



Committee of Adjustment Report

Date: April 16, 2026

Report No: RPT - 0109 - 26

To: The Chair and Members of the Committee of Adjustment
From: Roxana Flores, Junior Planner
Application Type: Consent Application
Application No: B1-26-RF
Location: 327 West Quarter Townline Road
Agent / Applicant: Gary Overbeek
Owner: Gary Overbeek
Subject: Request for a decision on a Consent Application to facilitate a minor lot boundary adjustment between two abutting parcels.

Recommendation

THAT Consent Application **B1-26-RF** from Gary Overbeek, the owner of the lands legally described as CONCESSION 7 PART LOT 19 REGISTERED PLAN 2R6388 PART 1 in the geographic former Township of Burford, County of Brant, municipally known as 327 West Quarter Townline Road, proposing a minor lot boundary adjustment to transfer a parcel of land having a frontage of approximately 4.6 metres (15 feet) along West Quarter Townline Road, and an area of 0.06 hectares (0.15 acres) from the property legally described as CONCESSION 7 PART LOT 19, roll number 292001101030500, to be severed and conveyed to the abutting parcel at 327 West Quarter Townline Road, **BE APPROVED**, subject to the attached conditions.

THAT the reason(s) for the approval of Consent Application B21-25-RF are as follows:

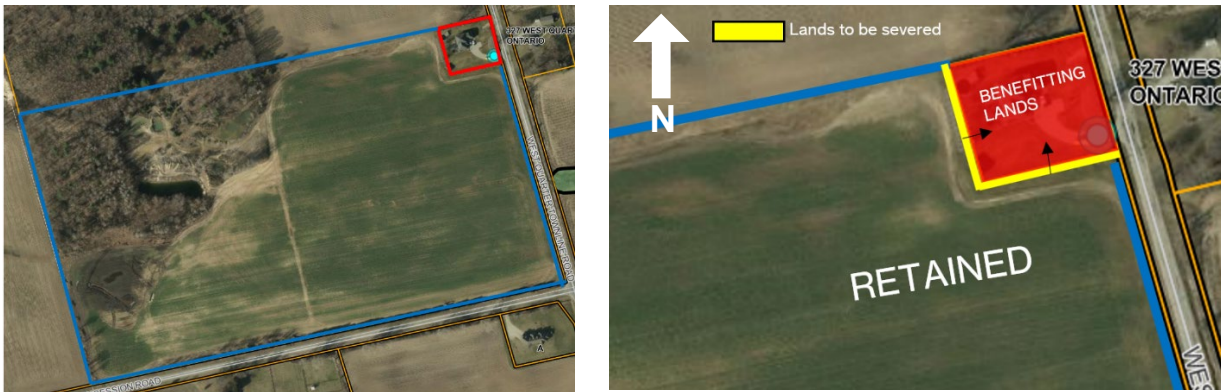
- The boundary adjustment is minor, compatible and consistent within the context of existing land uses, and technical in nature;
- The proposal is consistent with the Provincial Planning Statement (2024) and conforms to the policies of the County of Brant Official Plan (2023) and Zoning By-Law 61-16.

Executive Summary

Consent Application B1-26-RF is requesting a minor lot boundary adjustment to transfer a parcel of land from the property legally described as CONCESSION 7 PART LOT 19,

roll number 292001101030500 to be severed and added to the abutting parcel at 327 West Quarter Townline Road.

The parcel to be severed is a narrow L-shaped strip extending from West Quarter Townline Road, with a frontage of approximately 4.61 metres (15.1 feet) and a total area of 0.06 hectares (0.15 acres). It is designated Agricultural and will be added to the abutting parcel at 327 West Quarter Townline Road, which is also designated Agricultural.



Appendix 1: Proposed lot line adjustment

The minor lot boundary adjustment is being requested primarily to rectify an encroachment of established tree lines and prevent potential future land use conflicts or title issues. The adjustment is minor and technical in nature, does not create new lots, and will not alter permitted uses. No new development, buildings, structures, or parcels of land are being created as a result of this application, and the uses of each parcel will remain unchanged.

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 B1-26-RF BE APPROVED, subject to the attached conditions.

Location / Existing Conditions

The parcel to be severed, is legally described as CONCESSION 7 PART LOT 19, with frontages along West Quarter Townline Road of approximately 289.65 metres (950.0 feet) and along Eighth Concession Road of approximately 613.30 m (2,012.14 feet), and a total area 20.0 ha (50.0 acres).

The benefitting parcel at 327 West Quarter Townline Road has a frontage of approximately 57.91 metres (190.0 feet) along West Quarter Townline Road, with a total

area of 0.4 ha (1 acres). This property is primarily residential, contains a single detached dwelling, two (2) detached accessory structures and a pool.

Surrounding land uses are predominantly farmland and natural heritage, with some residential. All parcels are outside a Settlement Area and are currently serviced by private water, sanitary, and stormwater systems.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Report

Background

The owners were misinformed about the property lines at the time of purchase and construction on the property, resulting in a portion of a shed, two rows of trees, a dog fence, and irrigation lines encroaching onto the neighbouring property.

The primary concern is preserving the mature trees—a clump of maples to the west and red maples to the south. A Sale and Purchase Agreement is in place to facilitate the transfer.

Analysis

Planning Act

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

Matters of Provincial Interest

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

- (h) the orderly development of safe and healthy communities;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*

Provincial Planning Statement (PPS) – 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.

It is my professional planning opinion that the recommendation is consistent with the policies of the Provincial Policy Statement for the following reasons:

- *The proposed minor boundary adjustment is technical in nature. No new lot will be created,. (Policy 4.3.3.2.)*

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

*Schedule ‘A’ Land Use Designation: **Agriculture***

*Settlement Area: **Located Outside of a Settlement Area***

It is my professional planning opinion that the recommendation conforms to the policies of the County of Brant Official Plan for the following reasons:

- *The subject lands are located within the Prime Agricultural Area, outside of a Settlement Area. The proposal meets the intent of the Agriculture designation, will not negatively impact farm operations or the municipal drain. (Part 5, Section 2.0)*
- *The proposed boundary adjustment is intended to rectify encroachment of established tree lines and shed. It is minor and technical in nature, does not change the permitted uses, and will not result in the creation of a new lot. (Part 5, Section 2.3.2)*
- *The proposed severed parcel is outside of any natural heritage features. (Part 5, Section 2.10.1)*
- *The adjusted lot line is slightly offset but generally follows the existing lawn that visually separates the properties.*
- *Overall, the proposal aligns with the intent of the County of Brant Official Plan by protecting agricultural and natural features while making a minor correction to property boundaries.*

Zoning By-Law 61-16

*Schedule ‘A’ Zone Classification: **Agricultural***

The subject lands at 327 West Quarter Townline Road are zoned Agricultural (A), which permits a single detached dwelling. This residential use is consistent with the lot’s history as a retirement lot, severed through Consent Application B61/04 by P & B Lee on August 18, 2004, with an area of 0.4 ha.

The lands to be severed, legally described as CONCESSION 7 PART LOT 19, are zoned Agricultural (A) and Natural Heritage (NH) under Zoning By-law 61-16. The portion of land to be transferred through this minor boundary adjustment measures approximately 0.06 ha (0.15 acres), is a maintained lawn area that contains no natural heritage features, and it has not been used as farmland based on aerial imagery dating back to 2015.

The boundary adjustment is considered minor, as it does not reduce the lot area or frontage of any of the lots to a level that violates zoning requirements for primary uses, it rectifies the existing setback deficiency caused by established tree lines and shed, and brings the property into compliance with zoning.

Although the minor boundary adjustment involves the Harley Municipal Drain west of West Quarter Townline Road, it does not impact the agricultural lands or alter permitted uses. The adjustment is consistent with Section 4.34.3 of Zoning By-law 61-16, as no buildings or structures are being proposed or in proximity to the drain. A condition has been included requiring a Section 65 report for three branches of the Harley Municipal Drain.

- *The proposed minor boundary adjustment is considered appropriate and complies with the Agricultural (A) zone and Natural Heritage (NH) zone.*
- *No development is being proposed as part of this application.*

Based analysis of the criteria outlined in Section 51(24) of the Planning Act within this report, it is my professional planning opinion that boundary adjustment is minor and complies with the policies of the County of Brant Zoning By-Law 61-16.

Interdepartmental Considerations

The following documents were prepared and submitted for technical review as part of the submission of this application:

1. One (1) Consent Application Completed and Signed
2. Planning Justification Letter prepared by Gary Overbeek
3. Draft Site Plan prepared by DesingLogix Engineering Inc., dated January 29, 2026
4. Severance Sketch prepared by MacAulay, White & Muir Ltd., dated July 17, 2025

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

Department/Agency Comments	
Development Engineering Division	<ul style="list-style-type: none"> • DED has no objections to the proposed lot line adjustment to sever a portion of land from CON 7 PT LOT 19 having a width of approximately 4.61 metres, a depth of 71.61 metres, and an area of 600 square metres (0.06 ha), to be conveyed to the abutting parcel to the northeast at 327 West Quarter Townline Road. • Subject lands are assessed to the Harley Municipal Drain. • Please see draft reference plan with DED mark ups. <p><i>Planning Comment: Any discrepancies identified on the draft reference plan will be resolved in coordination with the applicant's surveyor.</i></p>

<p>Policy Planning and Heritage</p>	<ul style="list-style-type: none"> Policy does not have any comments for the proposed lot line adjustment at this time. The zoned watercourse setback along the frontage appears to be for a municipal drain and as per Table 5.2.1 of the Official Plan does not have any applicable setbacks. <p>Planning comment: It has been confirmed that the watercourse setback is for the Harley Municipal Drain.</p>
<p>Parks Capital Planning & Forestry</p>	<ul style="list-style-type: none"> Parks Capital Planning & Forestry have no comments regarding the proposed lot line adjustment.
<p>Operations Department</p>	<ul style="list-style-type: none"> This property will require a s65 report for 3 branches of the Harley Municipal Drain. Standard s65 condition applies.
<p>Enbridge Gas</p>	<ul style="list-style-type: none"> It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact ONTLands@enbridge.com
<p>Hydro One</p>	<ul style="list-style-type: none"> We are in receipt of your Application for Consent, B1-26-RF (PLCON2026031) dated 2026-02-13. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.
<p>Mississaugas of The Credit First Nation</p>	<ul style="list-style-type: none"> Following our review of the submitted documents, the Mississaugas of the Credit First Nation Department of Consultation and Accommodation (MCFN DOCA) has no comments or concerns at this time. Please be advised that should any future ground disturbance be planned, MCFN DOCA requires a Stage 1 Archaeological Assessment to be completed and circulated to our office for review and comment. If the Stage 1 Assessment indicates that a Stage 2 is necessary, MCFN DOCA expects to be involved in the fieldwork. All associated costs will be the responsibility of the proponent.
<p>Six Nations</p>	<ul style="list-style-type: none"> No comments.

As part of the circulation, we have not yet received any comments from the following departments:

- Fire Department (County of Brant)

Public Considerations

Notice of this application, including contact information and the date of the public hearing, was circulated by mail on April 2, 2026, to all property owners within 60 metres of the subject lands, in accordance with Section 45(5) of the Planning Act.

A site visit was conducted on April 1, 2025, and the Public Notice sign was posted on the property on April 2, 2025.

At the time of writing this report, no public comments were received.

Summary and Recommendations

Consent Application B1-26-RF is requesting a minor boundary adjustment to transfer a parcel of land legally described as CONCESSION 7 PART LOT 19, to be severed and conveyed to the abutting parcel at 327 West Quarter Townline Road. The purpose of the adjustment is to rectify a longstanding encroachment involving a portion of a shed and established tree lines.

The parcel to be severed is a narrow L-shaped strip, with a frontage of approximately 4.61 metres (15.1 feet) and a total area of 0.06 hectares (0.15 acres). It is designated Agricultural and will be added to the abutting parcel at 327 West Quarter Townline Road, also designated Agricultural.

The adjustment is minor and technical in nature. It involves an existing area not used for farming, does not create new lots, and will not alter permitted uses or impact future development or land use on either property. No new buildings, structures, or parcels are being created, and the uses of each parcel will remain unchanged.

The adjustment resolves the encroachment of tree lines and the shed, bringing the property into compliance with applicable zoning requirements. A condition has been included requiring a Section 65 report for three branches of the Harley Municipal Drain.

No additional development is proposed as part of this application.

For the reasons outlined in this report, it is my professional recommendation that Consent Application **B1-26-RF** be approved, subject to the attached conditions.

Prepared by: Roxana Flores, Junior Planner



Attachments

1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Site Plan
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 # **B1-26-RF**

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: Gary Overbeek

File No: B1-26-RF

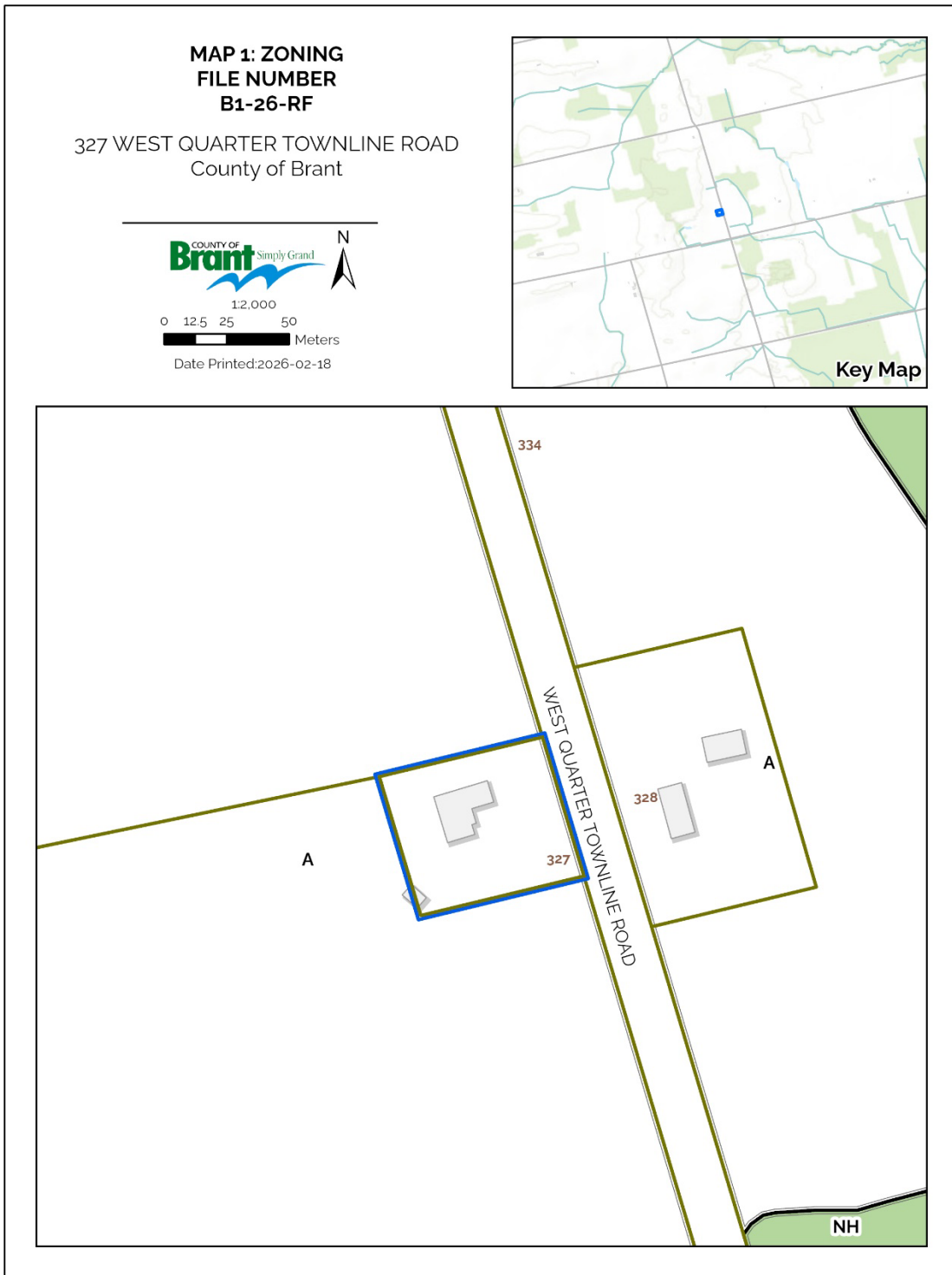
LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

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 proposed 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).
3. That a reapportionment of the Municipal Drainage assessment for the Harley Municipal Drain, prepared by an engineer in accordance with Section 65 of the Drainage Act, R.S.O. 1990, be undertaken at the applicant's expense.
4. That the Applicant/Owner provide proof/copy of draft proposed civic addressing for the Retained lands issued by the Development Planning Division to the satisfaction of the County of Brant.
5. That the Owner/Applicant demonstrate confirmation from the Building Division that building permits, as required have been obtained, to the satisfaction of the County of Brant.
6. That the current Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
7. 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).
8. That the identified severed parcel currently part of CONCESSION 7 PART LOT 19, becomes part and parcel of the abutting lands identified as 327 West Quarter Townline Road. The Applicant's Solicitor is to provide a Solicitor undertaking to register an Application of Consolidation Parcels immediately following the registration of the certificate of official to ensure the consolidation and proof of same to the Secretary-Treasurer, Committee of Adjustment acknowledging that Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
9. 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

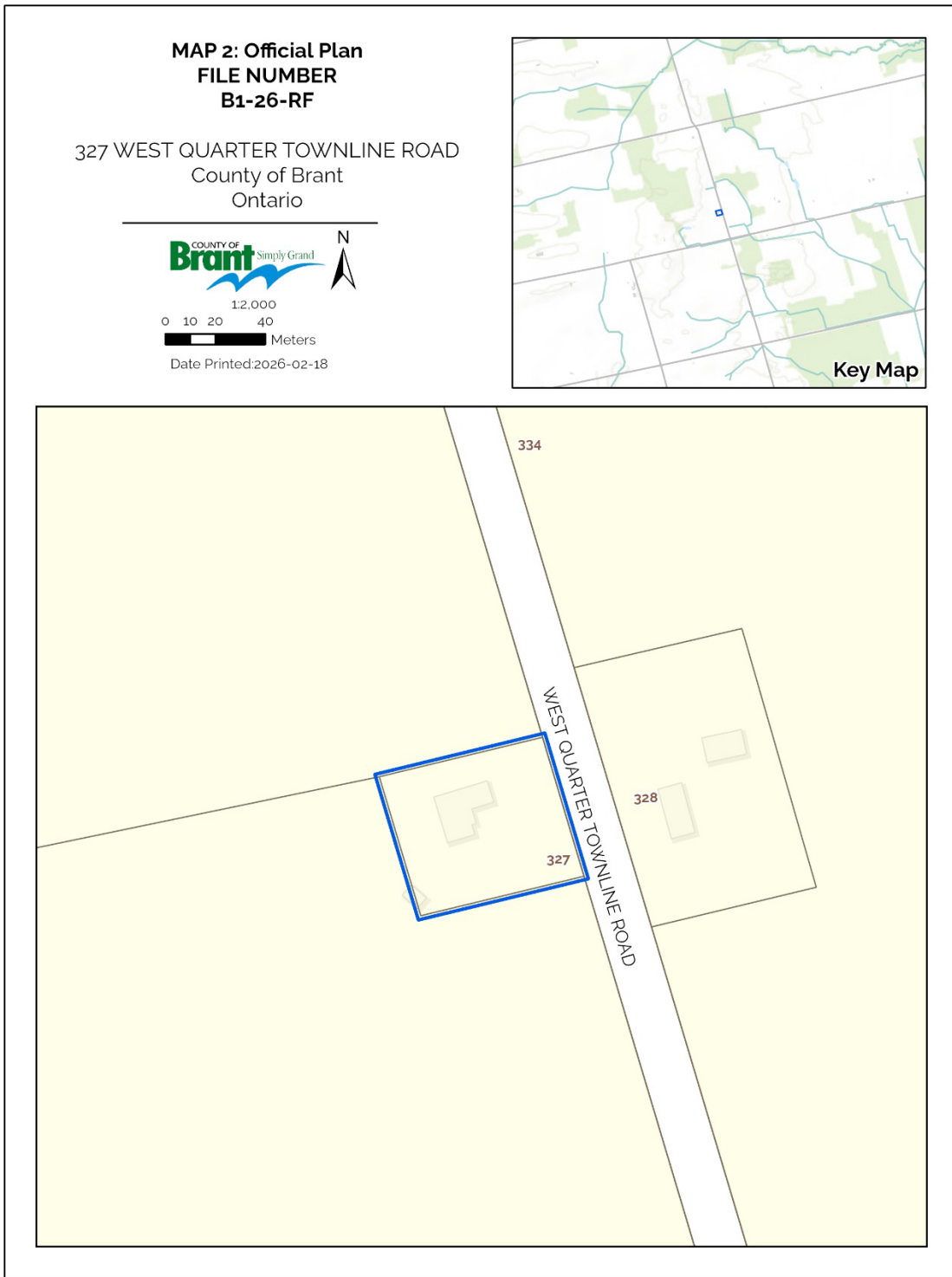
County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.

10. 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

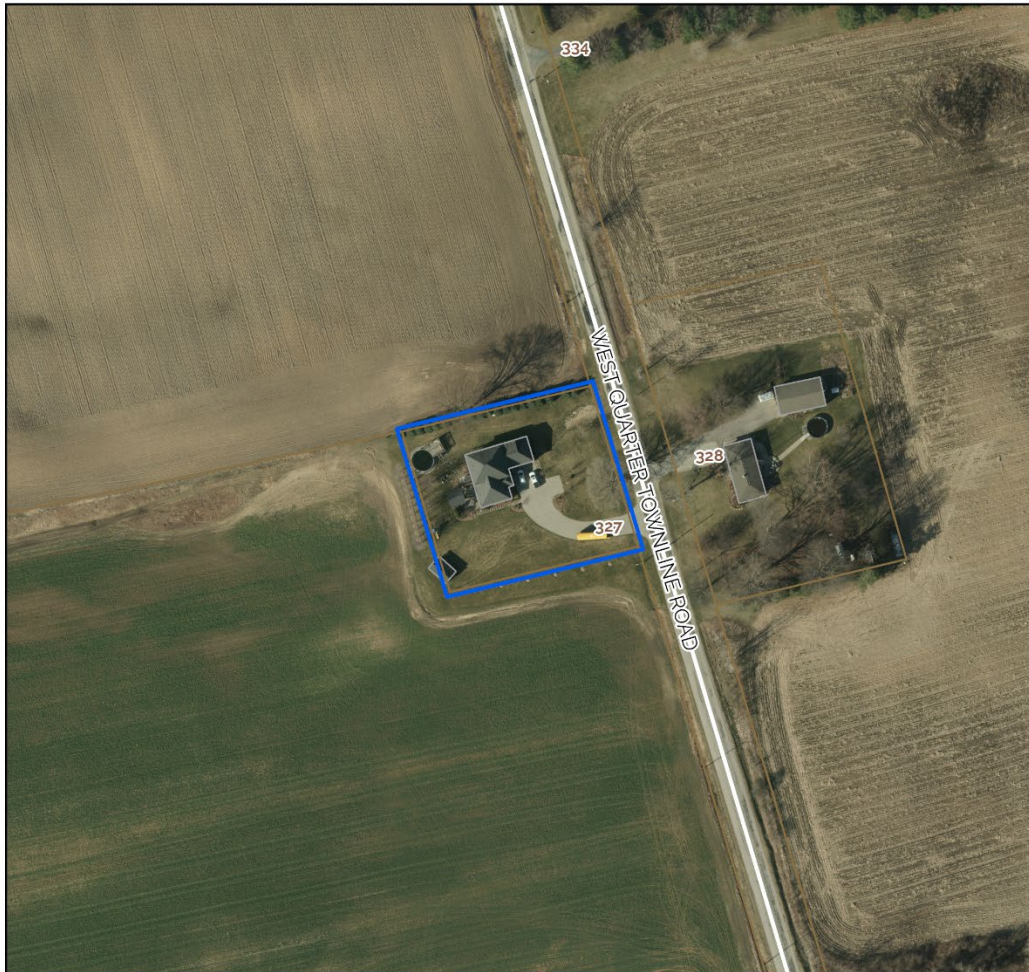
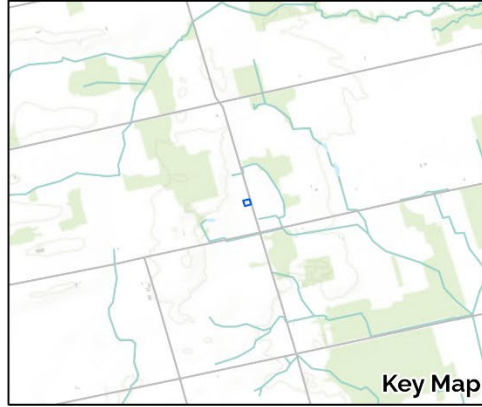
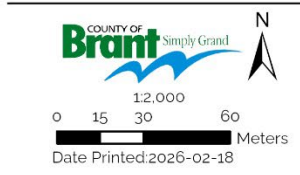


 Agriculture

Attachment 4 - Aerial Map

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B1-26-RF

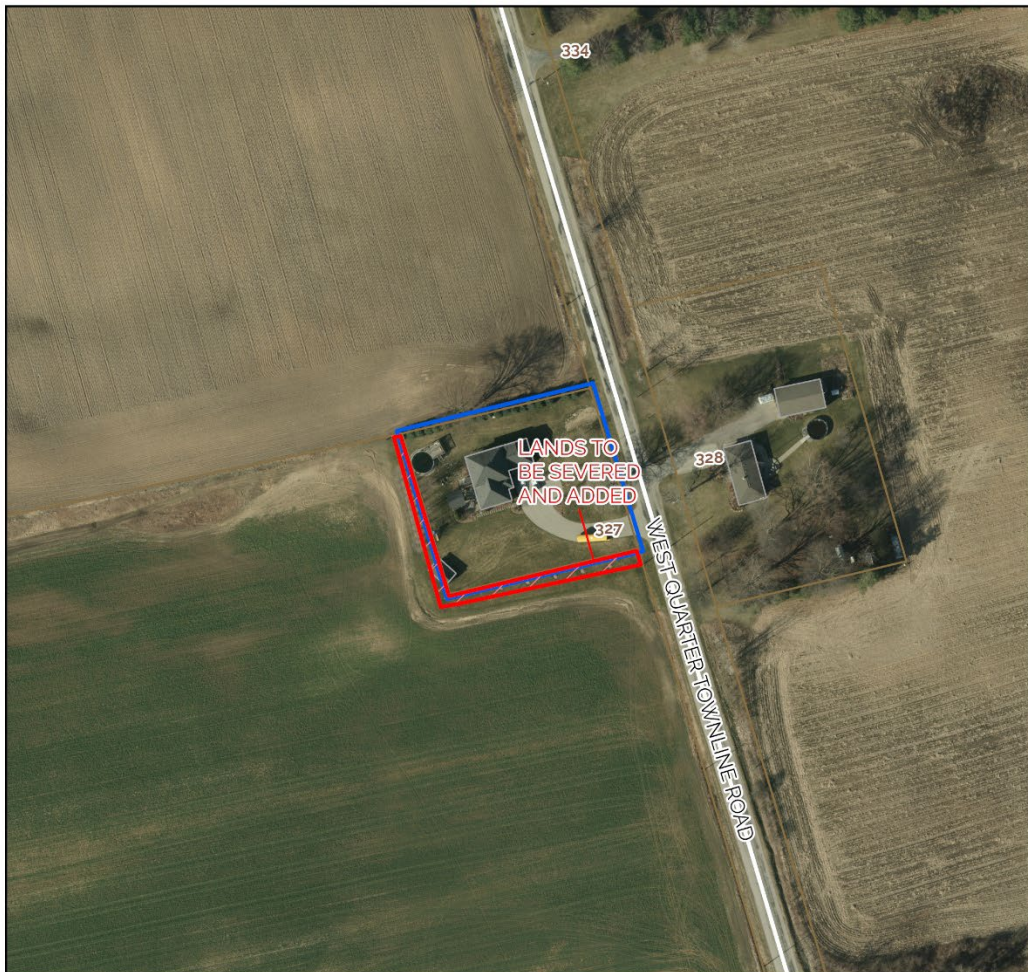
327 WEST QUARTER TOWNLINE ROAD
County of Brant
Ontario



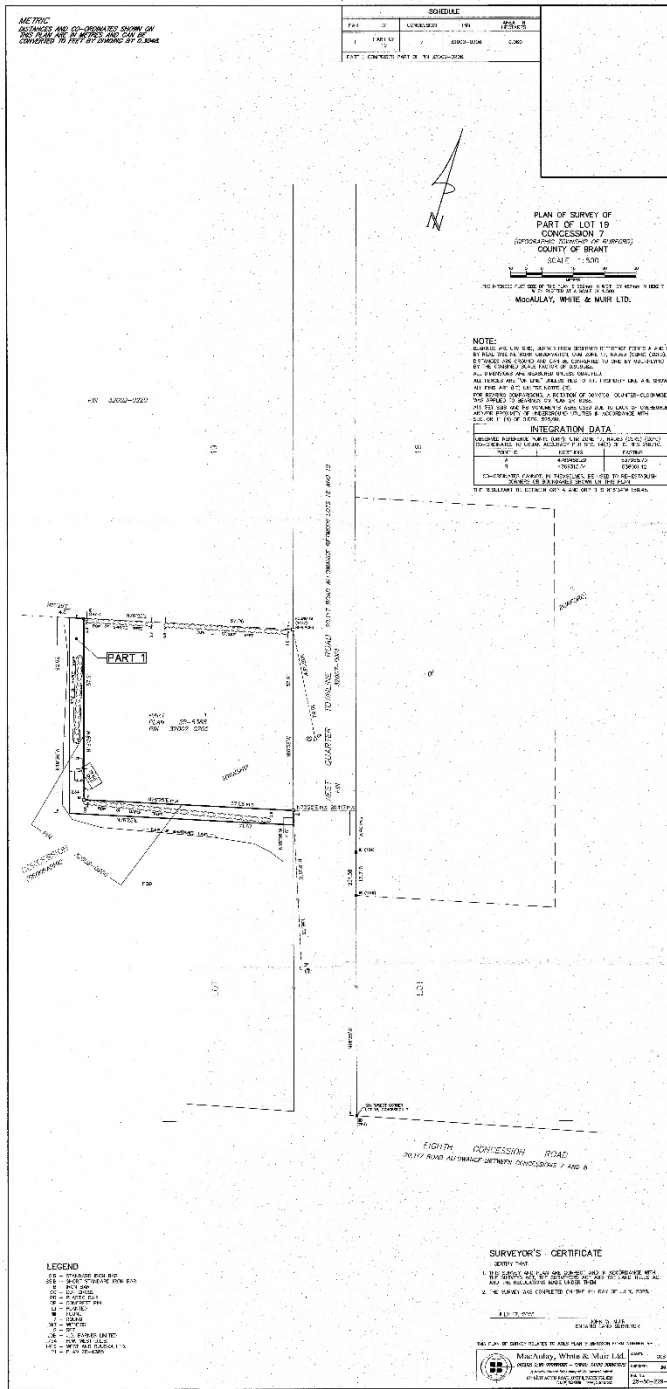
Attachment 5 – Aerial Detail Map

**MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B1-26-RF**

327 WEST QUARTER TOWNLINE ROAD
County of Brant
Ontario



Attachment 7 – Severance Sketch



Attachment 8 – Site Photos



Front-facing (west) view from West Quarter Townline Road.



Front-facing (northwest) view from the left side of the property.



Front-facing (southwest) view from right side of the property.



Picture of existing shed.



Front-facing west view of proposed lot line adjustment.

Blue: existing lot boundary

Red: proposed lot boundary



Stading at rear of property facing north of proposed lot line adjustment.

Blue: existing lot boundary

Red: proposed lot boundary

