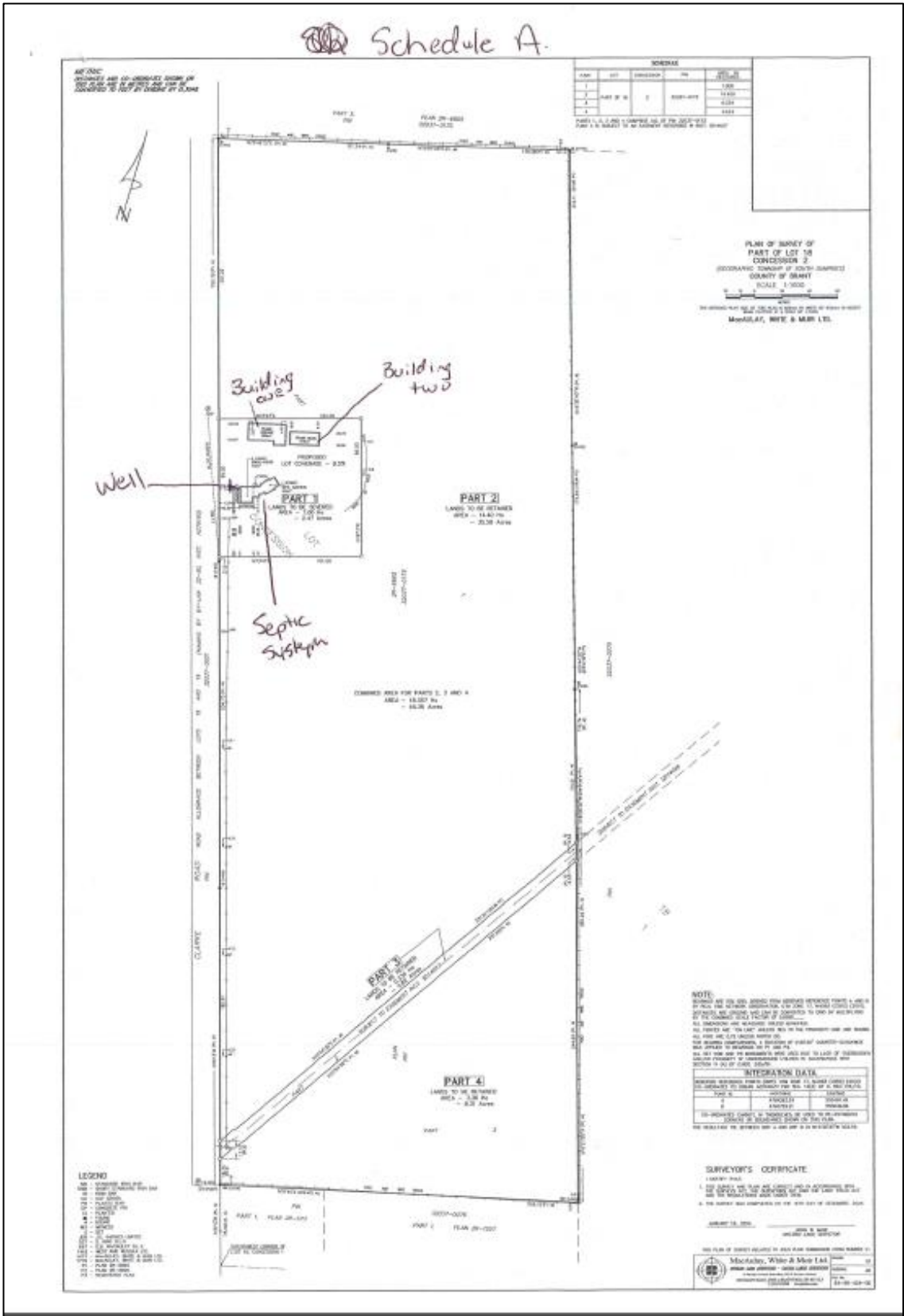
54 Clarke Road
County of Brant
Ontario



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Date Printed: 2025-05-01



Attachment 6 – Site Plan



Attachment 7- Site Photos



