



County of Brant Council Report

To: The Mayor and Members of County of Brant Council
From: Logan Keen, Planner
Date: July 8, 2025
Report #: RPT - 0256 - 25
Subject: ZBA8-25-LK (428-452 West River Road, Temporary Zoning By-Law)
Purpose: For Approval

Recommendation

THAT application ZBA8-25-LK from Ava Barnett, of King and Benton on behalf of Steve Charest, Whispering Grand Farms Inc, owner of Concession 5, Parts of Sub Lot 2 and Sub Lot 3, West of the Grand River, in the geographic township of South Dumfries, located at 428 and 452 West River Road, proposing the extension of a Temporary Use Zoning By-Law on a portion of the lands from Agricultural (A) to Special Exception Temporary Zone (T-100) to permit two (2) dwelling units for a period of two (2) years, **BE APPROVED**

AND THAT the reasons for approval are as follows:

- The proposed temporary use extension is in conformity with the policies of the County of Brant Official Plan (2023) and meets the general intent of the County of Brant Zoning By-Law 61-16, as amended, for the purpose of cultural heritage protection.
- The proposed temporary use extension consistent with Section 34 and 39 of the Planning Act and Provincial Planning Statement (2024).

Executive Summary

The owner of the subject lands located at 428-452 West River Road has constructed a second single detached dwelling on the property. Through the previously approved Temporary Zoning By-Law application, ZBA32-22-BK, permitted two (2) dwellings on the property with the intent on finding a solution to conserve the historic home.

The original dwelling is an old farmhouse dating back to the late 1800s and was considered worthy of evaluation for the possibility to conserve this Euro-Canadian built cultural heritage resource. The approval of extension of the temporary rezoning for a period of two (2) years is recommended to provide additional time for the evaluation of the farmhouse while allowing occupancy of the constructed dwelling and find a permanent solution to conserve the historic home. Approval of this extension will also provide staff with an opportunity to improve the policy framework related to balancing the objectives and policies of the Official Plan as they relate to agricultural protection, heritage conservation, and providing adequate housing in the County of Brant.

Strategic Plan Priority

Impacts and Mitigation

Social Impacts

Built cultural heritage assets, whether privately or publicly owned, make contributions to the County of Brant's livability and overall identity. The upkeep and conservation of these assets provided a position social impact to the small-town character, charm, and history of the County of Brant.

Environmental Impacts

The deterioration and demolition of old structures can cause negative environmental impact that can be avoided with necessary upkeep. Avoiding the demolition of a structure diverts waste from local landfills, conserving energy and resources.

Economic Impacts

Studies have shown that heritage conservation projects increase property values, which includes the assessment value of property. A higher assessment value is beneficial to the County of Brant as it provides additional tax revenue.

Report

Background

The owner of the subject lands located at 428-452 West River Road has constructed a new single detached dwelling on the property, receiving a building permit for the dwelling in September 2020. The property owner indicated that the old farmhouse no longer suited their families' housing needs. The Agricultural (A) zone applicable to the property permits only one dwelling on the property, while the temporary zoning (T-100) that is in place on the property permits the second dwelling unit only until September 27, 2025.

The original dwelling on the property is an old farmhouse dwelling constructed in the 1860s, built with squared fieldstone blocks in a Georgian style. The former residence of Scottish settler, John Rose (1800-1879), construction of the dwelling and farm structures points to the financial success of the Rose family farm along the Grand River. The home is on the County's heritage inventory but is not afforded protection under the Ontario Heritage Act at this time. A preliminary cultural heritage has been completed and outlines several criteria related to design, history, and contextual value indicating heritage significance of the property. As part of this preliminary evaluation, a site visit was completed by the Heritage Committee (2022), who have indicated their support for working with the property owner to protect the farmhouse. With this preliminary analysis having been completed, it is evident that the removal of the farmhouse dwelling is not the preferred outcome for the property and that its conservation will be recommended.

Analysis

The Planning Act, R.S.O. 1990, c.P.13

Section 39 of The Planning Act provides policy direction on the use of a zoning bylaw passed under Section 34 of the Act for the purposed of authorizing the temporary use of land, buildings, or structure for any specific purpose. The temporary use can be permitted for a maximum period of 3 years, with extensions possible after that time.

It is my professional opinion that this application for an extension of a temporary zoning By-Law amendment to permit two (2) dwellings on this property is an effective means to protect the heritage home while considering opportunities for permanent conservation.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) is a policy statement issued under the Planning Act that provides high-level policy direction on matters of provincial interest regarding land use planning and development. It sets the policy foundation for regulating land use and development of land in the Province of Ontario. All decisions affecting planning matters shall be consistent with policy statements issued under the Planning Act.

Section 4.3 of the PPS provides direction to uses permitted to all lands within the prime agricultural areas. With respect to residential uses, permitted uses include a principal dwelling associated with an agricultural operation, and up to two additional residential units (ARU's) on a property, subject to criteria that includes complying with MDS, not hindering surrounding farming, and limitations with respect to scale and location. The policy does not generally support severances for new none farm lots.

This application proposes extending the temporary zoning to retain a second dwelling on the property. Staff are in the process of working with the applicant on a full application submission which requires us to determine if maintaining the two homes will be consistent with the PPS and OP. More detailed information is needed to determine this consistency, and this work is expected to be completed by early next year, but not before the expiration date of the current temporary zoning in September 2025.

Section 2.2 of the PPS directs municipalities to provide an appropriate range and mix of housing options. Section 4.6 outlines policies for municipalities to conserve built heritage resources and cultural heritage landscapes. *Conserved* is defined in the PPS as the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches should be included in these plans and assessments.

This application proposes to extend the temporary zoning to support considering methods to conserve of the original farmhouse. By doing so, this contributes to a more diverse range of housing options in the County's rural areas while also supporting cultural heritage conservation. As the structure has also been identified for its heritage value, the extension of temporary zoning will provide the opportunity for its ongoing protection. The County will continue to work with the Applicant to determine an appropriate 'alternative development approach' to the conserve the farmhouse structure. After a review of the applicable policies, it is my opinion that the application is consistent with the policies of the Provincial Planning Statement.

Cultural Heritage Conservation (The Ontario Heritage Act, 1990)

The Ontario Heritage Act (OHA) empowers municipalities and the provincial government to designate specific properties and districts as having cultural heritage value or interest. This designation provides protection by requiring Council approval for any alterations to heritage features or the demolition of structures.

After a review of the applicable policies, it is my professional opinion that this application is in keeping with the overall intent of the Ontario Heritage Act for the protection and conservation of cultural heritage resources. This application provides an extension of time (up to 2 years) for the policies and tools of the OHA to be discussed with the property owner to consider the best approach to the conservation of the farmhouse (e.g. designation under Part IV, Heritage Easement Agreement etc.).

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 Municipal Policies, including but not limited to the County of Brant Official Plan.

The subject lands are designated as Agriculture and Natural Heritage System within the County of Brant Official Plan. Section 4.8 of the Official Plan outlines the policies for Temporary Use Provision and Minor By-Laws. It is my professional opinion that this application for an extension of a temporary zoning By-Law amendment to permit two (2) dwellings on this property is in keeping with the policies in Section 4.8 of the Official Plan.

Zoning By-Law 61-16

The County of Brant Zoning By-Law 61-16, as amended, is a legal document that implements the policies and objectives of the Official Plan by regulating the use of lands and applying performance standards that are required to be met on the property.

With the Agriculture (A) zoning of the property permitting only one principal dwelling, and neither the new dwelling nor the old farmhouse qualifying as an Additional Residential Unit under the definitions and standards of the Zoning By-law at this time, this application is necessary and appropriate to extend the permitted use of the two (2) dwelling units for a temporary period of two years while a permanent solution is found. All other Agricultural zone requirements are being met. It is my professional opinion that this application maintains the general intent of the County of Brant Zoning By-law.

Interdepartmental and Agency Considerations

The following comments were received from the County of Brant department(s) and commenting agencies.

Policy/ Heritage Planning

- *The Brant Heritage Committee previously supported the temporary zoning amendment to conserve the century home. They have been made aware of the proposed temporary extension, which was presented at their July 3rd meeting. Additional comments from the Committee will be provided when a permanent rezoning is undertaken.*

Public Considerations

Notice of the public meeting for this application including, Contact information and Public Hearing Date was circulated by mail on June 18, 2025 to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on June 17, 2025.

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

Summary and Recommendations

The application proposes the extension of a Temporary Use Zoning By-Law on a portion of the lands from Agricultural (A) to Special Exception Temporary Zone (T-100) to permit two (2) dwelling units for a period of two (2) additional years with the intent on bridging a gap to the submission of a full development application for permanent conservation.

Staff continue to work with the property owner to prepare a full development application that proposes the permanent protection of the farmhouse, including consideration of tools under the Ontario Heritage Act. There are also pending updates to the County's Official Plan with respect to several of its policies, including agricultural protection, Additional Residential Units, and heritage conservation. The extension of the Temporary Use Zoning By-law will provide the necessary time to understand and complete these policy adjustments, finalize this application and determine the most appropriate long-term conservation approach

Based on the analysis of applicable policies and standards, I can confirm that the legislative requirements for this application have been met. It is my professional opinion that this rezoning is consistent with the Provincial Policy Statement, conforms with the County of Brant Official Plan, and meets the applicable standards and intent of the County of Brant Zoning By-Law. Therefore, I recommend application **ZBA8-25-LK** be **Approved**.

Prepared by:

A handwritten signature in black ink, appearing to read 'L Keen', written in a cursive style.

Logan Keen
Planner

Attachments

Attachment 1 – Zoning Map
Attachment 2 – Official Plan Map
Attachment 3 – Aerial Map
Attachment 4 – Draft By-Law and Schedule A
Attachment 5 – Site Photos

Reviewed By

Dan Namisniak, Manager of Development Planning
Jeremy Vink, Director of Planning
Alysha Dyjack, General Manager of Development Services

Copied To

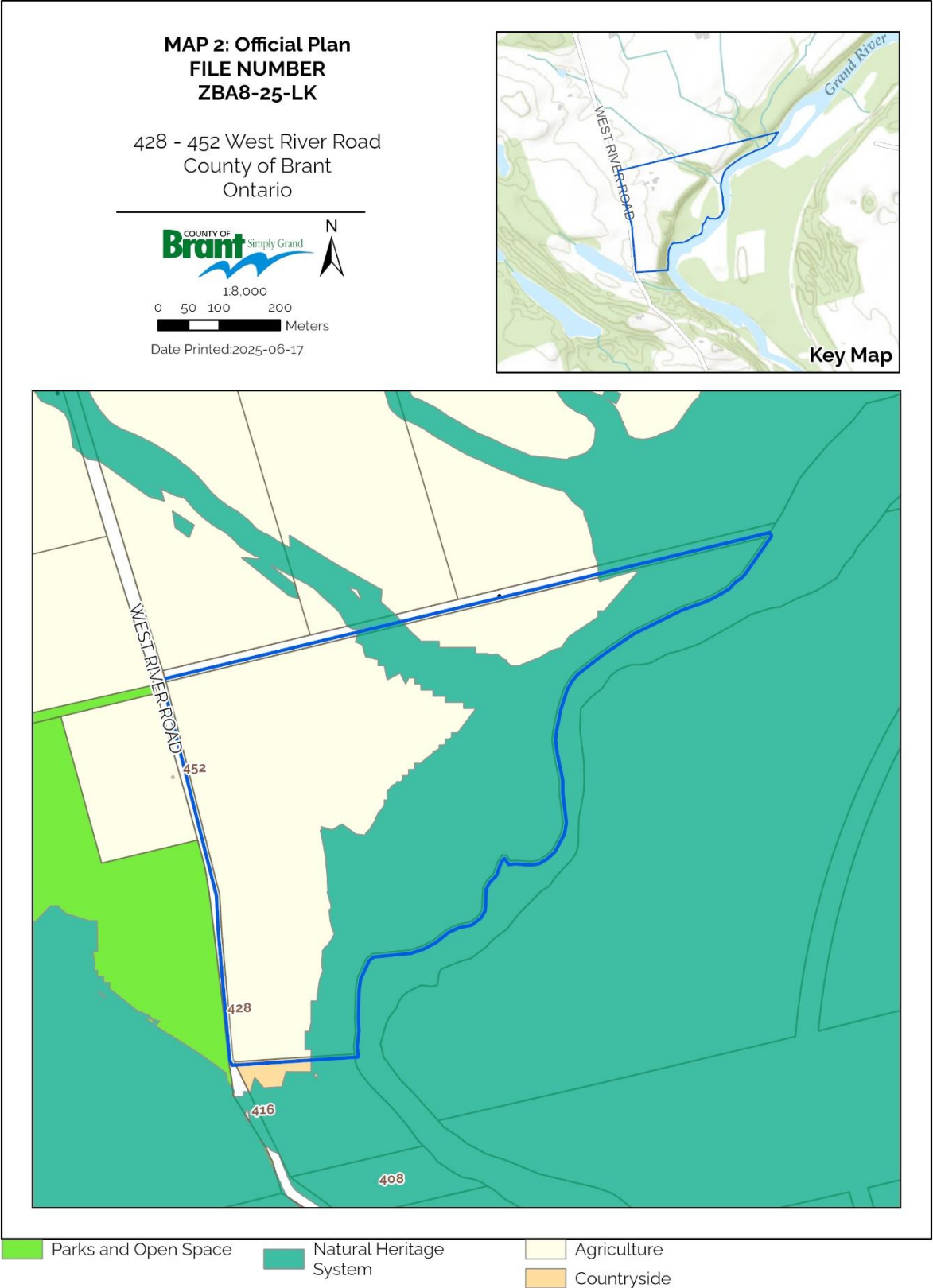
1. Alysha Dyjack, General Manager of Development Services
2. Jeremy Vink, Director of Planning
3. Applicant/Agent/Owner

File # ZBA8-25-LK

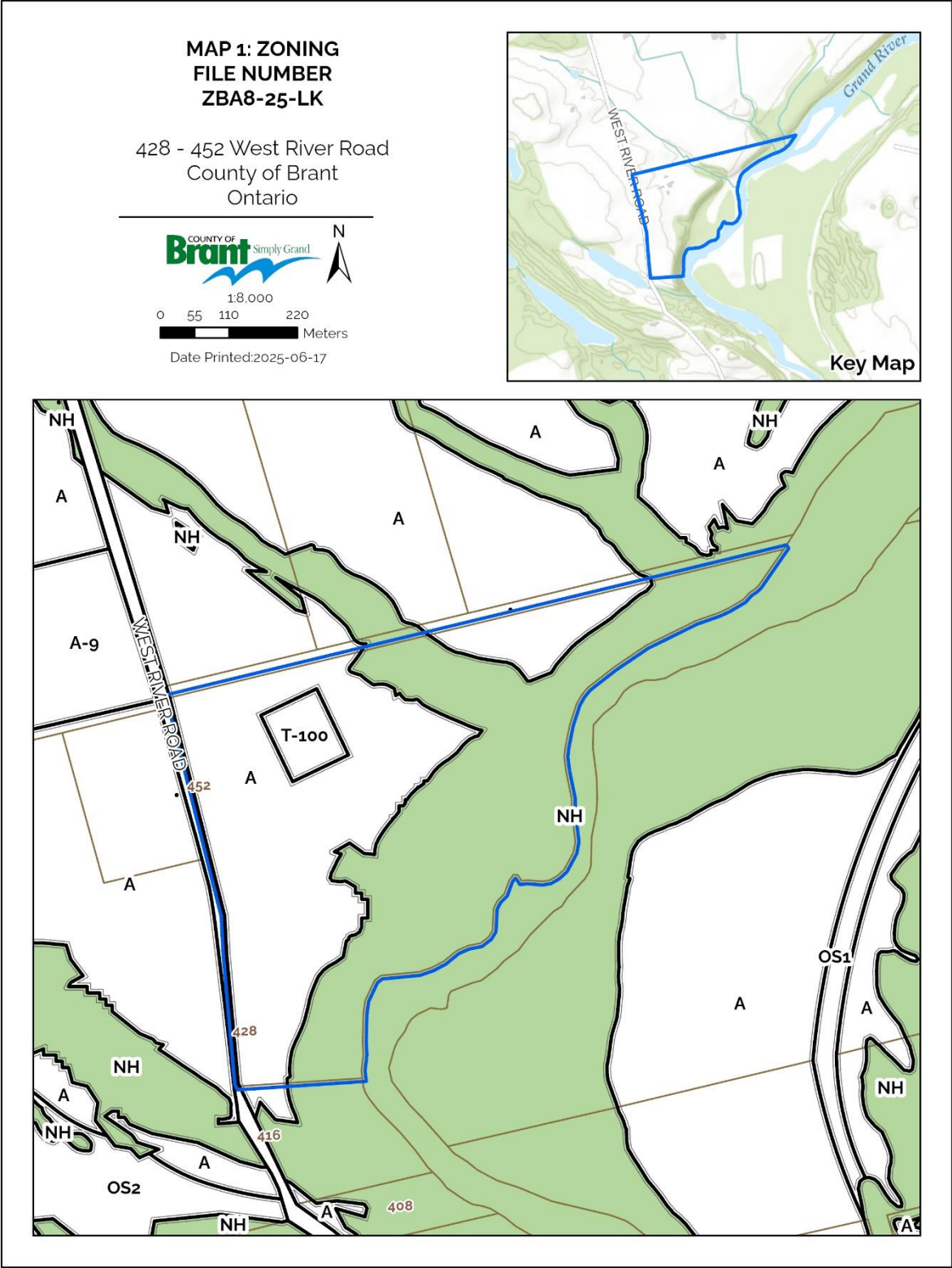
By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

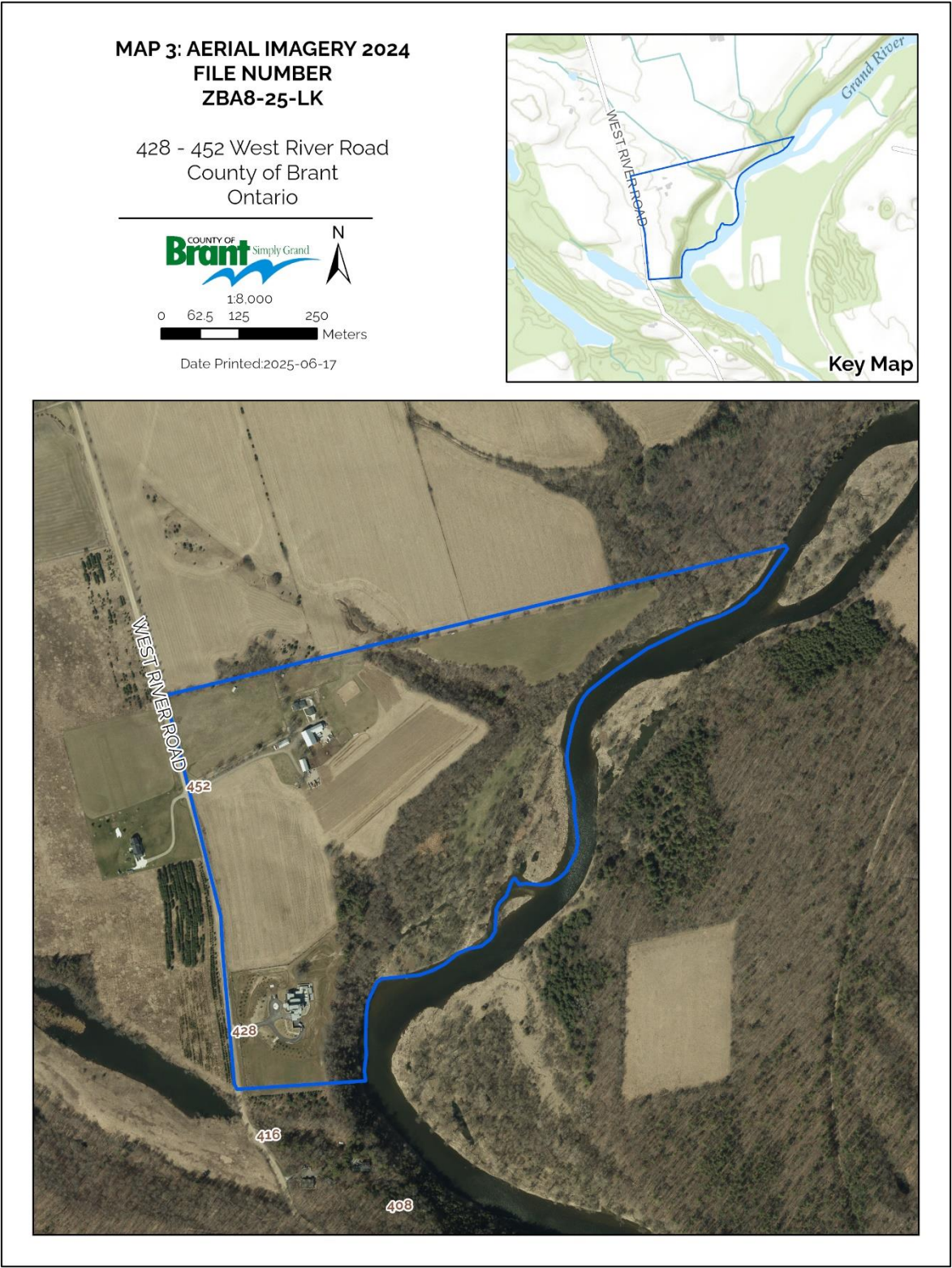
Attachment 1 – Zoning Map



Attachment 2 – Official Plan Map



Attachment 3 – Aerial Map



Attachment 4 – Draft By-Law and Schedule A

BY-LAW NUMBER XX-25

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To amend By-Law Number 61-16, The Zoning By-Law for the County of Brant, as amended
(Charest, 428-452 West River Road)

WHEREAS application number ZBA4-25-LK for a temporary zoning By-Law amendment was received from Ava Barnett, Agent, and Steve Charest, owner of the subject lands, being lands described as Concession 5, West of the Grand River, Parts of Sub Lot 2 and Sub Lot 3, Former Township of South Dumfries, located at 428-452 West River Road in the County of Brant.

AND WHEREAS the *Planning Act* empowers a municipality to pass Zoning By-Laws prohibiting the use of land and the erection, location and use of buildings or structures, except as set out in the By-Law;

AND WHEREAS this application is in conformity with the Official Plan for the County of Brant (2023);

AND WHEREAS County of Brant Council recommended approval of an amendment to the Zoning By-Law at its meeting on July 8th, 2025.

AND WHEREAS the Council of the Corporation of the County of Brant deems it to be desirable for the future development and use of the lands described above;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **THAT** Section 15.2.1 Temporary Zone Provisions Table is hereby amended by adding the following provisions for Special Exemption Temporary Zone (T-100):

By-Law Number	Zone Code	Property Address	Description	Date Temporary Use Expires
XX-25 (<i>This By-Law</i>)	T-100	428-452 West River Road, County of Bant	To permit the existing single detached farmhouse structure for a total of two (2) dwelling units on the property.	Two (2) years after the date of passing. July 8, 2027.

2. **THAT** except as may have been amended by preceding regulations, the lands illustrated on Schedule 'A' attached to and forming part of this By-Law shall be subject to all other applicable regulations as set down in By-law 61-16, as may be further amended.
3. **THAT** this By-Law shall come into force on the final passing thereof by the Council of the Corporation of Brant subject to compliance with the provisions of *The Planning Act, R.S.O., 1990, c. P. 13* as amended from time-to-time.
4. **THAT** unless otherwise extended or repealed, the provisions of this By-Law shall expire two (2) years after the date of the passing of the By-law, in accordance with subsection 39(2) of *The Planning Act, R.S.O., 1990, c. P. 13*, as amended from time-to-time.

READ a first and second time, this 8th day of July 2025.

READ a third time and finally passed in Council, this 8th day of July 2025.

THE CORPORATION OF THE COUNTY OF BRANT

DRAFT

David Bailey, Mayor

DRAFT

Sunayana Katikapalli, Clerk



SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. _____



Date Printed: 2025-06-17

Attachment 5 – Site Photos



