



GRAND VALLEY

Council Planning Report

To: Mayor Soloman & Council
From: Mark H. Kluge, MCIP, RPP, Town Planner
Date: December 10, 2024
Report No.: PLN2024-104
Subject: **Public Meeting Proposed Zoning By-Law Amendment Z04-2024 – Brakke Farm Inc.**

Recommendation:

THAT Report No. PLN2024-104, dated December 10, 2024, be received;

AND FURTHER THAT the public has until Monday January 6, 2025, to provide comments to Planning on Application Z04-2024;

AND FURTHER THAT all agency and public comments be referred to Planning and considered in a future Recommendation Report to Council;

AND FURTHER THAT the decision on Application Z04-2024 be deferred.

Key Points:

The following are key points for consideration with respect to this report:

- The proposed Zoning By-Law Amendment is to reduce the required front yard setbacks for accessory structures.
- No decision will be made at this Public Meeting. A Recommendation Report will be provided to Council at a later date.
- The public has until Monday, January 6, 2025 to submit comments to Planning.
- This property is also subject to a proposed sale of a portion of the Town owned Right of Way (ROW) to the Owner.

Background

Location:

The subject lands are located at **321339 Concession Road 6-7, Roll #122600**, in the **RURAL** area of Grand Valley. The subject lands are a working farm, see **Appendix 1: Location Map**.

Site Characteristics:

Municipal/Emergency Address	321339 Concession Road 6-7
Roll Numbers	122600
Legal Description	Concession 7 Lot 24
Current Use	Farm
Site Area	402.6 m ²
Official Plan	<i>Agricultural</i>
Current Zoning	Agricultural (A)
Proposed Zoning	Site Specific Agricultural Exception Twenty-four (A-24)

Surrounding Land Uses:

NORTH	Agricultural
SOUTH	Agricultural
EAST	Open Space/Environmental Protection
WEST	Rural Residential/Agricultural

History:

The application was received by Planning on August 28, 2024. Upon review of the site plan, Planning confirmed with the Owner that the proposed shed extension was 170 feet (51.82 m); however, the current front yard setback of the existing building to the property line is approximately 45.65m. Therefore the Owner did not have enough land in which to construct the shed extension. The Owner was advised that only a legal survey could determine the exact setback.

Public Meeting Proposed Zoning By-Law Amendment Z04-2024 – Brakke Farm Inc.

Planning also explained that setbacks are measured from the property line, not the centre of the road.

Planning then advised that it could not process the application as submitted and if the Owner wished to revise the application and reduce the length of the extension, Planning would be willing to process that application, with a recommendation to Council for a minimum 5 m setback from the property line, a reduction of 25 m from the required 30 m front yard setback.

On October 8, 2024, Council passed Resolution 2024-10-30:

BE IT RESOLVED THAT Council receives the request for a sale of Town lands and directs staff to obtain legal information on how the transaction could take place and report back to Council for discussion on the potential disposition of land.

The Owner has requested that they be able to purchase the existing Town Right of Way (ROW) that was taken in 1968 in order to expand the front yard of the farm to build the shed extension with a reduced front yard set back.

On October 22, 2024 Planning brought forward [Report 2024-81](#), regarding the sale of a portion of the Rural ROW adjacent to 321339 Concession Road 6-7 (Roll #122600) and Council passed Resolution 2021-10-39:

BE IT RESOLVED THAT Council receives Report – Sale of a Portion of the Rural Right of Way (ROW) adjacent to 321339 Concession Road 6-7 Roll #122600, 2024-081, dated October 22, 2024;

AND FURTHER THAT Council directs Town Staff to proceed with the sale of the ROW adjacent to 321339 Concession Road 6-7 Roll #122600, as per Town By-law 2006-47;

AND FURTHER THAT Council directs that the process to sell the ROW commence after receipt of the required Reference Plan outlining the lands to be sold.

The Owner submitted the DRAFT Reference Plan on October 18, 2024, see **Appendix 2: Draft Reference Plan.**

Public Meeting Proposed Zoning By-Law Amendment Z04-2024 – Brakke Farm Inc.

The Staff report on the sale of the ROW is subject to a separate report listed on the December 10, 2024 Council Agenda.

With the submission of the Draft Reference Plan on October 18, 2024, Planning was able to deem the Zoning Application (Z04-2024) complete and could move forward with a Public Meeting.

Proposed Development:

On August 28, 2024, Henk Brakke of Brakke Farm Inc., the Owner, submitted a Zoning By-law Amendment application to decrease the required front yard setback for accessory buildings and structures. The Application was deemed complete on October 18, 2024, 2024, see **Appendix 1: Location Map** and **Appendix 3: Existing Building Setback**. All submission materials can be viewed on the Town's website under Current and Approved Applications – **321339 Concession Road 6-7 (Brakke Farm Inc.) File Z04-2024**, via this link: <https://www.townofgrandvalley.ca/business-development/building-planning-and-development/current-and-approved-applications/>

Current Planning Context

Provincial Planning Statement 2024 (PPS 2024):

All new development within the Province must conform to PP2 2024. The Recommendation Report will discuss how the proposed zoning amendment conforms to Provincial Policy.

Dufferin County Official Plan:

The subject lands are designated **Prime Agricultural** under the recent Minister adopted (October 2024) County Official Plan Schedule B.

Grand Valley Official Plan:

The subject lands are designated **Agricultural** in the Town's Official Plan. This designation permits single detached dwellings and accessory buildings and structures. An Official Plan Amendment is not required.

Grand Valley Zoning By-law 2009-10:

The subject lands are zoned **Agricultural (A) Zone**. A Zoning By-law Amendment is required to permit a reduced front yard setback for accessory buildings, see **Appendix 4: Draft Zoning By-law**.

Public Consultation:

Notice of this Public Meeting, via e-mail and signage, was provided pursuant to the *Planning Act* on November 20, 2024. As of the writing of this report, Planning has not received any comment from the Public regarding this application.

The Public has until **Monday January 6, 2025**, to submit comments to the Town regarding this application. Those members of the Public that submit comments, attend the Public Meeting, or request to be notified will be notified (via email) when the Recommendation Report is scheduled for Council. All comments received will be reviewed, evaluated, and responded to in the Final Recommendation Report to Council.

Town and Agency Consultation:

The applications were circulated for technical review on November 20, 2024. As of the writing of this report Planning has not received any technical comments. All technical comments received will be reviewed and addressed in the final Recommendation Report to Council.

Planning Analysis

The proposed zoning amendment is to reduce the required front yard setback for accessory buildings/structures. In Zoning By-law 2009-10, as amended, Section 3.1.2 Setback and Yard Requirements (for accessory buildings) subsection (iv) states:

*Any accessory building or structure shall not be located closer to the front lot line or exterior side lot line than the principal building on the lot. **Barns, livestock facilities, storage sheds, silos and other principle buildings can be located in front of a dwelling, provided that the front yard requirement is met.***

The proposed addition to the existing accessory building does not meet this requirement; therefore, a Zoning By-law Amendment is required. The Zoning By-law Amendment will not be passed until the sale of the adjacent ROW is completed.

Public Meeting Proposed Zoning By-Law Amendment Z04-2024 – Brakke Farm Inc.

All comments received from the public and technical circulations will be evaluated and reviewed by Planning and the Applicant. A response to all comments, addressing any issues and a full Planning Analysis will be provided in the Final Recommendation Report to Council.

Attachments:

- Appendix 1: Location Map
- Appendix 2: Draft Reference Plan
- Appendix 3: Existing Building Setback
- Appendix 4: Zoning By-law

Report Submitted by

Mark H. Kluge, MCIP RPP
Town Planner
519-928-5652 extension 225
mkluge@townofgrandvalley.ca

Report Approved by

Meghan Townsend
CAO/Clerk
519-928-5652 extension 222
mtownsend@townofgrandvalley.ca