



Committee of Adjustment Report

Date: July 17, 2025

Report No: RPT - 0259 - 25

To: The Chair and Members of the Committee of Adjustment
From: Logan Keen, Planner
Application Type: Consent
Application No: B3-25-LK
Location: 49 River Road
Agent / Applicant: Bob Phillips, JH Cohoon Engineering
Owner: Renzo and Lenuta Tonietto
Subject: Request for Decision

Recommendation

THAT Consent Application B3-25-LK from Bob Phillips, JH Cohoon Engineering, on behalf of Renzo and Lenuta Tonietto, Owner(s) of lands legally knowns as TRACT BURTCH PART LOT 86 REFERENCE PLAN 2R-3708 PART 1, County of Brant, in the former Township of Brantford, municipally known as 49 River Road, County of Brant, proposing the severance to facilitate the future construction of one (1) new residential dwelling in accordance with development standards of the Rural Residential (RR) with special exception 63 and 64 (RR-63) and (RR-64) zone. **BE APPROVED, subject to the attached conditions.**

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

- The lot creation is compatible and consistent with the context of the existing development.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law
- The application is consistent with the policies Provincial Planning Statement.

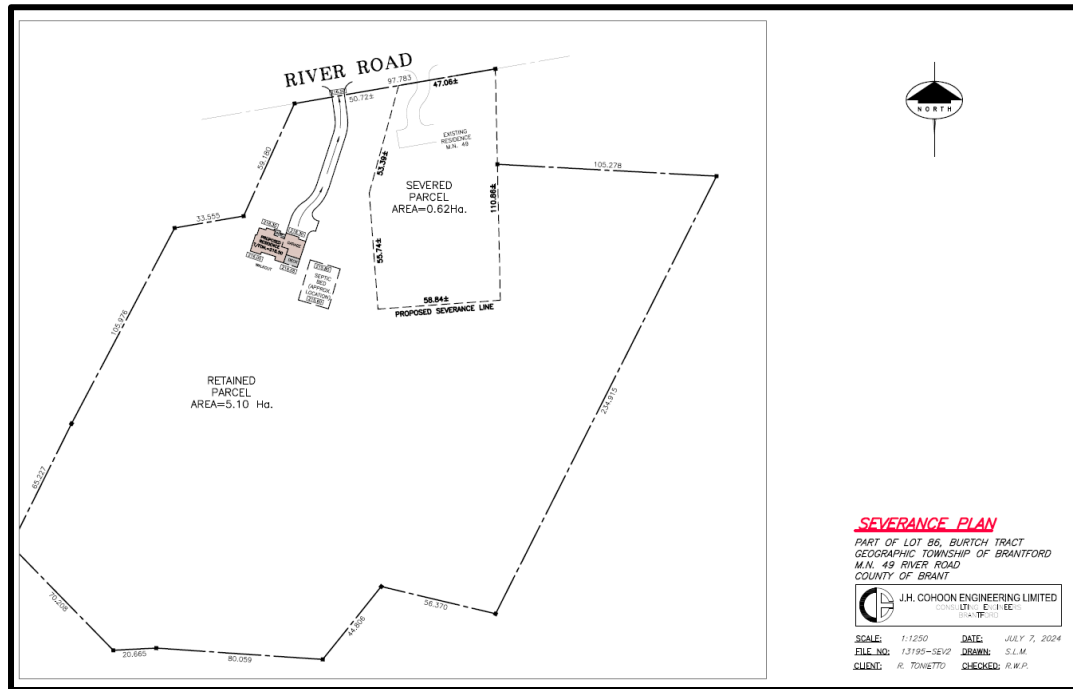
Executive Summary

Consent Application B3-25-LK is proposing to sever the existing dwelling located at 49 River Road resulting in the creation of one (1) new lot. The severance is to facilitate the future construction of one (1) new residential dwelling in accordance with development standards of the Rural Residential (RR) with special exception 63 and 64 (RR-63) and (RR-64) zone.

The lands were subject to an approved rezoning application, ZBA20-24-DN, which rezoned the subject lands from Agricultural (A) to Rural Residential Special Exception (RR-63) and Rural Residential Special Exception (RR-64).

Detailed review of the proposed new lot development will be completed as part of the building permit review process (access, grading, drainage, zoning, servicing, etc.)

Figure 1: Proposed Severance Sketch



The planning analysis focuses on review of applicable policy (i.e. Planning Act, Provincial Planning Statement (2024), County of Brant Official Plan (2012), and Zoning By-Law 61-16, consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and therefore recommend that application **B3-25-LK** be **Approved**, subject to the attached conditions.

Location / Existing Conditions

The subject lands are located on the south side of River Road, east of Cockshutt Road, and west of Newport Road. The subject lands currently have one (1) single detached residential dwelling and one (1) accessory structure. The property is serviced through well and septic.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Report

Analysis

Planning Act

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

- The Application has regards for:
 - o Section 2(p) the appropriate location of growth and development.

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

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 PPS (2024):

<i>Provincial Planning Statement (2024)</i>	<i>Planning Analysis</i>
Section 2.1.4 and Section 2.2 speaks to providing an appropriate range and mix of housing and densities.	<i>The proposed severance will increase the usability of the lot and support the future construction of residential dwelling types.</i>
Section 2.6.1 c) Rural Lands in Municipalities outlines the permitted uses which includes residential development, including lot creation where site conditions are suitable for the provision of appropriate sewage and water services;	<i>The proposed severance will support the future construction of one (1) new residential dwelling and facilitate appropriate sewage and water services.</i>
Section 2.6.3 of the Provincial Planning Statement states that development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.	<i>The proposal to sever for the creation of one (1) new residential lot does not include the expansion of any services and will be privately serviced.</i>
Section 2.6.5 of the Provincial Planning Statement speaks to new land uses, including the creation of lots, shall comply with the minimum distance separations formulae.	<i>The proposal to rezone the lands with the intent of sever for the creation of one (1) new residential lot is in compliance with the Minimum Distance Separation requirements.</i>

It is my professional opinion that the request is consistent with the policies of the Provincial Planning Statement (2024).

County of Brant Official Plan (2012)

Due to the transition policies of the County of Brant Official Plan (2023) and this application being subsequent to the previously approved rezoning application ZBA20-24-DN, this consent application is being reviewed under the County of Brant Official Plan (2012).

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.

<i>County of Brant Official Plan (2012)</i>	<i>Planning Analysis</i>
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<p>Section 2.2.3.3 a) states that the designation of a rural residential designation can accommodate a limited amount of growth and development and development, subject to criteria including:</p> <ul style="list-style-type: none"> i. the proposed development is subject to the policies of Section 3.7 of this Plan; ii. the proposed development represents infill development or minor rounding out; iii. the proposed development has access to potable water, and such supply does not adversely affect adjoining properties; iv. a servicing feasibility study has been completed in accordance with the Ministry of the Environment guidelines which demonstrates that the proposal's impact on ground and surface water shall be within acceptable limits; v. the proposed servicing shall be appropriate for the proposed densities and land uses; vi. the pattern of new development shall be logical in the context of existing development; vii. the proposed development complies with the Minimum Distance Separation Formulae; viii. the proposed development is compatible with existing development; and ix. each lot proposed shall include a comprehensive drainage and lot grading plan demonstrating no adverse impacts on surrounding properties and a satisfactory outlet for stormwater. 	<p><i>The development is in accordance with the policies of Section 3.7 of the Official Plan, as discussed below. The proposed severance represents infill development. The proposed severance is compatible with the existing surrounding land uses given the previously approved rezoning application which permitted single detached dwellings as a permitted use in accordance with the surrounding low density residential land uses.</i></p>
<p>Section 3.7.1 outlines the intent of the Rural Residential designation to recognize existing concentrations of large lot residential</p>	<p><i>The proposed severance looks to continue the existing use and the future construction of one (1) new residential</i></p>

development in order to prevent scattered land consumption, inefficient use of existing infrastructure and non-farm development in the Agriculture designation.	<i>dwelling in conformity with the Rural Residential designation.</i>
Section 3.7.3 (b) states that development shall occur on private systems in accordance with private servicing requirements in Section 5.2 of this Plan.	<i>The subject lands will be and currently are privately serviced.</i>

It is my professional opinion that the proposal is consistent with the applicable policies outlined in the County of Brant Official Plan (2012).

Zoning By-Law 61-16

Section 9, Table 9.2.1 of the County of Brant Zoning By-Law 61-16 advises the required development standards for lands zoned as Rural Residential (RR). The following analysis applies to the lands subject to the rezoning. It has been noted that all lands will conform to the required provisions. This will be reviewed again at the building permit stage to ensure conformity.

Rural Residential	Required	RR-63 (Severed Lands)	RR-64 (Retained Lands)
Lot Area, Min	4000 sq.m	6,200 sq.m (0.62 ha)	51,000 sq.m (5.1 ha)
Lot Frontage, Min	40.0 m	Subject to RR zone requirements	
Street Setback, Min	20.0 m		
Interior Side Yard Setback, Min	5.0 m		
Rear Yard Setback, Min	15.0 m		
Lot Coverage, Max	30%		
Landscaped Open Space, Min	30%		
Building Height, Max	10.5 m		

It is noted in the submitted planning justification report that all proposed consent applications will result in lots that conform to the applicable by-law provision. It is my professional opinion that the proposal is consistent with the applicable policies outlined in the County of Brant Zoning By-Law 61-16.

Interdepartmental Considerations

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

Department/Agency	Comments
Environmental Planning	The subject lands contain a watercourse, woodlands, valleylands, and a wetland at the rear of the property which are zoned Natural Heritage. The applicant is advised that should any building permit be proposed within 120 m of a wetland or watercourse, that staff will review the proposal as per O. Reg. 254/23 Prescribed Areas – Section 41 of the Act and as per the County's Site Plan Control By-Law.
GIS Analyst	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 .
Parks Capital Planning & Forestry	Cash-in-lieu of Parkland Dedication: Cash-in-lieu of parkland for the amount of \$6016 (2025 value) is required for the creation of one new residential lot. As per Section 3.1 and Section 3.2 of the County of Brant Parkland Dedication By-law - The County requires the payment of money as cash-in-lieu payment for an amount calculated as follows: c) Six thousand and sixteen dollars (\$6016, 2025 value) or as amended as per the County of Brant Fees By-Law, per lot created through consent, including but not limited to farm splits and surplus farm dwelling severances. The payment required shall be paid to the County: c) Prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and therefore the consent for severance has been granted and is in effect.
Canada Post	Please be advised that Canada Post does not have any comments on this application for severance and creation of 1 lot. The customer should contact our Customer Service line at 1-800-267-1177 to register for mail delivery before they install their rural mailbox for delivery. Should this application change or you have any questions or concerns, please feel free to contact me.
GrandBridge Energy	GrandBridge Energy Inc. has no objection to the proposed severance.

	<p>The new proposed residential building will require a service layout. The design drawing must include the location of all electrical equipment. Show existing and proposed grades at all electrical equipment including the meter base.</p> <p>The Owner is fully responsible for all costs associated with the relocation, upgrade or relocation of any existing electrical equipment.</p>
Six Nations of the Grand River (SNGR)	No further comments from SNGR archaeology at this time.

Public Considerations

Notice of the July 17, 2025 public meeting for this application was provided by regular mail on July 2, 2025 to all property owners within 125 metres of the subject lands for the purposes of providing public input on the development of the lands. A site visit along with the posting of the Public Notice sign was completed on July 1, 2025

At the time of preparing this report, no public comments have been received.

Conclusions and Recommendations

Consent Application B3-25-LK is proposing a severance on the subject lands located at 49 River Road to facilitate the future construction of one (1) new residential dwelling in accordance with development standards of the Rural Residential with special exception 63 (RR-63) and Rural Residential with special exception 64 (RR-64) zones.

The planning analysis has had regard for *Section 51(24) of the Planning Act* and focuses on literature reviews of applicable policy (i.e. *PPS, County of Brant Official Plan (2012), and Zoning By-Law*), consultation with departments, an inspection of the surrounding area and discussion with the applicant and public.

It is my professional recommendation that the Consent Application **B3-25-LK** be **Approved**, subject to the attached conditions.

Prepared by: Logan Keen



Attachments

1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Aerial Detail Map
6. Severance Sketch
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 # B3-25-LK

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

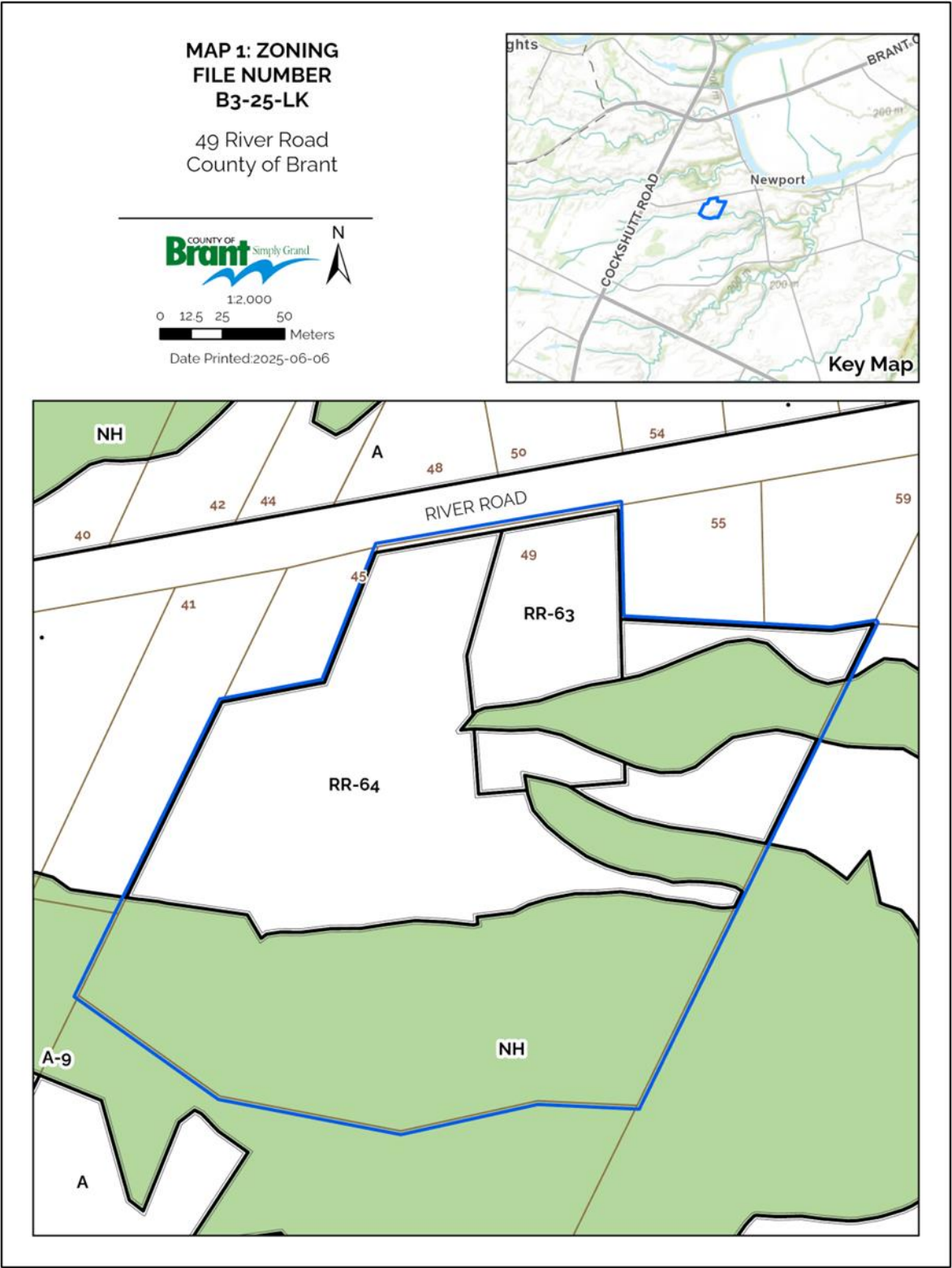
Applicant: Bob Phillips, JH Cohoon Engineering

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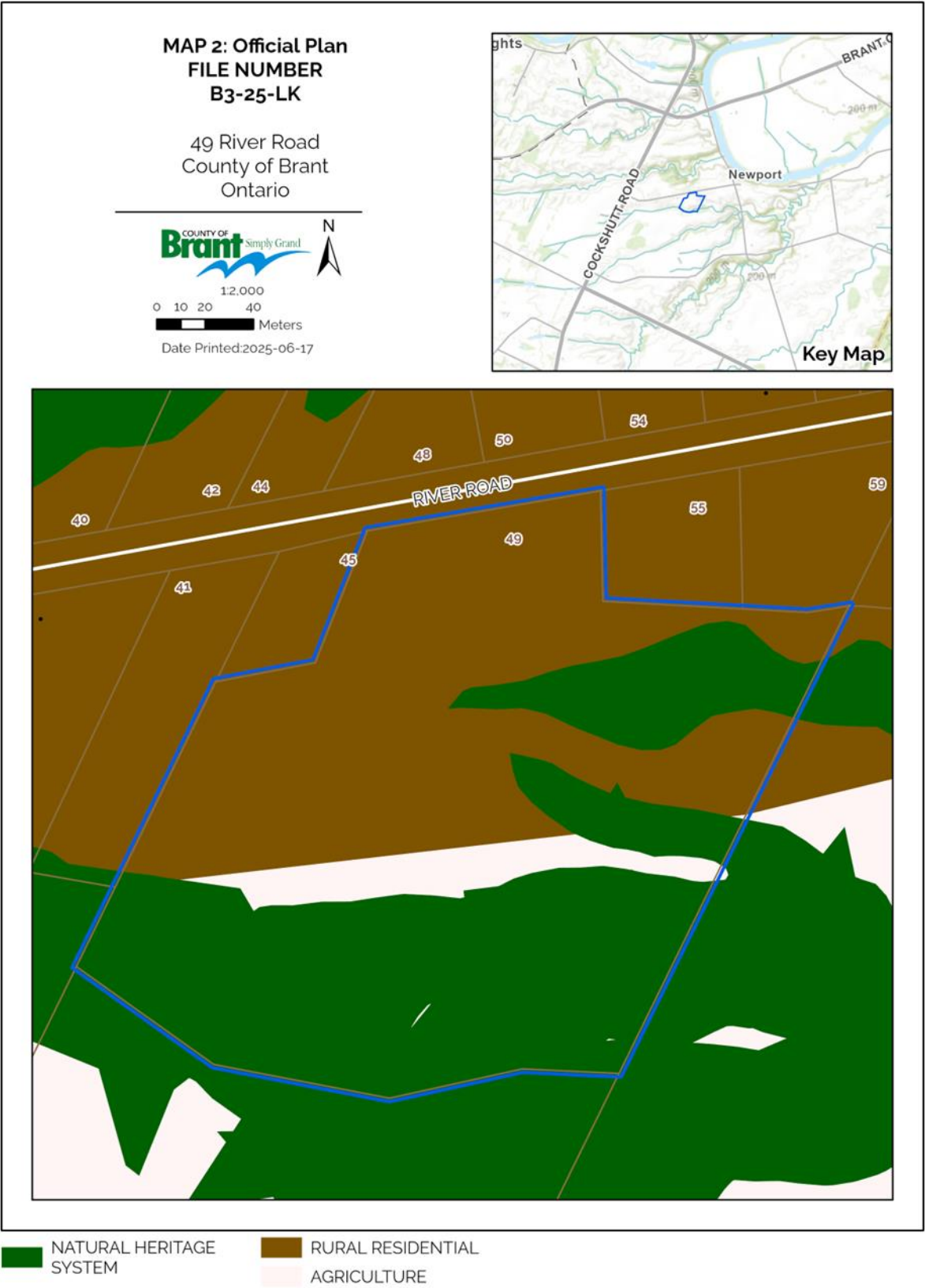
LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

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 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 the Applicant 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.
4. That the Owner/ Applicant 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.
5. That the Applicants 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.
6. That the \$345 Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
7. That the Applicants provide draft transfer documents with legal descriptions of the severed lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office).
8. 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.
9. 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.

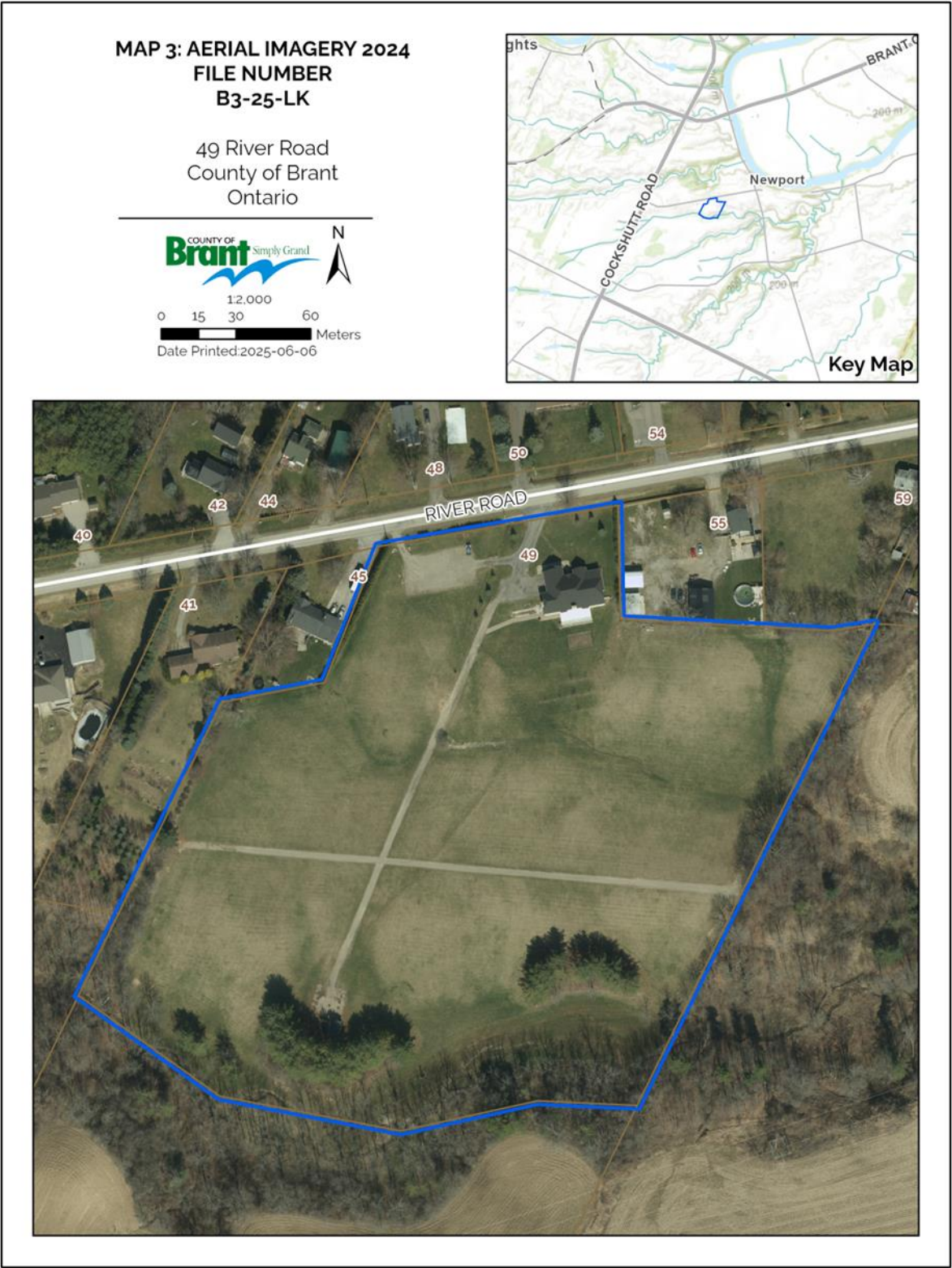
Attachment 2 – Zoning Map



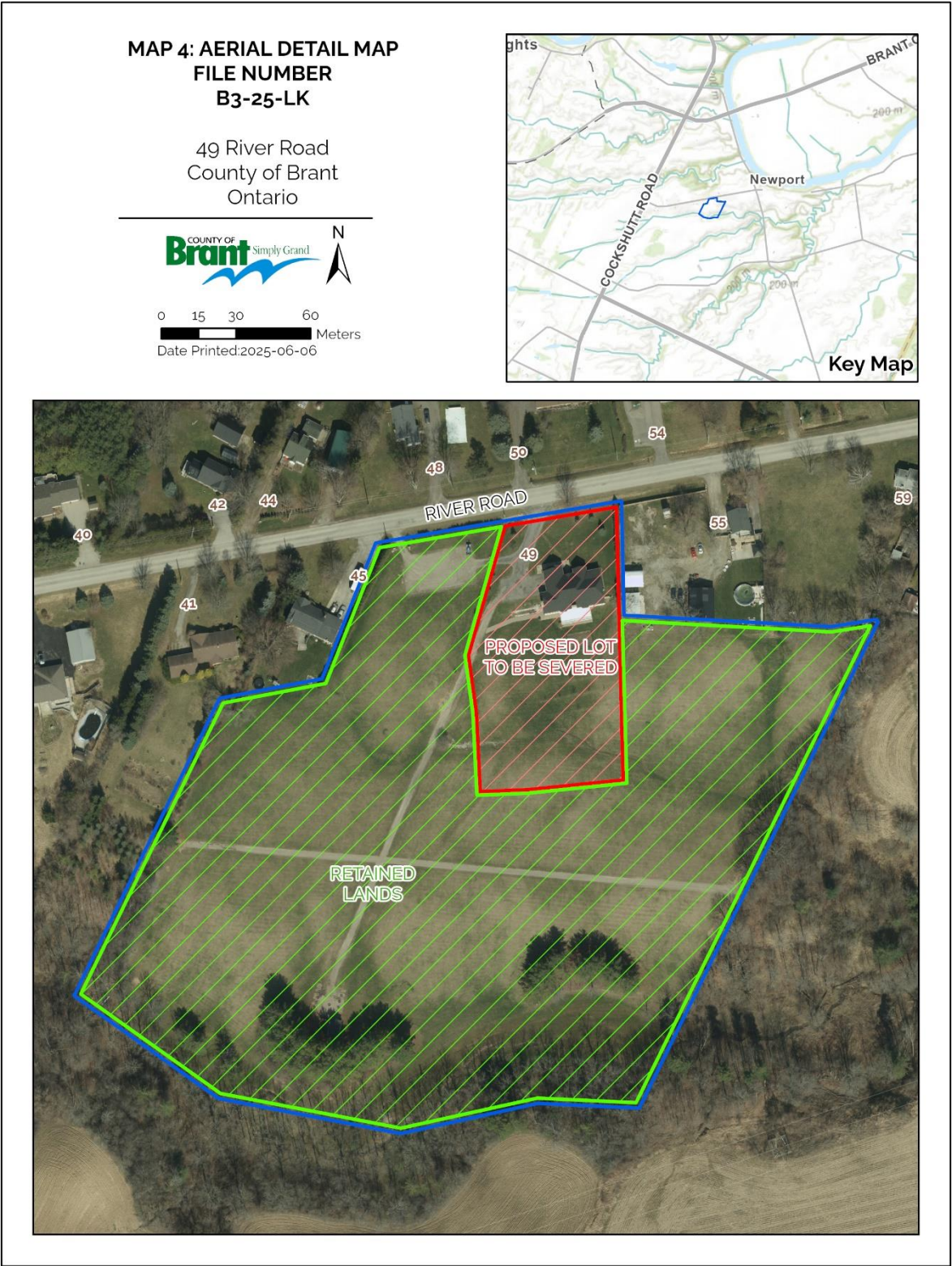
Attachment 3 – Official Plan Map



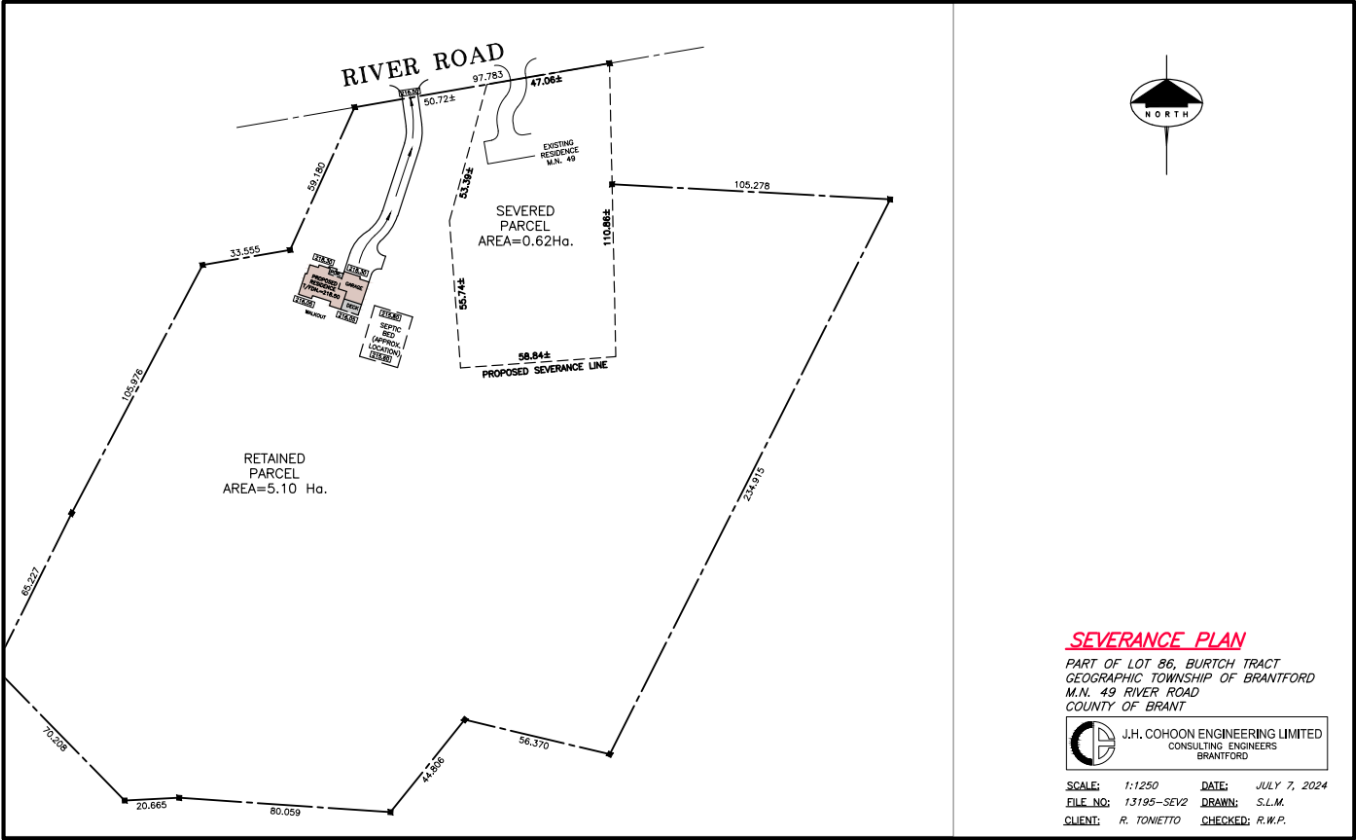
Attachment 4 – Aerial map



Attachment 5 – Aerial Detail Map



Attachment 6 – Severance Sketch



Attachment 7 – Site Photos



