



Committee of Adjustment Report

Date: July 09, 2025

Report No: RPT-0260-25

To: The Chair and Members of the Committee of Adjustment
From: Piere Bordeaux, Planner
Application Type: Consent (Surplus Farm Dwelling Severance)
Application No: B12-25-PB
Location: 612 Burtch Road
Agent / Applicant: The Angrish Group, Ruchika Angrish
Owner: Manuel and Deolinda Azevedo
Subject: Request for a decision on a consent application to sever a surplus farm dwelling.

Recommendation

THAT Consent Application B12-25-PB from 1407839 Ontario Inc. c/o Manuel Azevedo, owner of lands legally described as Part Lot 5, Range 1 West of Mount Pleasant Road, Part 1 of 2R5676, in the geographic former Township of Brantford, municipally known as 612 Burtch Road, County of Brant, proposing to sever a surplus farm dwelling and associated accessory structure on a parcel having a minimum 30 metres of frontage and minimum area of 0.4 hectares (0.99 ac), **BE APPROVED**, subject to the attached conditions.

THAT the reason(s) for the approval of Consent Application B12-25-PB are as follows:

- The existing farm dwelling is considered surplus to the needs of the farm operation as a result of ongoing farm consolidation by a bona fide farmer who owns and operates multiple agricultural properties within the County of Brant and adjacent municipalities.
- The appropriate conditions have been included to ensure the retained agricultural lands are rezoned to Agricultural A-9 to prohibit future residential development, in accordance with the County of Brant Official Plan.
- The proposal is consistent with the Provincial Planning Statement (2024), conforms to the County of Brant Official Plan (2024), and complies with the intent and regulations of Zoning By-law 61-16.

Executive Summary

Consent Application B12-25-PB proposes to sever a surplus farm dwelling from the existing farm parcel as outlined in the recommendation.

If the severance is approved, the retained lands shall be rezoned from Agricultural (A) to Agricultural with a Special Exception (A-9). This zoning change will prohibit any future residential development on the retained parcel and will provide relief from the minimum side yard setback requirement, reducing it from 15 metres to 4.7 metres to accommodate the existing structure.

Planning staff have reviewed the proposed Consent Application in the context of applicable planning policy, including the Planning Act, the Provincial Planning Statement (2024), the County of Brant Official Plan (2024), and Zoning By-law 61-16, as well as comments received from internal departments, the applicant, and the public.

Based on the analysis provided in this report, it is my professional recommendation that Consent Application B12-25-PB **BE APPROVED**, subject to the conditions outlined herein.

Site Description and Context

The subject lands are located on the south side of Burtch Road, between Pleasant Ridge Road and Barnes Farm Road, west of the village of Mount Pleasant, within the geographic former Township of Brantford, in the County of Brant. The lands are situated outside of any designated Settlement Area boundaries.

The property is municipally known as 612 Burtch Road and legally described as Part Lot 5, Range 1 West of Mount Pleasant Road, Part 1 of 2R5676. The parcel has approximately 750.61 metres (2,462 feet) of frontage along Burtch Road and a total lot area of approximately 29.21 hectares (72.18 acres). The lands are regular in shape and are currently used for agricultural purposes.

The property contains one single detached dwelling and a detached garage, both of which are located within the proposed severed parcel. The retained lands include several agricultural structures and will continue to be actively farmed. The natural heritage features, including a watercourse, floodplain, and wetlands, are located on the eastern portion of the property and will remain with the retained lands.

The surrounding area is predominantly agricultural, with scattered rural residential uses. The subject lands are privately serviced by a well and septic system, which will remain with the severed parcel.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Report

Planning Act

Section 53 (12) of the Planning Act requires that consent applications be evaluated using the criteria outlined in Section 51 (24), with necessary modifications. These criteria include considerations such as conformity with official plans, suitability of the land for the proposed use, and the protection of natural resources and agricultural lands.

The proposed consent to sever a surplus farm dwelling conforms to the Planning Act by supporting the long-term protection of agricultural lands and ensuring that no new residential development will occur on the retained parcel, which will continue to be used for farming purposes.

Provincial Planning Statement (PPS) – 2024

The PPS (2024) provides policy direction on matters of provincial interest, including the protection of prime agricultural areas and the promotion of efficient land use patterns.

Section 4.3.2 – Agricultural System Approach

The subject lands are part of a continuous agricultural land base. The retained parcel (approximately 28.8 ha) will remain in active agricultural use, consistent with the PPS objective of maintaining and enhancing the agri-food network.

Section 4.3.3.1 – Lot Creation in Prime Agricultural Areas

The proposed severance meets the criteria for a surplus farm dwelling severance:

<i>Policy Reference</i>	Requirement	Planning Analysis
4.3.3.1(a)	Lot limited to minimum size needed	The severed parcel is approximately 0.4 ha (0.99 acres), accommodating only the existing dwelling, garage, and private services.
4.3.3.1(b)	Appropriate sewage and water services	The severed parcel is serviced by a private well and septic system, both of which are fully contained within the severed lot.
4.3.3.1(c)	Prohibit new dwellings on retained lands	A Zoning By-law Amendment is proposed to rezone the retained lands to Agricultural A-9, prohibiting future residential development.

The proposal is consistent with the PPS (2024), as it supports the protection of agricultural lands and meets the criteria for surplus farm dwelling severances.

County of Brant Official Plan (2024)

The subject lands are designated Agriculture and Natural Heritage System in the County of Brant Official Plan. The proposal conforms to the policies under Section 2.3.7 to 2.3.11, which govern surplus farm dwelling severances:

Policy Planning Analysis

2.3.7	The dwelling is surplus due to farm consolidation. The applicant owns and operates multiple farms in the County and resides elsewhere.
2.3.7	No prior residential severances have occurred since January 1, 1999.
2.3.7	The retained lands (28.8 ha) exceed the 19-ha minimum for consolidation.
2.3.7	The dwelling was constructed in 1952 and is habitable.
2.3.7	The applicant is a bona fide farmer and owns additional farm parcels.
2.3.10	A Zoning By-law Amendment will prohibit future dwellings on the retained lands.
2.3.11	The severed and retained parcels are regular in shape and consistent with surrounding lot fabric.

The proposal conforms to the County of Brant Official Plan (2024) and supports the long-term viability of agricultural operations.

Zoning By-law 61-16 Analysis – 612 Burtch Road

The subject lands are zoned Agricultural (A) and Natural Heritage (NH) under the County of Brant Zoning By-law 61-16. The proposed severance of a surplus farm dwelling and associated garage generally complies with the zoning provisions, with one noted deficiency.

Zoning Compliance Summary

Zoning Provision	Required (A Zone)	Provided	Compliant
<i>Lot Area (Retained)</i>	40.0 ha	28.8 ha	(per OP 2.3.1)
<i>Lot Frontage (Retained)</i>	150.0 m	672.0 m	Complies
<i>Lot Area (Severed)</i>	Min. to accommodate use	0.4 ha	Complies
<i>Lot Frontage (Severed)</i>	20.0 m (min.)	66.73 m	Complies
<i>Side Yard Setback (Primary Agricultural Structure)</i>	15.0 m	4.7 m	Deficient

Identified Deficiency

- The structure located 4.7 metres from the side lot line is a primary structure (the existing agricultural storage). This structure is located on the severed parcel.
- Under Zoning By-law 61-16, the minimum required side yard setback for a primary structure in the Agricultural (A) Zone is 15.0 metres.
- This results in a non-compliance that must be addressed through a Zoning By-law Amendment. A zoning by law amendment application number ZBA12-25-PB is concurrent with this application.

Zoning By-law Amendment

To address zoning compliance:

- The retained lands will be rezoned from Agricultural (A) to Agricultural with Special Exception (A-9) to prohibit future residential development.
- A site-specific zoning provision will also be included to recognize the reduced side yard setback for the existing primary structure on the severed parcel.

Environmental Planning Feedback

Staff do not support the proposed lot configuration because it involves creating a new lot within the minimum 30-meter vegetation protection zone of a wetland, which is part of the Natural Heritage System. No Environmental Impact Study (EIS) was approved, despite being required.

The subject property includes sensitive environmental features such as wetlands, significant woodlands, a cold-water stream, and a floodplain. According to Section 2.10 of the Natural Heritage System policies, new lot creation is generally prohibited unless for conservation purposes.

Recommendations:

- Reduce the proposed lot frontage to maximise setback to the Natural Heritage System.
- As a condition of approval, rezone the 30-meter buffer west of the wetland as NH1 (Natural Heritage Vegetation Protection Zone), excluding existing buildings and the driveway.
- Agricultural activities like crop growing are allowed in NH1, but no new buildings or structures are permitted.

GRCA Comments and Natural Hazard Considerations

The subject lands contain natural heritage features, including a watercourse, floodplain, and wetlands located on the eastern portion of the property. These features are regulated under Ontario Regulation 41/24, administered by the Grand River Conservation Authority (GRCA).

As part of the circulation for Zoning By-law Amendment Application ZBA12-25-PB and Consent Application B12-25-PB, the GRCA provided the following comments (dated June 22, 2025):

- No objection to the proposed Zoning By-law Amendment.
- No objection to the proposed Consent Application.
- The GRCA understands that agricultural uses on the retained parcel will continue, and no additional development is proposed.
- GRCA staff do not anticipate any impacts on the adjacent natural hazard features as a result of the application.
- The application is classified as a minor zoning by-law amendment, and the applicant will be invoiced \$465 in accordance with the GRCA's 2023–2025 fee schedule.

These comments confirm that the proposed severance and zoning amendment are consistent with GRCA policies and will not negatively impact regulated natural features.

Development Engineering Feedback

- Burtch Road is classified as a Rural Collector Road with right-of-way width of 20-45 metres as noted in the County's Official Plan. A road widening, being Part 4, 2R-4681, will be required to be conveyed to the County to meet the minimum width as per the Official Plan. Therefore, the Burtch Road right-of-way is consistent with the right of way width to the east. The Road Widening is required for future road maintenance and improvements (i.e. ditching, etc.).
- Be advised that compensation for road widening / daylighting lands, surveying fees, and registration is only applicable along the frontage of the retained lands provided the portion of retained lands being conveyed to the County are zoned "Agricultural" at the time of submission of the draft reference plan. If the lands are zoned anything other than "Agricultural", the County will not provide compensation for road widening / daylighting lands, surveying fees, and registration costs. Compensation (if applicable) for road widening / daylighting lands, surveying fees and registration will be determined as per County Policy DVS-2002-05.
- Overhead hydro lines cross through the retained and severed lands. An easement may be required. Hydro authority to provide additional comments.
- The location of an existing well was not identified in the submission. If the existing well is not within the severed parcel, an easement may be required.

Conclusions and Recommendations

The proposed consent to sever a surplus farm dwelling at 612 Burtch Road, along with the associated Zoning By-law Amendment, has been reviewed in the context of the applicable planning framework, including the Planning Act, the Provincial Planning Statement (2024), the County of Brant Official Plan (2024), and Zoning By-law 61-16.

Planning staff acknowledge that the proposed lot configuration currently encroaches into the minimum 30-metre vegetation protection zone associated with the wetland, which is a key feature of the Natural Heritage System. In accordance with Section 2.10.6 of the County of Brant Official Plan, the creation of new lots within the Natural Heritage System is not permitted unless for conservation purposes. To maintain consistency with these policies and minimize environmental impact, it is recommended that the proposed lot lines be adjusted to

fully exclude the 30-metre vegetation protection zone from the severed parcel. This adjustment will ensure compliance with the Official Plan and eliminate the need for an Environmental Impact Study (EIS), as no development will occur within the protected area.

The application:

- Is consistent with the Provincial Planning Statement (2024) by supporting the long-term protection of agricultural lands and enabling farm consolidation;
- Conforms to the County of Brant Official Plan (2024) policies for surplus farm dwelling severances in prime agricultural areas;
- Complies with the general intent of Zoning By-law 61-16, with a minor deficiency in the side yard setback for the existing primary structure on the severed parcel, which will be addressed through a site-specific zoning provision;
- Has received no objections from the Grand River Conservation Authority (GRCA), which confirmed that the proposal will not impact adjacent natural hazard features.

A Zoning By-law Amendment is proposed to:

- Rezone the retained lands from Agricultural (A) to Agricultural with Special Exception (A-9) to prohibit future residential development; and
- Recognize the reduced side yard setback for the existing primary structure on the severed parcel.

Recommendation:

It is recommended that Consent Application B12-25-PB and Zoning By-law Amendment Application ZBA12-25-PB be approved, subject to the conditions outlined by County staff, including the implementation of the proposed zoning changes.

Prepared by:

Piere Bordeaux, Planner

Attachments

1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Severance Sketch
6. 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 # B12-25-PB

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- Conditions of Approval

Applicant: The Angrish Group, Ruchika Angrish

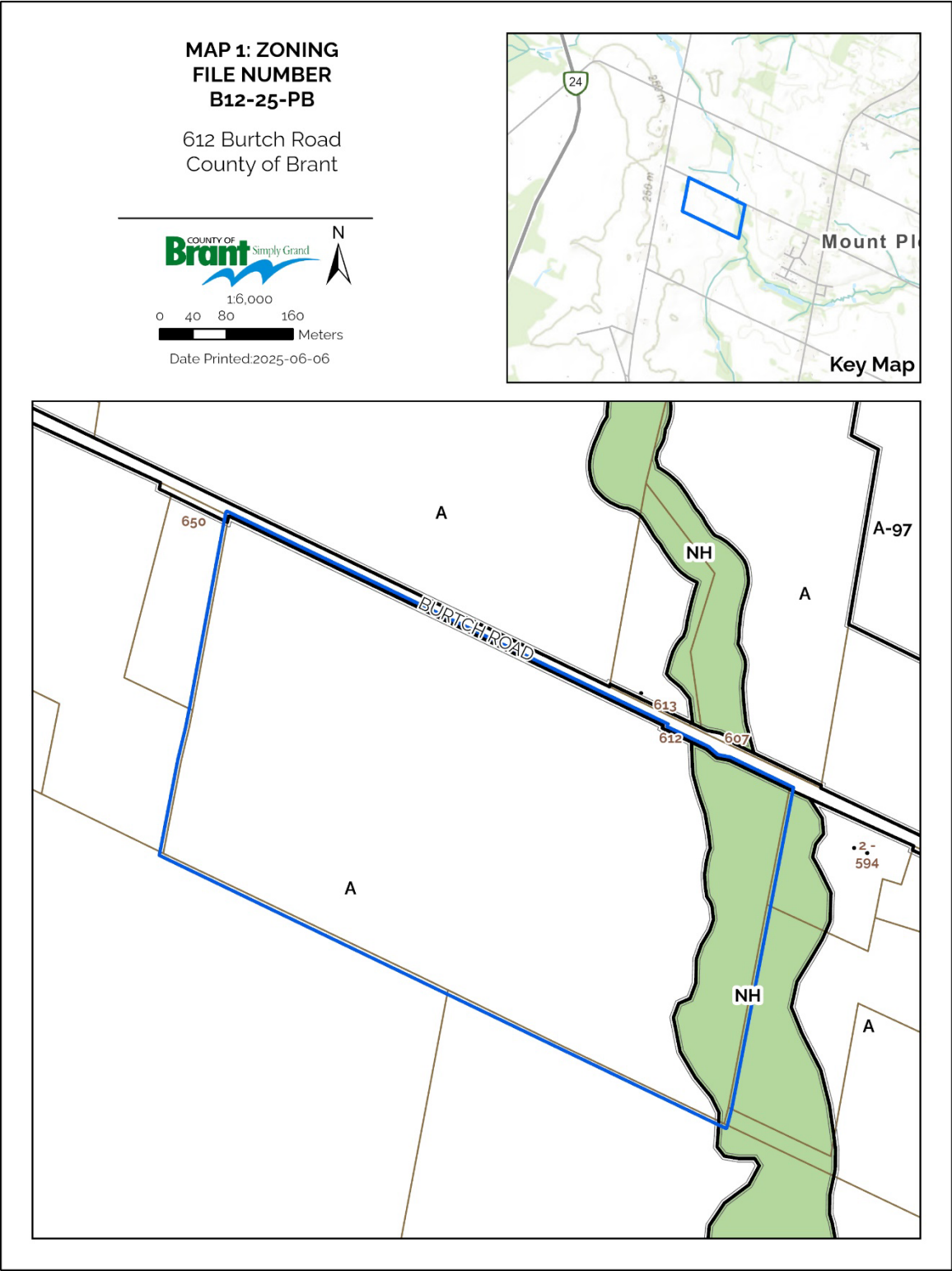
File No: B12-25-PB

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

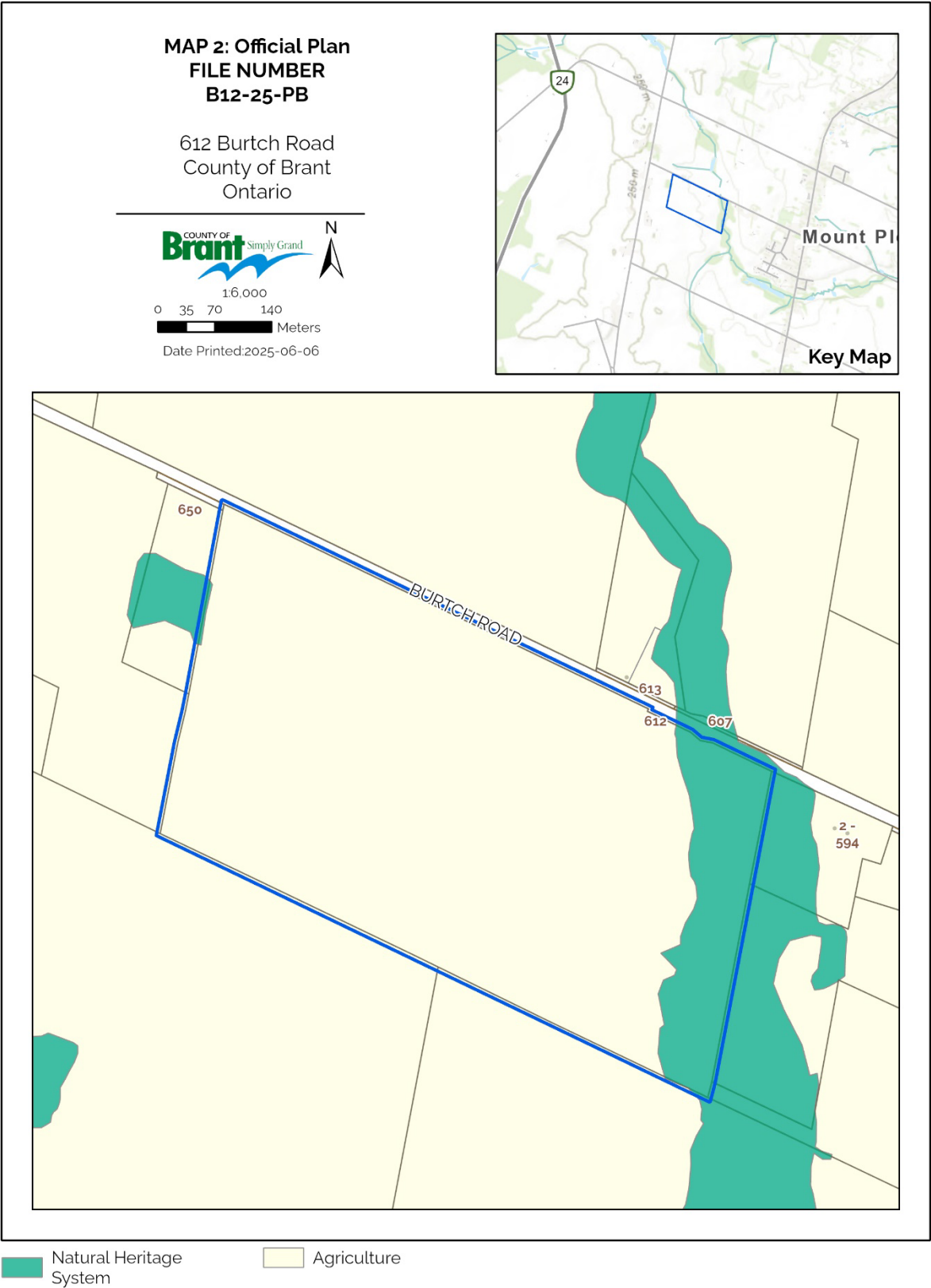
1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant(s) provide a copy a Draft Reference Plan for the severed lands, completed by a licensed surveyor and reviewed by the County of Brant, prior to the finalization of the Consent (i.e. registration of the deeds in the appropriate Registry Office).
 - a. That the draft reference plan also be utilized to identify the location of the existing well, confirmation of building setbacks, area and frontage.
 - b. A road widening, being Part 4, 2R-4681, will be required to be conveyed to the County to meet the minimum width as per the Official Plan.
3. 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.
4. That the Applicant/Owner provide proof/copy of draft approved entrance locations for the Retained farm lands in accordance with the County of Brant Entrance By-Law, issued by the Operations Division to the satisfaction of the County of Brant.
5. That the following conditions identified by the Senior Environmental Planner are completed to the satisfaction of the County of Brant:
 - a. The lot configuration must be reduced to the greatest extent possible, to maintain the intent of the Natural Heritage System policies;
 - b. That lands within 30 m of the west side of the wetland on the entirety of the subject lands be zoned NH1 (Natural Heritage Vegetation Protection Zone).
6. That the following subsequent Planning Act Application be received, deemed complete and approved with no appeals:
 - a. To rezone the retained lands to Agricultural with a Special Exception (A-9), to prohibit a dwelling unit as a permitted use;
 - b. To permit a reduced side yard setback to the existing agricultural structure on the retained lands; and
 - c. That lands within 30 m of the west side of the wetland on the entirety of the subject lands be zoned NH1 (Natural Heritage Vegetation Protection Zone).
 - d. That 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.

7. 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.
8. That the Applicant(s) provide proof that \$600.00 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.
9. That the current Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
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.

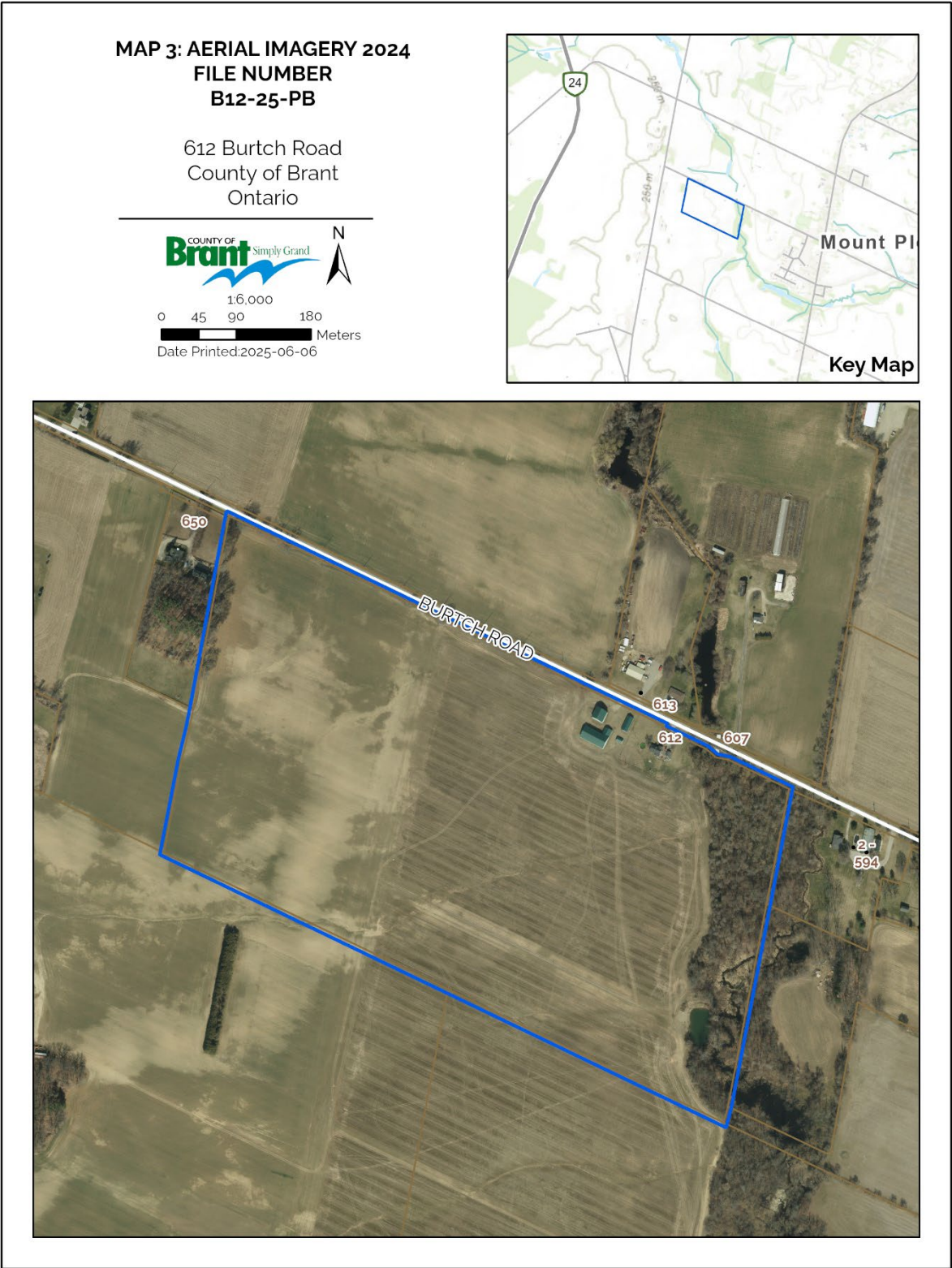
Attachment 2 – Zoning Map



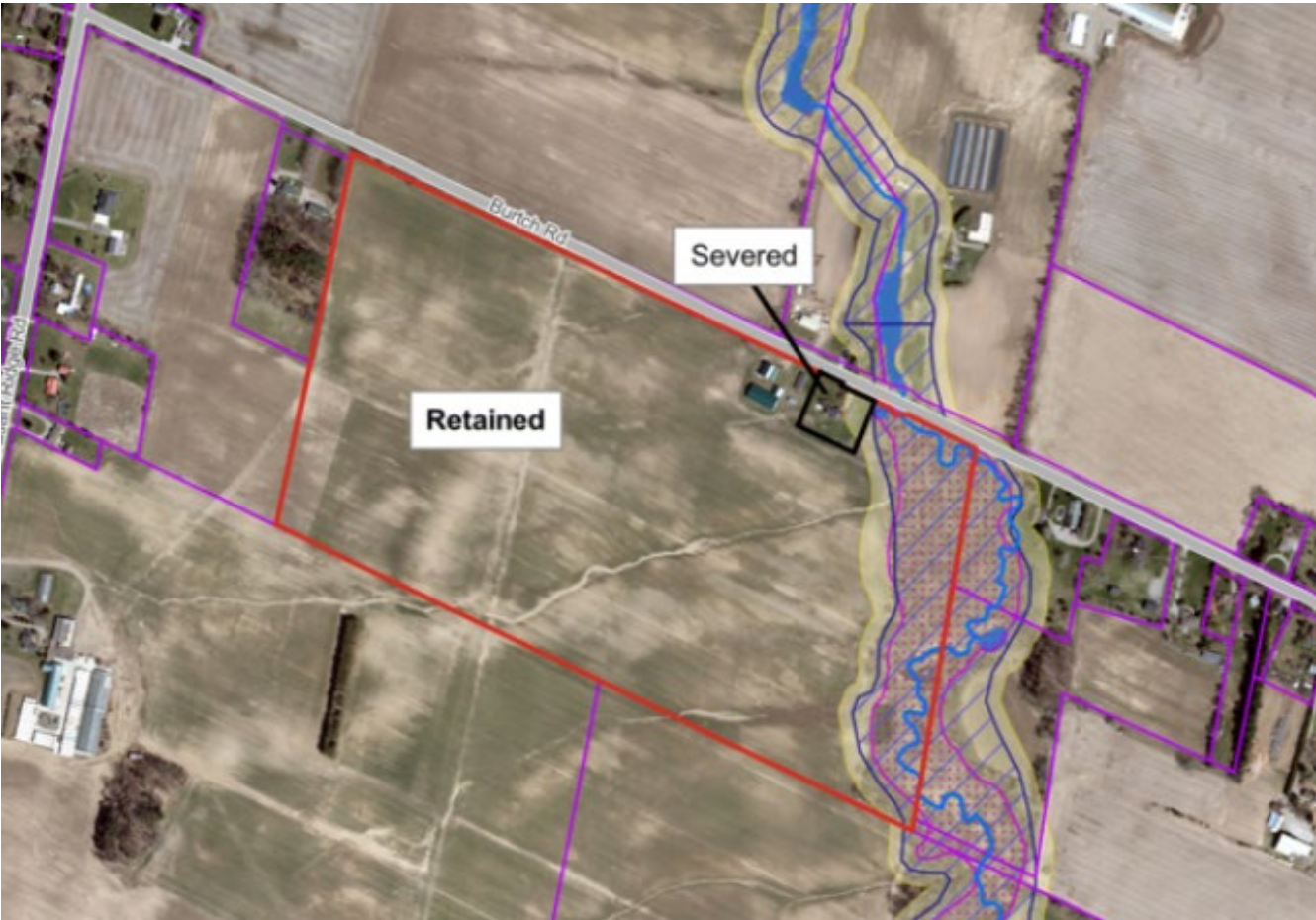
Attachment 3 – Official Plan Map



Attachment 4 – Aerial Map



Attachment 5- Severance Sketch



Attachment 6- Site Photos

