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Date July 3, 2024 **Report No.** 2024-431

To Chair and Members
City of Brantford Committee of Adjustment

From Noor Hermiz
Intermediate Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.: A33-2024

AGENT: Waterous Holden Amey Hitchon LLP (c/o Courtney Boyd)

APPLICANT/OWNER: Paul Polillo

LOCATION: 504 King George Road

3.0 Recommendations

- A. THAT application A33-2024 seeking relief from Section 4.4 (b) of County of Brant Zoning By-law 61-16, to permit an accessory structure in the front yard whereas it is otherwise not permitted, BE DEFERRED;
- B. THAT application A33/2024 seeking relief from Section 4.5 (a) of County of Brant Zoning By-law 61-16, to permit two (2) separate accessory buildings for the use of ADUs, whereas one (1) is otherwise the maximum, BE DEFERRED;

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- C. THAT application A33/2024 seeking relief from Section 4.5 (b) of County of Brant Zoning By-law 61-16, to permit an accessory structure in the front yard whereas it is otherwise not permitted, BE DEFERRED;
- D. THAT the reasons for the deferral of the minor variances are as follows: to give the Applicant an opportunity to complete the necessary archaeological assessment as requested by the City and the Mississaugas of the Credit First Nation.
- E. THAT pursuant to 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 Section 6.2 of Report 2024-431.”*

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 504 King George Road. The subject property is currently vacant as shown below in **Figure 1**. The property owner intends to construct one (1) single detached dwelling, two (2) accessory dwelling units (ADUs), one (1) accessory structure (horse barn), and a fenced off paddock area on the subject property, as shown on the applicant’s site plan sketch in **Figure 2**. The subject variance application only applies to the construction of the two proposed accessory dwelling units (ADUs). To facilitate this development as proposed, the applicant is requesting relief from the following sections of the County of Brant Zoning By-law 61-16:

- Section 4.4 (b) – Regulations for Accessory Buildings and Structures, to permit an accessory structure in the front yard whereas it is otherwise not permitted;
- Section 4.5 (a) – Accessory Dwelling Units, to permit two (2) separate accessory buildings for the use of ADUs; and,
- Section 4.5 (b) - Accessory Dwelling Units, to permit a maximum ADU size of 139 sq. m (1,496 sq. ft.) whereas 93 sq. m (1,001 sq. ft.) is otherwise the maximum.

employee. A copy of the cover letter is included as **Appendix A**. The subject lands are entirely located within an Area of Archaeological Potential and contain a cemetery in the existing woodlot.

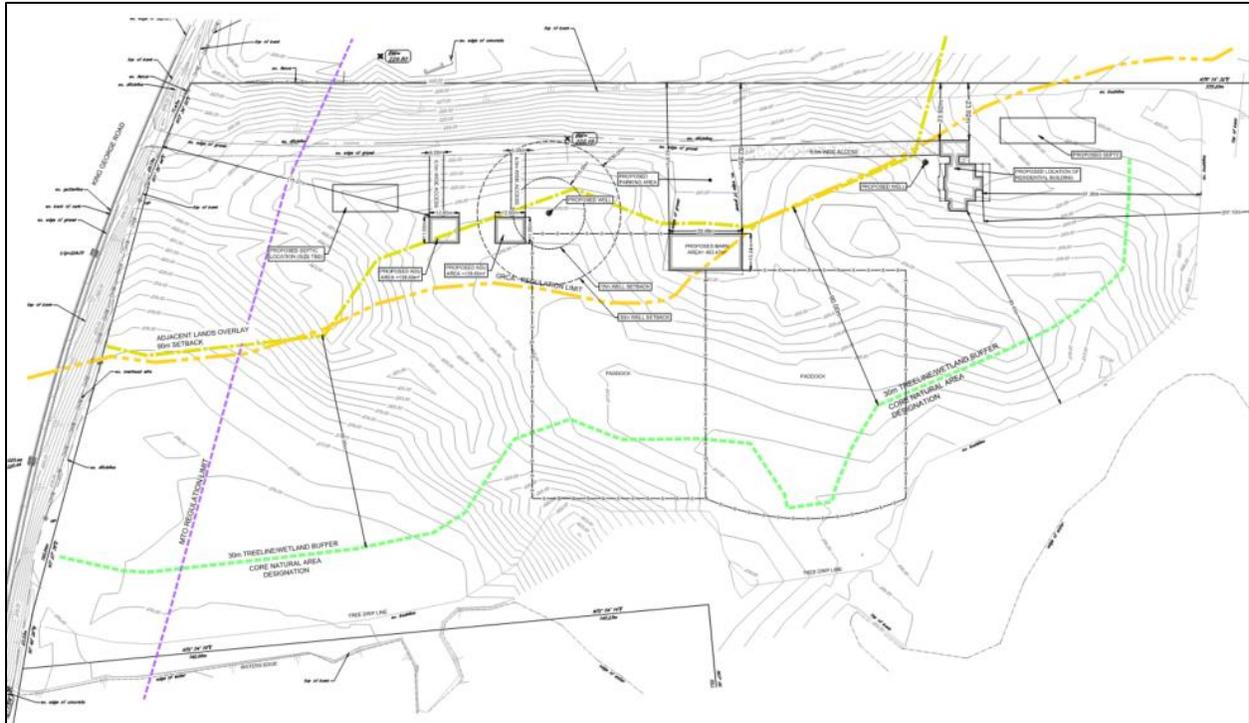


Figure 3 – Site Plan

5.0 Site Features

The subject property is located outside of the City's settlement area boundary and situated on the east side of King George Road, north of Powerline Road, and south of Governor's Road East. The property is approximately 15.7 ha (38.9 ac.) in area, is designated Agricultural and Core Natural Area in the City of Brantford Official Plan, and zoned Agricultural (A) and Natural Heritage (NH) Zone in the County of Brant Zoning By-law 61-16.

The surrounding land uses outside of the settlement area boundary are predominantly agricultural and rural in nature and are also developed with some single detached residential dwellings fronting along King George Road. The subject lands will be developed on private services (i.e. well and septic system).

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on May 17, 2024. The following is a summary of the related feedback received by Staff.

Mississauga's of the Credit First Nation (MCFN) requires a Stage 1 Archaeological Study be conducted on site to determine its archaeological potential and further that the Stage 1 Report be submitted to MCFN for review. If it is determined that a Stage 2 is required, MCFN is expected to be involved in the field study with MCFN Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

6.2 Public Comments

A Notice of Public Hearing was issued by personal mail to 12 nearby property-owners on June 21, 2024. At the time of writing this Report, no public comments have been received.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis and Conclusion

The subject lands are designated "Agricultural" and "Core Natural Area" in the Official Plan and zoned Agricultural (A) and Natural Heritage (NH) in the County of Brant Zoning By-law 61-16, as shown in **Appendix B** and **Appendix C**, respectively.

Section 3.4.n of the City of Brantford Official Plan states that development in any area containing or adjacent to a known or registered archaeological site, or entirely or partially within an area of archaeological potential, the City will require the submission of an Archaeological Assessment. As noted in Section 6.1, City Staff and the MCFN have requested the completion of a Stage 1 Report. Since there is no mechanism under the Ontario Building Code to complete this type of work under the building permit process, now is the appropriate time to complete this study.

Based on the analysis in this Report, Planning staff are not in a position to recommend approval at this time but do want to provide the Applicant with an opportunity to complete the requested assessment. In conclusion,

Planning Staff are recommending that the application be deferred until such time that a Stage 1 Archaeological Assessment has been undertaken and completed in accordance with the Province's Standards and Guidelines for Consultant Archaeologists.

Noor Hermiz

Prepared by: Noor Hermiz
Intermediate Development Planner,
Development Planning
Prepared: June 26, 2024



Reviewed By: Jeff Medeiros, MCIP RPP,
Senior Project Manager, Development
Planning

Appendix A – Agent’s Cover Letter



WATEROUS HOLDEN AMEY HITCHON^{LLP}
LAWYERS

May 17, 2024

BY EMAIL

lking@brantford.ca

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City of Brantford
58 Dalhousie Street
Brantford, ON N3T 2J2
Attention: Lindsay King

Dear Ms. King:

**RE: Paul Polillo – 504 King George Road, Brantford
Our File No. 537826-141844**

We are writing to provide additional information and documentation as requested in your correspondence dated May 10, 2024.

Please find enclosed the following:

1. Confirmation of Approval from Agricorp dated July 14, 2022
 - a. Farm Business Number 845443472

The proposed agricultural use of the Subject Lands is a horse farm which includes the boarding, breeding, racing and training of horses. At present, the Applicant, Paul Polillo, operates this farm at the property located at 169 Powerline Road, Brantford. There are presently ten (10) horses; however, this number will increase with the breeding of some mares at the farm.

The farm is a family business with its two (2) full time employees, Guy Polillo and Alexander Polillo, being the children of the owner, Paul Polillo, and his spouse, Marcia Polillo. The Polillos have a family history in horse farming and breeding since the late 1960s with Guy Polillo Sr.

The employees hold the position of labourer, and their job duties include the daily care and maintenance of horses (such as daily stall cleaning and feeding), assistance with training, breeding, general barn upkeep and some office duties. The hours of employment are fulltime, being more than 40 hours per week, but vary in time per day based on the daily needs of the farm operation. For this reason, it is beneficial to the operation to have employees residing at the property to assist with farm operations as required daily.

We note that both employees currently reside in a residential unit located on the current farm property.

The owner, Paul Polillo, is presently 57 years old and relies on his employees/sons for manual labour tasks. The manual labour tasks include cleaning stalls, lifting equipment and feed/hay and exterior maintenance.

Brantford Wellington Office
20 Wellington Street
Brantford, ON N3T 2L4

Brantford King Office
50 King Street
Brantford, ON N3T 3C7

Paris Office
7 William Street
Paris, ON N3L 1K6

Mailing Address
P.O. Box 1510
20 Wellington Street
Brantford, ON N3T 5V6

Due to the number of horses and associated duties, two fulltime employees are required to assist with farm operations. The owner's spouse, Marcia Polillo, also assists with some clerical work.

The Subject Lands would be the new location for the current farm and would have both a barn and paddocks. The operations of the farm would remain the same subject to the possibility of an additional horse(s) at any given time due to breeding.

A permit for the new barn to be constructed has been received from the City. The newly constructed barn will contain: nine (9) stalls, a tack room, hay storage, equipment storage and office. The paddocks (as indicated on the site plan) are located south of the barn and are accessible from the barn itself.

The intended residents of the Accessory Dwelling Units are the two (2) employees and their significant other/spouse. Neither of the employees presently have children; although, it is intended that any future children reside in the Unit. For this reason, the additional square footage is sought under the minor variance to accommodate the employees and their family.

Yours truly,

WATEROUS HOLDEN AMEY HITCHON LLP

Per:



Courtney Boyd, Associate Lawyer

CJB/cjb

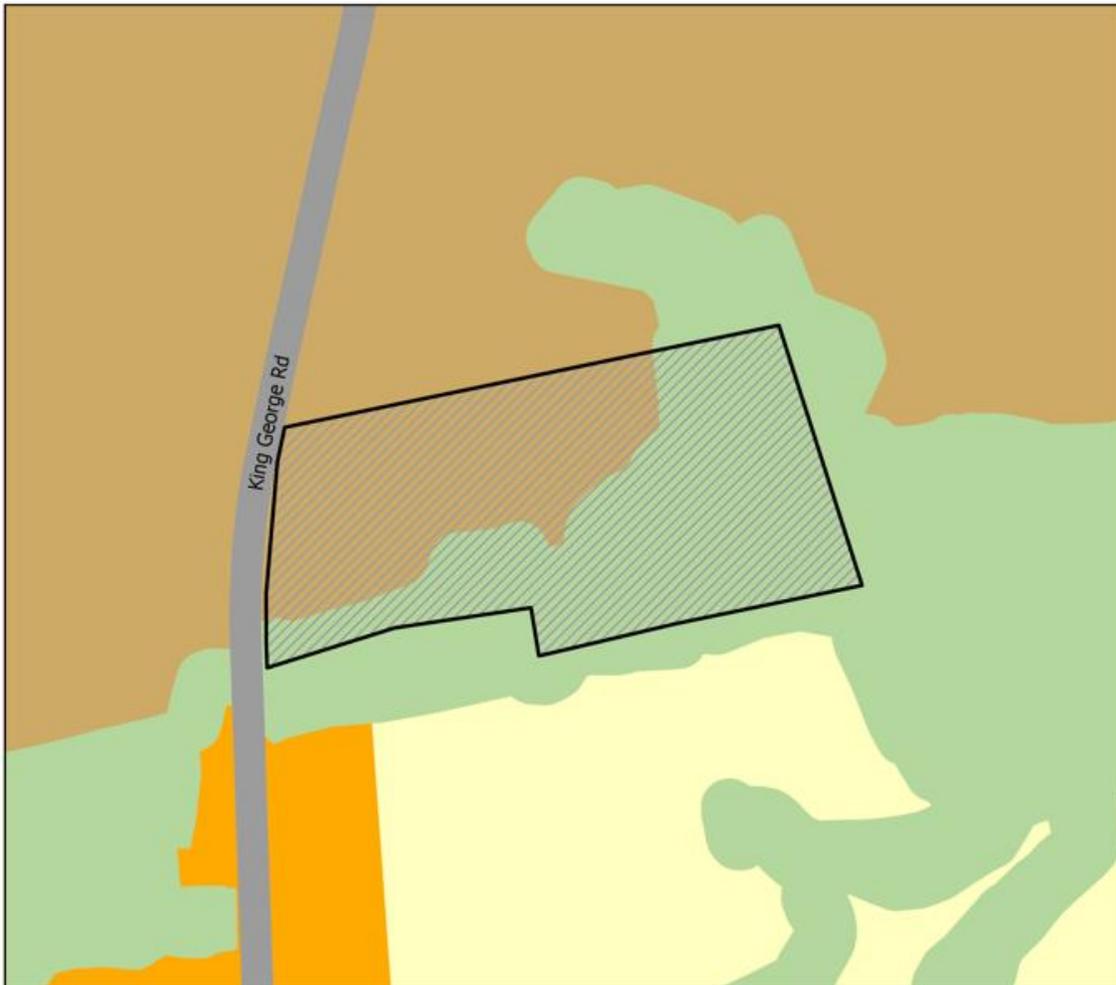
Email: cboyd@waterousholden.com

Direct: (519) 751-6413

Appendix B - Official Plan Designation

OFFICIAL PLAN EXCERPT MAP

Application: A33-2024
504 King George Street



Legend

- | | |
|--|---------------------------------|
| Agricultural Designation | Prestige Employment Designation |
| Core Natural Areas Designation | Commercial Mixed Use Corridor |
| Residential Designation | General Employment Designation |
| Major Institutional Designation | Six Nations Territory |
| Parks and Open Space Designation | VIAS Station |
| Downtown Urban Growth Centre Designation | Transit Terminal |
| Major Commercial Centre Designation | Subject Land |
| Intensification Corridor Designation | |



0 120 240 Metres

Appendix C - Zoning

