



GRAND VALLEY

Council Planning Report

To: Mayor Soloman & Council
From: Mark H. Kluge, MCIP, RPP, Manager of Planning
Date: February 25, 2025
Report No.: PLN2025-028
Subject: **Decision Proposed Zoning By-Law Amendment Z04-2024 Brakke Farm Inc.**

Recommendation:

THAT Report PLN2025-028 Decision Proposed Zoning By-law Amendment Z04-2024 Brakke Farm Inc, dated March 25, 2025, be received;

AND FURTHER THAT Zoning By-law Amendment File Z04-2024, to amend the Town of Grand Valley Zoning By-law 2009-10, as amended, for the lands municipally known as located 321339 Concession Road 6-7, as generally shown in **Appendix 2: Zoning By-law** of this report, be approved and the necessary by-law be adopted.

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.
- This property is also subject to the sale of a portion of the Town owned Right of Way (ROW) adjacent to the Owner's property, the sale of which closed on February 24, 2025.

Background

History:

August 28, 2024:

Henk Brakke of Brakke Farm Inc., the Owner, submitted a Zoning By-law Amendment application (Z04-2024) to decrease the required front yard setback for accessory buildings and structures, for the property municipally known as 321339 Concession Road 6-7 (Roll #122600), see **Appendix 1: Location Map**.

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. Planning advised that only a legal survey could determine the exact setback. Planning also explained that setbacks are measured from the property line, not the centre of the road.

Planning 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.

October 8, 2024:

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

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.

Decision Proposed Zoning By-Law Amendment Z04-2024 Brakke Farm Inc.

October 22, 2024:

Planning brought forward [Report 2024-81 - Sale of a Portion of the Rural Right of Way 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.

October 18, 2024:

The Owner submitted a DRAFT Reference Plan and with this submission, Planning was able deem the Zoning Application (Z04-2024) complete and could move forward with a Public Meeting.

December 10, 2024:

The Public Meeting for Zoning Application Z04-2024 was held and Planning presented [Public Meeting Proposed Zoning By-Law Amendment Z04-2024, Brakke Farm Inc Report PLN2024-104](#). Council passed Resolution 2024-12-11:

BE IT RESOLVED that Report 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 Council directs 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.

At the same meeting, Planning also presented [Public Meeting Decision Declaration and Conveyance of Surplus Lands to 321339 Concession Road 6-7, File B02-2024 PLN2024-113](#) on the sale of the Town owned Right of Way (ROW) that the Applicant wished to

Decision Proposed Zoning By-Law Amendment Z04-2024 Brakke Farm Inc.

purchase. One of the conditions on the sale of the ROW was that the sale was to be completed prior to the Zoning By-law being passed by Council.

On February 24, 2025, the sale of the Town owned ROW to Brakke Farm Inc. was completed.

Current Planning Context

Provincial Planning Statement 2024 (PPS 2024):

All new development within the Province must conform to PP2 2024.

This minor zoning by-law amendment is site specific to permit reduced front yard setback to accommodate an addition to an existing agricultural building. The proposal does not involve any major policy considerations. Therefore, in Planning's opinion the proposed zoning amendment is not in conflict with, conforms to, and is consistent with the PPS 2024.

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 2: Zoning By-law**.

Public Meeting:

The Public Meeting was held on December 10, 2024, Planning presented [Public Meeting Proposed Zoning By-Law Amendment Z04-2024 - Brakke Farm Inc. Report, PLN2024-104](#). Planning has not received any comments from the Public regarding this application.

Town and Agency Consultation:

No comments or objections were received from the Technical Circulation of this application.

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 required front yard setback in the Agricultural (A) zone is 30 m, and the Applicant is proposing 5 m. While this is a significant decrease in the front yard setback, this request was made to permit the extension in an under-used area of the farm.

Furthermore, Planning received no objections to the application and the sale of the adjacent ROW was completed on February 24, 2025.

For these reasons Planning can recommend approval of the Zoning Amendment Application.

Attachments:

Appendix 1: Location Map

Appendix 2: Draft Zoning By-law

Report Submitted by

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Decision Proposed Zoning By-Law Amendment Z04-2024 Brakke Farm Inc.

Report Approved by

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