



COMMITTEE OF ADJUSTMENT REPORT

DATE: June 19th, 2025

REPORT NO: RPT - 0230 - 25

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

FROM: Lauren Graham, Planner

APPLICATION TYPE: Consent

APPLICATION NO: B33-23-LG and B34-23-LG

LOCATION: 303 Highway #5, St. George

AGENT / APPLICANT: The Angrish Group c/o R. Angrish

OWNER: John and Linda Oliver

SUBJECT: Request for a Change of Conditions for Consent Application B33-23-LG and B34-23-LG, approved on February 15, 2024, in order to establish the mutual access easement.

RECOMMENDATION

THAT Consent Application **B33-23-LG** from The Angrish Group c/o R. Angrish, Agent on behalf of John Oliver and Linda Oliver, Owners of lands legally described as CONCESSION 3 PART LOT 12 RP 2R647 PART 1, in the geographic Township of South Dumfries, municipally known as 303 Highway #5, County of Brant, proposing the creation of a mutual access easement along the existing driveway to benefit 309 Highway #5, recommending the following change to conditions originally approved on February 15, 2024:

1. Removal of Condition #3 –The easement is required to establish the existing shared access with 309 Highway #5. The creation of the easement is technical in nature and has no impact or relation to the creation of the new lot.

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

- The change to conditions maintains the intent of the original decision granted by the Committee of Adjustment on February 15, 2024.
- The establishment of the access easements are technical, minor in nature and compatible with surrounding land uses.
- The application is 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 and Zoning By-Law.

AND

THAT Application **B34-23-LG** from The Angrish Group c/o R. Angrish, Agent on behalf of Charles Tomblin, Owners of lands legally described as CONCESSION 3 PART LOT 12 RP 2R 2558 PART 2, in the geographic Township of South Dumfries, municipally known as 309

Highway #5, County of Brant, proposing the creation of an mutual access easement along the existing driveway to benefit 303 Highway #5, recommending the following change to conditions originally approved on February 15, 2024:

1. Removal of Condition #3 –The easement is required to establish the existing shared access with 303 Highway #5. As the creation of the easement is technical in nature and has no impact or relation to the creation of the new lot.

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

- The change to conditions maintains the intent of the original decision granted by the Committee of Adjustment on February 15, 2024.
- The establishment of the access easements are technical, minor in nature and compatible with surrounding land uses.
- The application is 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 and Zoning By-Law.

EXECUTIVE SUMMARY

Consent and Minor Variance Applications **B29-23-LG**, **B33-23-LG**, **B34-23-LG** and **A24-23-LG** received conditional approval from the Committee of Adjustment on February 15, 2024. Application **B29-23-LG** proposed the creation of one (1) new residential lot. Consent Applications **B33-23-LG** and **B34-23-LG** proposed the creation of a mutual access easement along the existing driveway to service 305 Highway #5 and 309 Highway #5. Minor Variance Application **A24-23-LG** proposed a reduced lot area and frontage for the severed lands.

The owner is requesting a change to the conditions of approval for Consent Applications B33-23-LG and B34-23-LG to remove Condition #3.

3. That related Consent Application B29-23-LG required to facilitate the creation of one (1) new residential lot be approved by the Committee of Adjustment with no appeals and Certificate of Official issued by the County of Brant Secretary Treasurer.

The change of conditions is required as the property owners have had a change in circumstances and now require completing the conditions related to the easement prior to the completion of Consent **B29-23-LG** for the creation of a new lot. The easement is technical in nature to service the existing dwellings and has no impact or relation to the creation of the new lot.

The requested change of conditions are appropriate to facilitate the creation of the mutual access easements. The change of conditions maintain the intent of the original decision granted by the Committee of Adjustment on February 15, 2024.

Therefore, it is my professional recommendation that the request for a change in conditions for applications **B33-23-LG** and **B24-23-LG**, be **APPROVED**.

LOCATION / EXISTING CONDITIONS

The subject lands are located north of Highway 5 and east of Brant Rd.

The subject lands municipally known as 303 Highway #5, within the geographic Township of South Dumfries, County of Brant, contains one (1) existing dwelling and two (2) detached accessory structures. The existing lot is rectangular in shape with an area of 5,589.5 square metres (1.38 acres) and a frontage of 62.51 meters (205.09 feet).

The existing driveway is currently shared with the abutting residence to the west, therefore the mutual access easement is required to service both 309 Highway #5 and 303 Highway #5.

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

REPORT

Planning Act

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

Section 53 (23) of the *Planning Act* states that:

The council or the Minister, as the case may be, may change the conditions of a provisional consent at any time before a consent is given.

Section 53 (24) of the *Planning Act* provides requirements for notices:

- ***The notice of change of conditions is in keeping with Section 53(24) of the Planning Act.***

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

Provincial Planning Statement – 2024

The *Provincial Planning Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

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

<i>Provincial Planning Statement – 2024</i>	<i>Planning Analysis</i>
Section 1.1.3.1 identifies that Settlement areas shall be the focus of growth and development. <i>Settlement Areas</i> can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).	<i>The subject lands are designated as Suburban Residential and located within the Primary Urban Settlement Boundary of St. George.</i>
Section 1.1.3.4 of the <i>Provincial Planning Statement</i> 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.	<i>The Suburban Residential Designation supports residential growth in the form of infill development. The easements are technical in nature to service the existing dwellings and will not result in the creation of a new lot.</i>

Section 1.6.6.4 advises 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 on-site 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. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.	<i>The subject lands are located within the Primary Urban Settlement Boundary of St. George and are on private services. The mutual access easements will be used to service the existing dwellings at 305 Highway #5 and 309 Highway #5.</i>
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It is my professional opinion that the request is consistent with the policies of the Provincial Planning Statement.

Source Water Protection

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the province and others, are responsible for implementing source protection plan policies.

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.

Brant County Official Plan (2023)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

The subject lands are designated as Community Node within the County of Brant Official Plan (2023) and located within the Urban Settlement Area of St. George.

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

<i>Official Plan (2023)</i>	<i>Planning Analysis</i>
Section 1.1 of the Official Plan advises the County's Primary Settlement Areas consist of the settlement areas of Paris, St. George, and Burford, and are intended to accommodate the majority of current and future residential and employment growth to 2051.	<i>The subject lands are designated as Community Node within the Official Plan and located within the Primary Settlement Area of St. George.</i>
Part 6, Section 5.2.1 of the Official Plan advises a new lot(s) shall not be deemed to have been created where consent to sever is proposed for legal or technical reasons such as easements, rights-of-way, correction of deeds, and quit claims	<i>The establishment of the mutual access easements are technical and will not result in the creation of a new lot.</i>

that do not result in the creation of a separate lot(s)	
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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 Suburban Residential (SR) within the County of Brant 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 Suburban Residential (SR).

Permitted uses include but are not limited to the following:

- Dwelling, Single-Detached

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

INTERDEPARTMENTAL CONSIDERATIONS

Due to the nature of the change of conditions, additional technical circulation was not required.

PUBLIC CONSIDERATIONS

In keeping with Section 53(24) of the Planning Act, notice of the change of conditions application has been provided to the following:

- The Applicant / Owner

No written requests were submitted as part of the February 15, 2024 Committee of Adjustment meeting circulation therefore no public notices were circulated for this application. *At the time of writing this report, no public comments have been received.*

CONCLUSIONS AND RECOMMENDATIONS

The requested change of conditions are appropriate to facilitate the creation of mutual access easements. The change of conditions maintains the intent of the original decision granted by the Committee of Adjustment on February 15, 2024.

The owner is requesting a change to the conditions of approval for Consent Applications B33-23-LG and B34-23-LG to remove Condition #3.

3. That related Consent Application B29-23-LG required to facilitate the creation of one (1) new residential lot be approved by the Committee of Adjustment with no appeals and Certificate of Official issued by the County of Brant Secretary Treasurer.

The change of conditions is required as the property owners have had a change in circumstances and now require to complete the conditions related to the easement prior to the completion of the Consent related to the severed lot. The easement is technical in nature to service the existing dwellings and has no impact on the creation of the new lot.

Therefore, it is my professional recommendation that the request for a change in conditions for applications **B33-23-LG and B24-23-LG**, be **APPROVED**.

Lauren Graham

Lauren Graham

Planner

Reviewed by: Jeremy Vink, Director of 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 # B33-23-LG & B34-23-LG

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

- | | |
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| 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) |

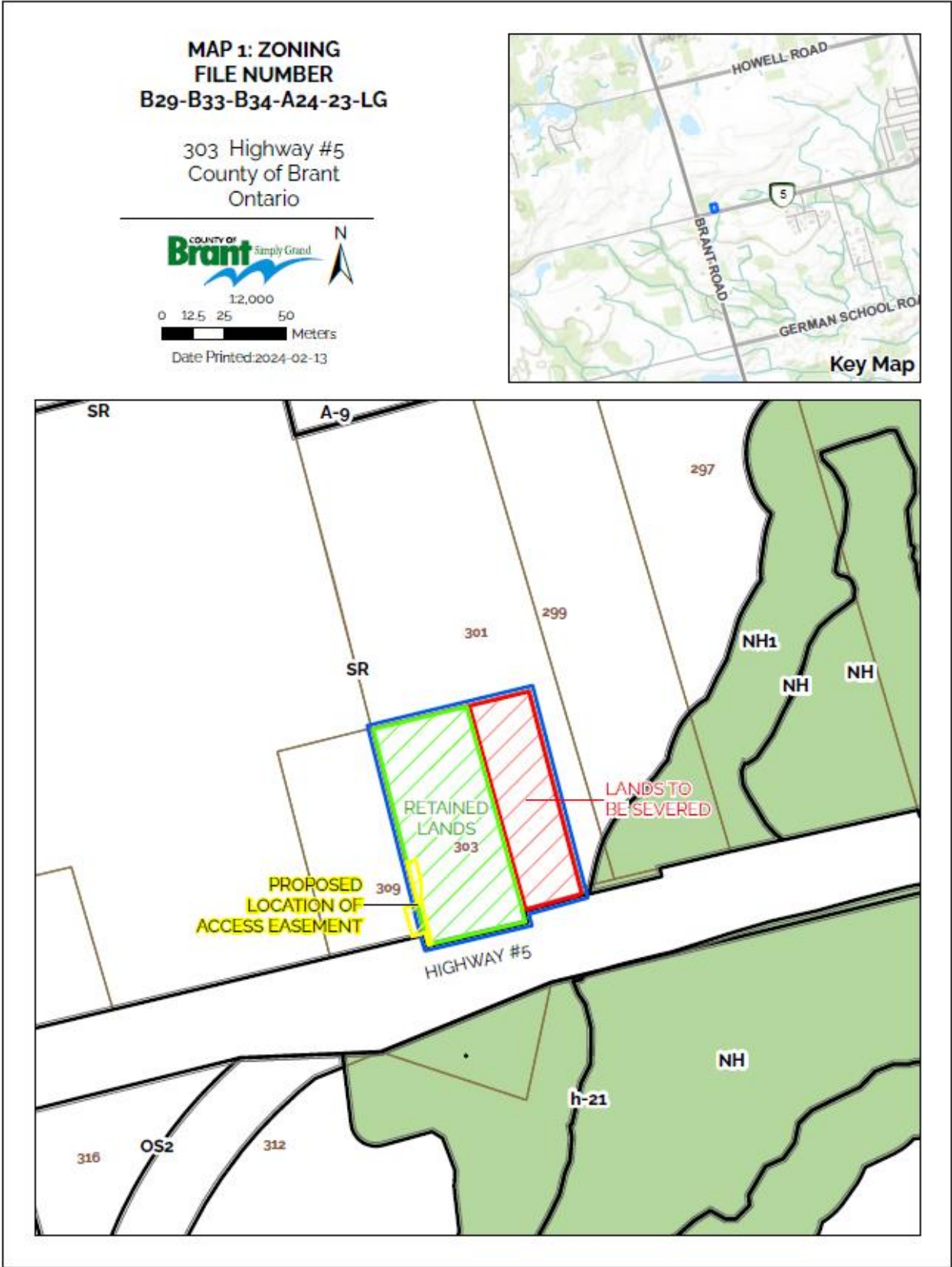
LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up to date on the subject property to the County of Brant.
2. That the Applicant provides a copy of the draft reference plan for the access easement prepared by a licensed surveyor, to be reviewed by the County of Brant, prior to the plan being deposited and finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office).
- ~~3. That related Consent Application B29-23-LG required to facilitate the creation of one (1) new residential lot be approved by the Committee of Adjustment with no appeals and Certificate of Official issued by the County of Brant Secretary Treasurer.~~
4. That the \$314.16 Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official.
5. That the Applicants provide draft transfer documents with legal descriptions of the access easement lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office).
6. 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.
7. 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.
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.

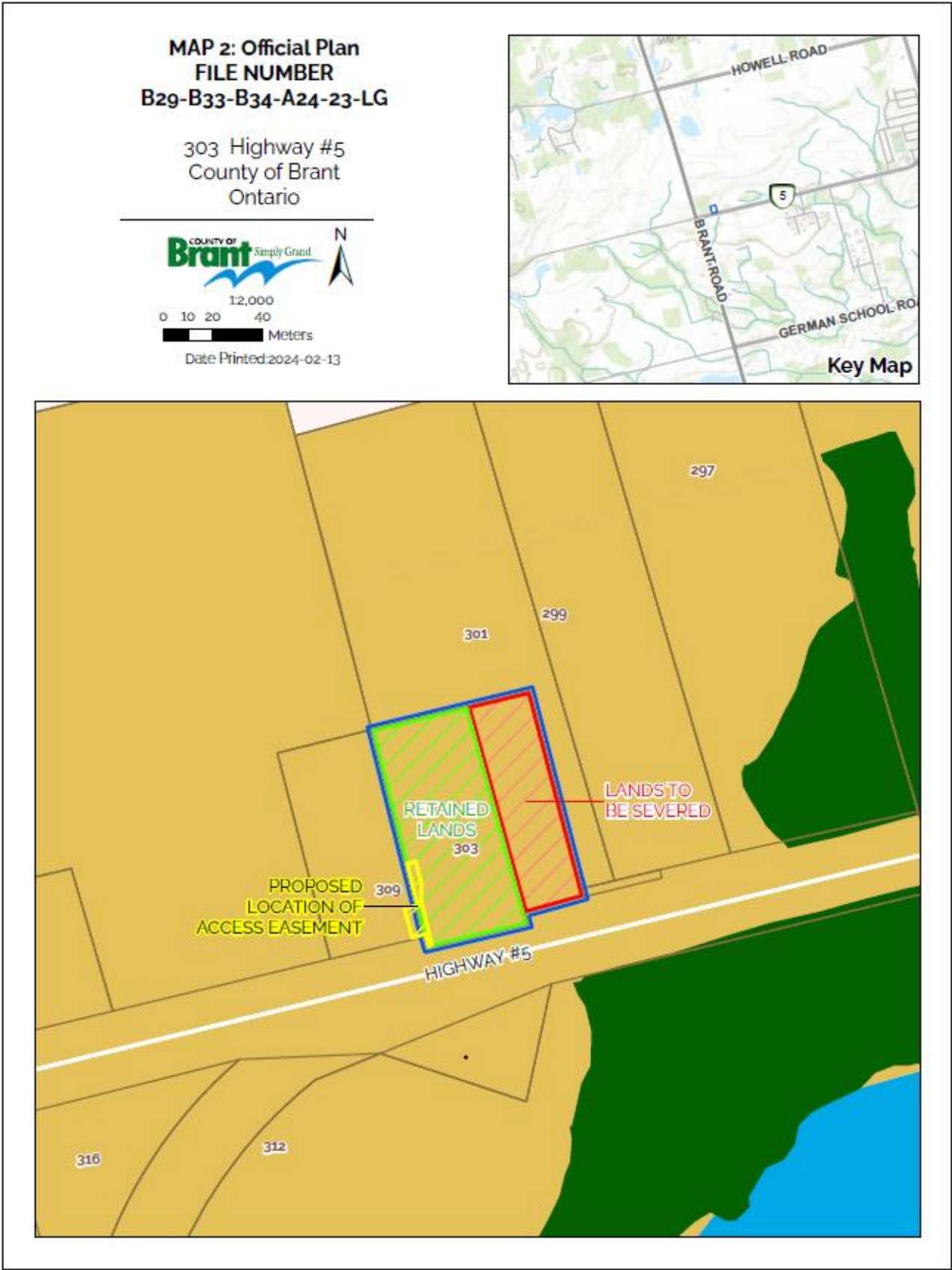
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Attachment 1 – Zoning Map



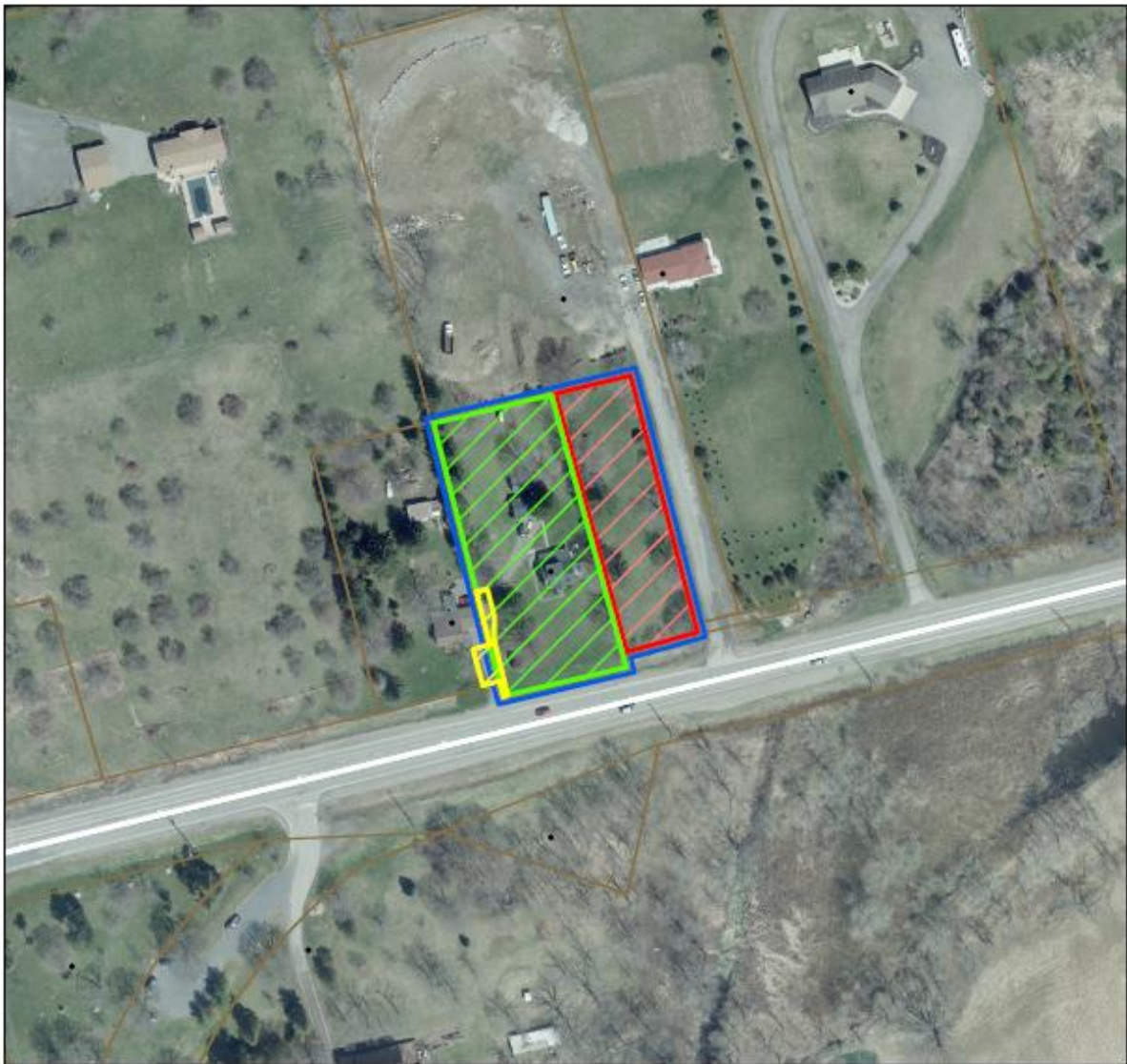
Attachment 2 – Official Plan Map



Attachment 3 – Aerial Map

MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
B29-B33-B34-A24-23-LG

303 Highway #5
County of Brant
Ontario



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