



## Planning Report

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**Date:** June 2, 2026

**Report No:** RPT – 0215 – 26

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**To:** Jeremy Vink, Director of Planning  
**From:** Afsoon Veshkini, Planner  
**Application Type:** Zoning By-Law Amendment  
**Application No:** ZBA7-26-AV  
**Municipal Address:** 63 McLean School Road  
**Legal Description:** Concession 5, Part of Lot 3, Registered Plan 2R-3974, Part 7  
**Agent / Applicant:** MHBC / Trevor Hawkins  
**Owner:** Kris Martin  
**Subject:** Request for decision related to a Planning Application.

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### Application Details

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Zoning By-Law Amendment Application ZBA7-26-AV proposes to rezone the retained agricultural lands associated with 63 McLean School Road from Agricultural (A) to Agricultural with a Special Exception (A-9), to prohibit a dwelling unit as a permitted use. The amendment is required to satisfy a condition of related Consent Application B33-25-AV, which was conditionally approved by the Committee of Adjustment on March 12, 2026, for the severance of a surplus farm dwelling.

The severed surplus farm dwelling parcel has an area of approximately 0.63 hectares and approximately 91 meters of frontage on McLean School Road. The retained agricultural lands have an area of approximately 22.17 hectares and will continue to be used for agricultural purposes.

The purpose of this Zoning By-Law Amendment is to implement the surplus farm dwelling severance policies by prohibiting a new dwelling or additional residential unit on the retained agricultural lands.

The following documents were submitted as part of the complete application:

- Zoning By-Law Amendment Application Form & Fee;
- Cover Letter;
- Draft Zoning By-Law Schedule; and
- Supporting Materials from the Related Consent Application B33-25-AV.

### Location / Existing Conditions

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The subject lands are located north of McLean School Road, east of Branchton Road, and south of Glen Morris Road East. The property is located outside of any Settlement Area, within the Geographic Former Township of South Dumfries, in the County of Brant.

The original parcel has approximately 262 meters of frontage along McLean School Road and a total area of approximately 22.66 hectares. The lands contain one existing single detached dwelling, a detached accessory structure/workshop, a covered pool structure, and a small accessory structure associated with the pool. These existing residential and accessory structures are located on the severed surplus farm dwelling parcel approved through Consent Application B33-25-AV.

The retained lands have an area of approximately 22.17 hectares and will continue to be used for agricultural purposes. Natural heritage features are located on the eastern and rear portions of the property and remain on the retained lands. The lands are privately serviced.

The surrounding area is primarily agricultural in character, with rural residential uses and natural heritage features in the broader area.

## **Planning Policy**

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### **Planning Act**

#### **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:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (h) the orderly development of safe and healthy communities; and
- (p) the appropriate location of growth and development.

#### **Provincial Planning Statement – 2024**

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

- **Policy 4.3.1.2** requires prime agricultural areas to be designated and protected for long-term use for agriculture. The proposed amendment supports this policy by maintaining the retained lands for agricultural purposes and prohibiting future residential development on the remnant farm parcel.
- **Policy 4.3.3.1(c)** permits one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that the new lot is limited to the minimum size needed to accommodate the use and appropriate sewage and water services, and that new dwellings and additional residential units are prohibited on the remnant parcel of farmland. This Zoning By-Law Amendment implements that requirement by rezoning the retained lands to Agricultural with a Special Exception (A-9).
- **Policy 4.3.3.3** provides that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with the surplus farm dwelling provisions. The amendment ensures that the related consent does not create future residential development potential on the retained agricultural lands.

- **Policy 4.1.1** states that natural features and areas shall be protected for the long term. Natural heritage features are located on the retained lands, and no new development or site alteration is proposed through this Zoning By-Law Amendment.

### **Brant County Official Plan (2023)**

In accordance with Official Plan - Part 6, Section 2.27 & 2.2.8, the passing of By-Law 16-26 & 17-26 (OPA3-A-25) establish framework for alternative measures for public engagement framework and amendment to delegated authority to Staff for limited planning related decisions.

#### **Schedule 'A' Land Use Designation: Agriculture and Natural Heritage System**

Settlement Area: **Outside of any Settlement Area**

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

- The proposed Zoning By-Law Amendment does not change the land use designation or introduce a new use.
- The retained lands will continue to be used for agricultural purposes, which is permitted within the Agriculture designation and supports the long-term protection of the agricultural land base.
- **Part 5, Section 2.3.7:** The proposed amendment is required to implement the zoning restriction associated with the conditionally approved surplus farm dwelling severance.
- **Part 5, Section 2.3.10:** This policy requires new residential dwellings to be prohibited on the remnant farm parcel through the applicable implementation by-law. The proposed Agricultural with a Special Exception (A-9) zoning directly implements this requirement.
- **Part 5, Section 2.10:** Natural heritage features are located on the retained lands. No new development or site alteration is proposed through this Zoning By-Law Amendment.
- The amendment does not change existing access, servicing, or road conditions, and no new infrastructure is required as part of this application.

### **Zoning By-Law 61-16**

Schedule 'A' Zone Classification: **Agricultural (A)**

This application proposes to rezone the retained agricultural lands from Agricultural (A) to Agricultural with a Special Exception (A-9), to prohibit a dwelling unit as a permitted use.

The proposed A-9 zoning is required to satisfy a condition of Consent Application B33-25-AV and implements Section 4.29(f) of Zoning By-Law 61-16, which requires a Special Exception Agricultural zoning to be applied to the retained lands associated with a surplus farm dwelling severance in order to prohibit a dwelling unit.

The previous planning review confirmed that the proposed severance conforms to the intent of Zoning By-Law 61-16. The retained lands will continue to be used for agricultural purposes, and the proposed A-9 zoning will ensure that no new residential dwelling or additional residential unit can be established on the retained parcel.

*It is my professional planning opinion that the proposed Zoning By-Law Amendment complies with the intent and purpose of the County of Brant Zoning By-Law 61-16.*

## Technical Circulation

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As part of the technical circulation process, the following agency comments were received:

Department / Agency Comments
<u>Development Engineering Division (County of Brant):</u> - No comments.
<u>Emergency and Protective Services (County of Brant):</u> - No objection.
<u>Operations Division (County of Brant):</u> - No comments.
<u>Policy Planning (County of Brant):</u> - No comments.
<u>Parks Capital Planning &amp; Forestry (County of Brant):</u> - No comments.
<u>Operations Division (County of Brant):</u> No comments.
<u>Grand River Conservation Authority (GRCA):</u> - No objection.
The following Departments/ Commenting Agencies were included on the technical circulation of this application with no comments received: <ul style="list-style-type: none"><li>- Building Division (County of Brant)</li><li>- Source Water Protection (County of Brant)</li><li>- Hydro One</li><li>- Six Nations of the Grand River (SNGR)</li><li>- Mississauga's of the Credit First Nation (MCFN)</li></ul>

## Public Consultation

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Notice of this application has been provided in accordance with the *alternative measures* for public engagement authorized under By-law 17-26 (OPA3-A-25). A copy of the public notice is attached to this report.

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

## Recommendation & Decision

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**THAT Zoning By-Law Amendment Application ZBA7-26-AV**, submitted by MHBC / Trevor Hawkins on behalf of the owner, Kris Martin, for lands legally described as Concession 5, Part of Lot 3, Registered Plan 2R-3974, Part 7, in the Geographic Former Township of South Dumfries and municipally known as 63 McLean School Road, County of Brant, proposing to rezone the retained agricultural lands from Agricultural (A) to Agricultural with a Special

Exception (A-9), to prohibit a dwelling unit as a permitted use, in order to satisfy a condition of related Consent Application B33-25-AV, **BE APPROVED**.

**AND THAT** the reasons for approval are as follows:

- a) The application implements a condition of Consent Application B33-25-AV, which was conditionally approved by the Committee of Adjustment for the severance of a surplus farm dwelling.
- b) The proposed Agricultural with a Special Exception (A-9) zoning will prohibit a dwelling unit on the retained agricultural lands and support the long-term protection of the agricultural land base.
- c) The amendment maintains the intent of the applicable surplus farm dwelling severance policies and does not introduce a new sensitive land use or additional residential development potential on the retained agricultural lands.
- d) The proposal is consistent with the Provincial Planning Statement (2024), conforms to the County of Brant Official Plan (2023), and complies with the intent and purpose of Zoning By-Law 61-16.

Prepared by:



*Afsoon Veshkini, Planner*

*THAT the Application be **APPROVED**, for the reasons outlined in the recommendation, and that the Mayor and Clerk be directed to sign the authorizing bylaw as attached, and that the bylaw be numbered accordingly.*



*Jeremy Vink, Director of Planning*

*This decision is in accordance with and authorized by the delegated authority By-law 16-26 (OPA3-A-25).*

## **Attachments**

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1. Aerial Mapping
2. Official Plan Mapping
3. Zoning Mapping
4. Draft By-Law and Schedule 'A' Mapping
5. Related Consent Decision

## **Reviewed By**

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1. Dan Namisniak, Manager of Development Planning
2. Jeremy Vink, Director of Planning

## **Copied To**

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1. Spencer Pluck, Deputy Clerk
2. Nicole Campbell, Secretary Treasurer of the Committee of Adjustment
3. Applicant/Agent/Owner

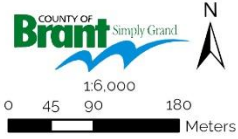
## **By-law and/or Agreement**

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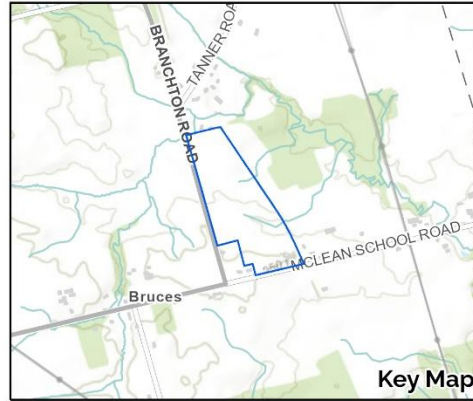
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|---|-----|
| - By-Law Required   | Yes |
| - Agreement(s) or other documents to be signed by Mayor and /or Clerk | Yes |

**MAP 3: AERIAL IMAGERY 2024**  
**FILE NUMBER**  
**ZBA7-26-AV**

63 McLean School Road  
County of Brant  
Ontario



Date Printed: 2026-04-14

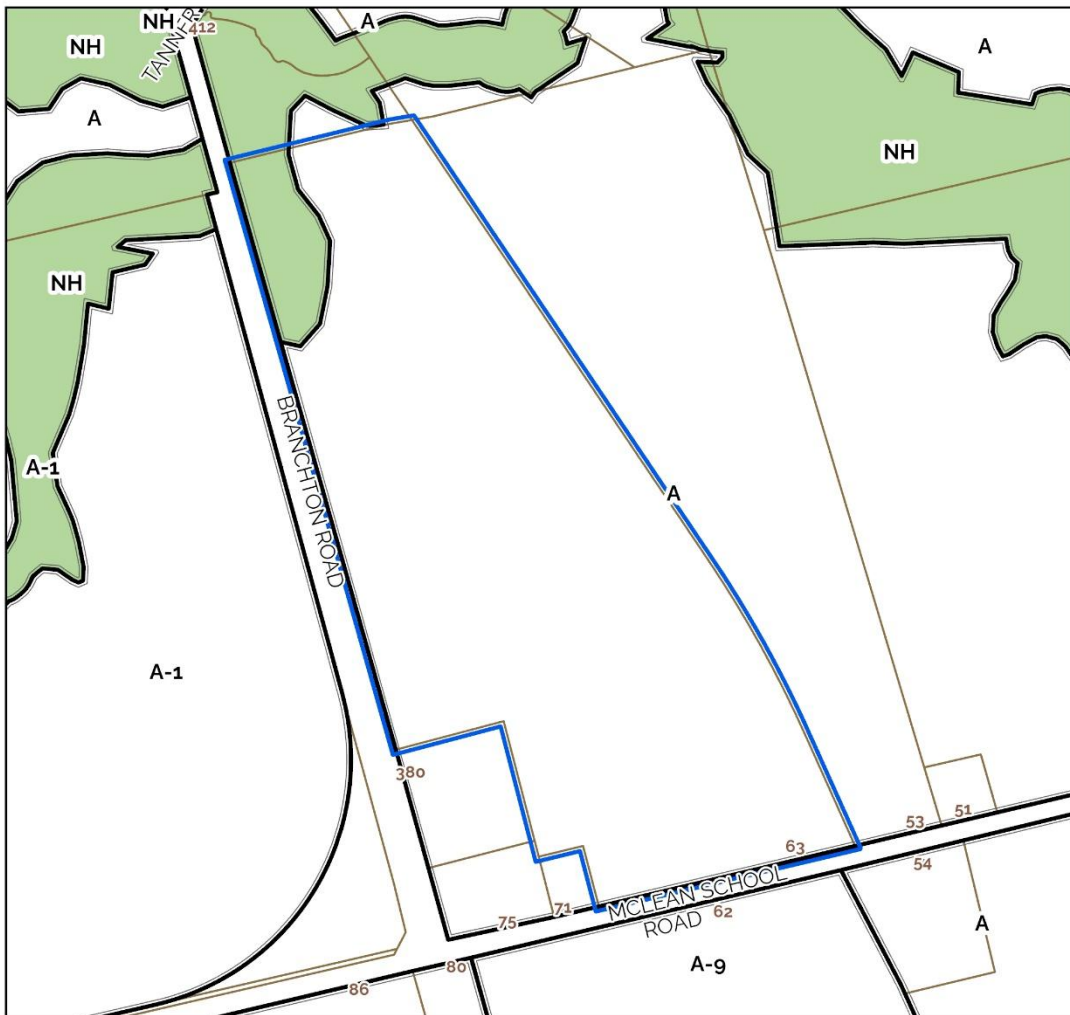
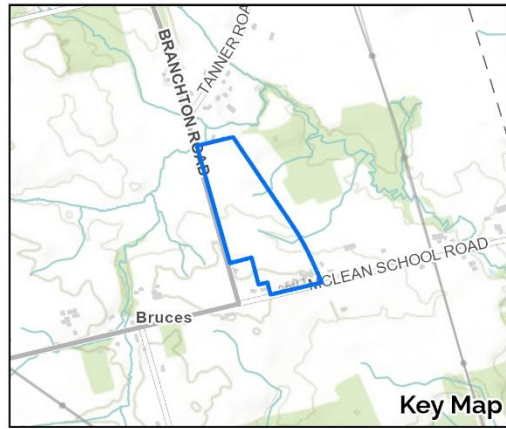


**MAP 1: ZONING  
FILE NUMBER  
ZBA7-26-AV**

63 McLean School Road  
County of Brant  
Ontario



Date Printed: 2026-04-14



**Attachment 4- Draft By-Law**

**BY-LAW NUMBER XXX-26**

-of-

**THE CORPORATION OF THE COUNTY OF BRANT**

To further amend By-Law Number 61-16, being the Comprehensive Zoning By-Law for the County of Brant, as amended.

MHBC / Trevor Hawkins (Applicant), Kris Martin (Owner), 63 McLean School Road

WHEREAS Section 34 of *The Planning Act* authorizes the council of the County of Brant to pass By-Laws restricting the use of land and the erecting, locating, or using of buildings or structures, for or except for such purposes as set out in the Comprehensive Zoning By-Law, including that the Comprehensive Zoning By-Law may be amended.

AND WHEREAS ZBA7-26-AV was received from MHBC / Trevor Hawkins, on behalf of Kris Martin, owner of lands legally described as Concession 5, Part of Lot 3, Registered Plan 2R-3974, Part 7, in the Geographic Former Township of South Dumfries, and municipally known as 63 McLean School Road, in the County of Brant, proposing to amend the Comprehensive Zoning By-Law for the County of Brant, being By-Law 61-16, as amended.

AND WHEREAS the application to amend the Comprehensive Zoning By-Law for the County of Brant seeks to change the present zoning of the retained lands municipally known as 63 McLean School Road from Agricultural (A) to Agricultural with a Special Exception (A-9), to prohibit a dwelling unit as a permitted use.

AND WHEREAS the application is required to satisfy a condition of related Consent Application B33-25-AV, which was conditionally approved by the Committee of Adjustment on March 12, 2026, to sever a surplus farm dwelling.

AND WHEREAS this application to amend the Comprehensive Zoning By-Law for the County of Brant is in conformity with the policies of Official Plan for the County of Brant (2023).

AND WHEREAS the Director of Planning, under the authority delegated by Council through By-Law 16-26 (amending By-Law 73-22), approves of this By-law to support the long-term protection of the agricultural land base.

AND WHEREAS the Council of the Corporation of the County of Brant deems such an amendment to the County of Brant Zoning By-Law to be desirable for the future development and use of the lands.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS AS FOLLOWS:**

1. THAT Schedule 'A' of By-Law 61-16, as amended, is hereby further amended to add the following site-specific provisions:

A-9 – Special Exception Agricultural Zone

Notwithstanding any provision of this By-Law to the contrary, within any area zoned A-9 on Schedule “A” hereto, the following site-specific provisions shall apply:

A dwelling unit shall not be permitted as a use on the retained lands.

All other provisions of this By-Law shall continue to apply.

2. THAT Zoning By-Law 61-16, as amended, is hereby further amended insofar as the zoning of the retained lands as illustrated on Schedule ‘A’ attached to and forming part of this By-Law, to be changed from the present Agricultural (A) Zone to Special Exception Agricultural (A-9) Zone.
3. 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.
4. THAT, provided no appeals have been received, this By-Law shall come into force and take effect on the day after the last day of appeal in compliance with the provisions of *The Planning Act*, R.S.O., 1990, as may be amended from time-to-time.
5. THAT this by-law is passed in accordance with authority delegated by Council through By-Law 16-26 (amending By-Law 73-22) on this \_\_\_\_\_ day of \_\_\_\_\_, 2026

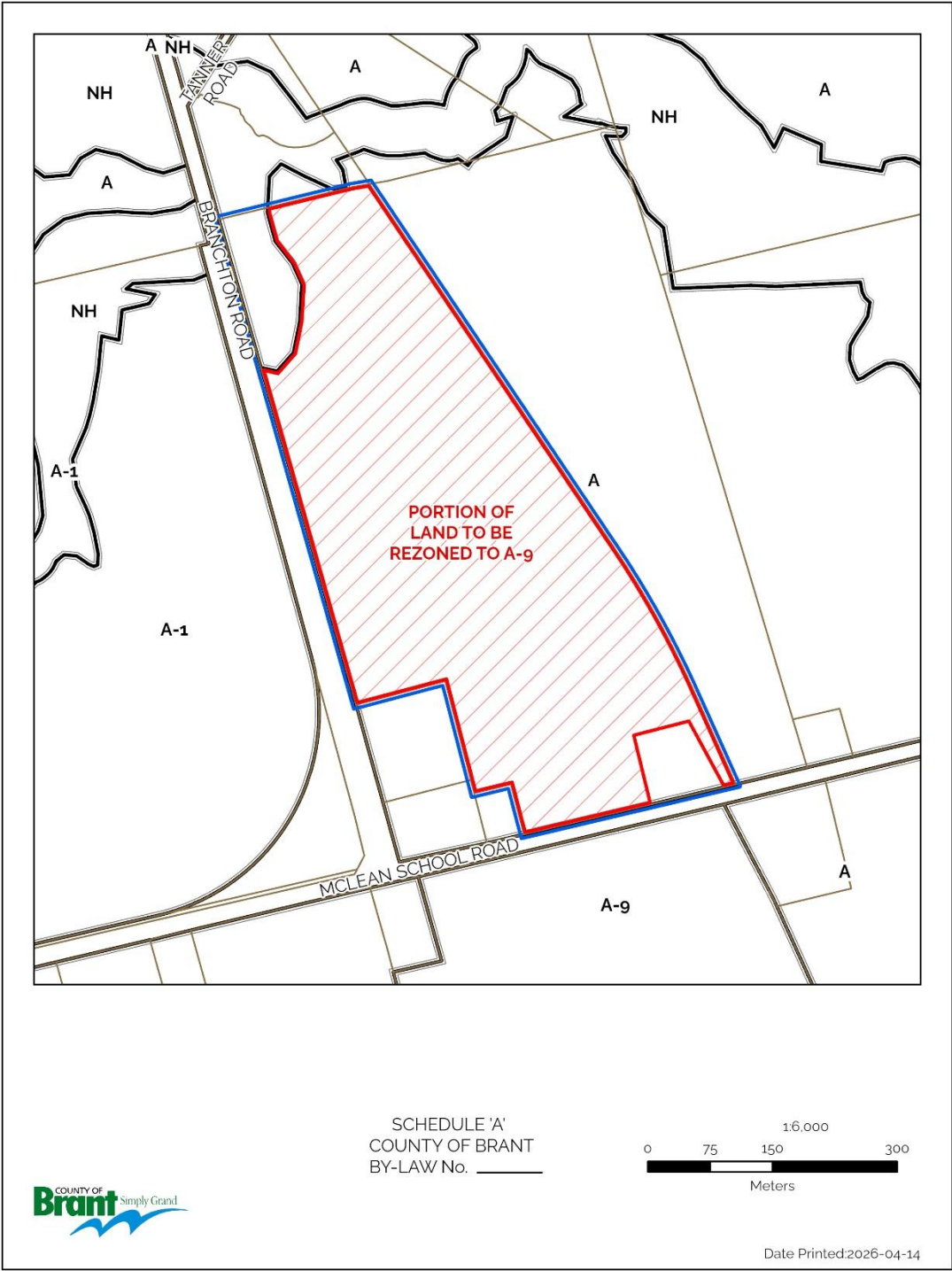
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David Bailey, Mayor

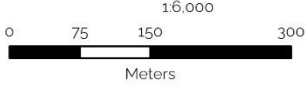
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Sunayana Katikapalli, Clerk

Schedule 'A' Mapping



SCHEDULE 'A'  
COUNTY OF BRANT  
BY-LAW No. \_\_\_\_\_



Date Printed: 2026-04-14

## Attachment 5- Related Consent Decision

COUNTY OF BRANT  
COMMITTEE OF ADJUSTMENT  
66 GRAND RIVER STREET NORTH  
PARIS ON N3L 2M2

**Applicant: MHBC / Trevor Hawkins**  
**Submission No.: B33-25-AV**  
**Roll No.: 292001602060201**

**DECISION OF COMMITTEE**  
**IN THE MATTER OF SECTIONS 50 & 53**  
**OF THE PLANNING ACT, R.S.O. 1990, as amended**  
**-and-**

**IN THE MATTER OF A CONSENT APPLICATION** from Trevor Hawkins, MHBC, on behalf of the owners, Kris Martin, for lands legally described as Concession 5, Part of Lot 3, Registered Plan 2R-3974, Part 7, in the Geographic Former Township of South Dumfries and municipally known as 63 McLean School Road, County of Brant, requesting to sever a surplus farm dwelling with an area of approximately 0.63 hectares (1.56 acres) and 91 meters (298.5 feet) of frontage on McLean School Road.

This Application was heard on the **12<sup>h</sup> Day of March 2026** after notice by mail and personal service to surrounding property owners and interested parties as directed by the Committee and Rules of Procedure.

**THE DECISION OF THE COMMITTEE IS:**

THAT the Application be **APPROVED**.

Having regard for the criteria under Section 51 (24) of the Planning Act, the decision is based upon the following reason(s):

- The existing dwelling is surplus to the needs of the farming operation as a result of farm consolidation within the County of Brant.
- Appropriate conditions have been included to protect agricultural lands and natural heritage features and to address technical agency requirements, including the rezoning of the retained parcel to prohibit future residential development.
- The proposal is consistent with the Provincial Planning Statement (2024), conforms to the County of Brant Official Plan (2023), and complies with Zoning By-law 61-16.

THAT this decision be subject to the following conditions:

- 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 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 the following concurrent Planning Act Application be deemed complete and approved with no appeals:
  - a) Rezone the retained lands from Agricultural (A) to Agriculture with a Special Exception (A-9) to prohibit a dwelling unit as a permitted use.
  - b) 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.

- 4) That the Applicant(s) provide proof/copy of draft approved civic addressing for the severed lands issued by the Planning Division to the satisfaction of the County of Brant.
- 5) That the applicant provides CAD drawing or GIS files with line work to import into database.
- 6) That the Owner/Applicant(s) submit an Environmental Impact Study (EIS) Waiving Assessment, prepared by a qualified environmental consultant, to the satisfaction of the County of Brant, to confirm that the proposed severance will not negatively impact the adjacent Natural Heritage feature and to determine whether a full Environmental Impact Study is required.
- 7) That permanent farm fencing (post and wire) be installed along the north and east property lines of the severed parcel, to the satisfaction of the County of Brant, in order to prevent future encroachment into the Natural Heritage System area.
- 8) That the Owner/Applicant(s) provide Parkland Dedication and/or Cash-in-lieu of parkland in the amount of \$6160.00, for the surplus dwelling parcel, 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.
- 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 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
- 11) That the Owner/Applicant(s) remove/ relocate the existing small shed (as identified on the application materials) on the proposed severed lot to comply with zoning setback requirements prior to the finalization of the Consent, to the satisfaction of the County of Brant.
- 12) 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).
- 13) 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.
- 14) 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.

*NOTE: Any further Planning Applications required to satisfy the conditions of approval must be applied for four (4) months prior to the lapsing of the Consent.*

*NOTE: THAT pursuant to Section 53(17)-(18.2) and Section 45(8)-(8.2) of the Planning Act, R.S.O. 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:*

*"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in the staff report, addendum (if required) and public meeting.*

**DATED this 12<sup>th</sup> day of March, 2026**

Concur in the Decision:

APPROVED

\_\_\_\_\_  
Mary-Jane Brown, Chair

APPROVED

\_\_\_\_\_  
Bob Hamilton, Vice-Chair

APPROVED

\_\_\_\_\_  
John Vamos, Member

APPROVED

\_\_\_\_\_  
Steve Schmitt, Member

APPROVED

\_\_\_\_\_  
Jang Panag, Member

*ABSENT*

\_\_\_\_\_  
Harry Emmott, Member

APPROVED

\_\_\_\_\_  
Rebecca Smith, Member

NOTE:

1. **The last date for filing a notice of appeal to the Ontario Land Tribunal (OLT) is April 2, 2026.**
2. Appeal of the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal (OLT) can be made by the **Applicant or Minister**, not later than 20 days after the making of a decision under Section 45(12) for a Minor Variance and not later than 20 days after the giving of notice of a decision under Section 53(17) or (27) for Consent.
3. Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT). A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.
4. To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal, you may file a notice of appeal with the Clerk or Secretary-Treasurer via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting Brant (County) as the Approval Authority or by mail 66 Grand River St. N., Paris, Ontario N3L 2M2, no later than 4:00 p.m. on April 2, 2026. The filing of an appeal after 4:00 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fees:
  - of \$400 to the OLT can be paid online through e-file or by certified cheque/money order

to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at [www.olt.gov.on.ca](http://www.olt.gov.on.ca).

- In addition, a fee of \$285.00 payable to the “County of Brant” as per the County of Brant’s Development Services fees online <https://webforms.brant.ca/finance/planning-applications-payment> or by mail to 66 Grand River St. N., Paris, Ontario N3L 2M2.
  - If the e-file portal is down, you can submit your appeal to [clerks@brant.ca](mailto:clerks@brant.ca).
5. You will be entitled to the conditions of the provisional consent and/or minor variance if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent and/or minor variance or make a written request to be notified of changes to the conditions of the provisional consent and/or minor variance.
  6. Additional information regarding this application for consent and/or minor variance is available at the offices of the County of Brant, 66 Grand River Street North, Paris, Ontario, during regular office hours Monday to Friday 8:30 a.m. to 4:30 p.m. Tel: 519-442-6324; [planning@brant.ca](mailto:planning@brant.ca)

