



July 3, 2025 File No. 25085

Township of North Dumfries, Planning Department 106 Earl Thompson Road, 3rd Floor Ayr, Ontario N0B 1E0

Attn: Michael Campos

Manager of Planning

Re: Applications for Consent to Sever and Minor Variance

1279 Branchton Road, Township of North Dumfries

Dear Mr. Campos,

On behalf of Ross Sousa (the "Applicant"), GSP Group is pleased to submit the enclosed Application for Consent to Sever and an Application for Minor Variance to facilitate the creation of a new lot (the "Proposed Lot") located on the south side of 1279 Branchton Road in the Township of North Dumfries (the "Subject Property"). The Subject Property is located on Branchton Road in the Township of North Dumfries within a cluster of residential properties to east of Branchton Road, to the south of Morrison Road, and to the north of Maple Manor Road. Currently, the Subject Property is approximately 13.4 hectares in size, with approximately 217.5 metres of frontage along Branchton Road. The Subject Property is surrounded by residential and agricultural uses to the north, east, south, and west.

Proposed Consent & Minor Variance Applications

The Applicant is proposing to sever a 1.0-hectare portion of the Subject Property whereby 12.35-hectares will be retained. As a result of the proposed consent application to sever the property, the following minor variances have been identified as being required to support the approval of the proposed severance:

Retained Lot:

- 1. Permit a minimum lot area of 12.35-hectares, whereas the current lot area of 13.4-hectares is recognized as an existing lot in Zoning By-law 689-83; and,
- 2. Permit a minimum lot frontage of 171-metres, whereas 217.5-metres is recognized as the existing frontage in Zoning By-law 689-83.



Severed Lot:

- 1. Permit a minimum lot area of 1.0-hectares, whereas 35-hectares is required in Zoning By-law 689-83; and,
- 2. Permit a minimum lot frontage of 46-metres, whereas 230-metres is required in Zoning By-law 689-83.

Applicable Policy

The Subject Property is zoned Z.1 (Agricultural) in the Township of North Dumfries Zoning By-law 689-83 ("Zoning By-law"). The Subject Property is designated as a Rural Area with a Protected Countryside Overlay in the Township of North Dumfries Official Plan ("Official Plan"). Policy 2.10.1 of the Official Plan states that development applications to create a new non-farm related residential lot within the prime agricultural area or rural areas designation, or which would otherwise result in the creation of such a residential lot, will not be permitted except in the following circumstances: within the rural areas designation, to create new infill lots for residential purposes within an existing grouping of rural residential lots that has not been designated in this Plan as a Rural Settlement Area, subject to policy 2.10.3 (b).

<u>Response:</u> The Proposed Lot is located within an existing grouping of lots that has not been designated in the Official Plan as a Rural Settlement Area.

Policy 2.10.3 of the Official Plan states:

Within the rural areas designation, the Township may permit the creation of new lots for residential infill within an existing grouping of rural residential lots that have not already been designated as a Rural Settlement Area in this Plan, provided that:

- a) the existing grouping of lots accommodating the proposed infilling lot(s) presently consists of a grouping of four or more nonfarm lots, with each unit or lot separated from each other by no more than 100 metres on the same side of an open public road;
- b) the measurement of the 100metre separation distance is determined in accordance with the rural residential infilling formulae;

The existing grouping of lots at 1157, 1189, 1245, 1279, and 1295 Branchton Road are all zoned Z.1 (Agricultural) and are considered rural residential lots. The lots are Zoned Z.1, but are undersized, ranging from 4.04-hectares to 13.4-hectares. Aerial imagery identifies that this grouping of lots are not farms. In addition, there are also two similarly sized residential properties along the west side of Branchton Road (1238 and 1248).

While these lots exceed the 100-metre separation distance requirement, as established in the rural residential infilling formulae, the Proposed Lot is situated between 1279 and 1295 Branchton Road, with both lots containing single-detached dwellings within proximity to

		each other. The Proposed Lot is located on what is currently 1279 Branchton Road between the dwelling on the Site and the dwelling on 1295 Branchton Road. The Proposed Lot therefore represents a logical location for rural residential infilling within an established grouping of residential lots.
		Due to the undersized nature of these lots, the lack of current agricultural use, and the lack of a prime agricultural areas designation, they are not considered Prime Agricultural parcels. The Proposed Lot is in an area of the existing parcel that has limited agricultural use and potential, and the creation of the Proposed Lot would have minimal impact on adjacent and Townshipwide agricultural activities.
		The general intent of the Official Plan is met as these parcels are undersized and used primarily for residential purposes rather than for farming operations. Similarly, the Official Plan supports compact, limited growth in a manner that minimizes fragmentation and land use conflicts. As demonstrated, the Proposed Lot is ideally situated to preserve as much land as possible while aligning with Provincial policy to provide housing on rural lands, targeting housing to a logical area between two existing dwellings in anticipation of building 1.5 million homes by 2031.
c)	the new lot has a maximum area of one hectare, except where natural features or existing lot patterns justify inclusion of additional lands;	The proposed new lot has an area of 1.0-hectares, designed to maximize the lot area of both the Severed and Retained Lot.
d)	the new lot is not located within a Source Water Protection Area where individual wastewater systems are identified as a prohibited use in accordance with the policies outlined in Chapter 8 of the Regional Official Plan; and,	The Site is not located in a Source Water Protection Area.
e)	The new lot can be appropriately serviced by private wells and	We anticipate that the Site can be appropriately serviced by private wells and an individual wastewater treatment system (septic). The proposed lot is 1.0-hectares in size,

individual wastewater treatment	which should provide ample room for the implementation
systems.	of required water and sewage systems.

As per the Provincial Planning Statement ("PPS"), the Subject Property is classified as being "rural lands," which is defined as lands which are located outside settlement areas, and which are outside prime agricultural areas. Policy 2.5.3 of the PPS states that growth and development may be directed to rural lands in accordance with policy 2.6, including where a municipality does not have a settlement area.

Policy 2.6.1 of the PPS outlines the permitted uses for rural lands in municipalities and states that on rural lands located in municipalities, permitted uses are: residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services (c).

<u>Response:</u> The Site already contains private sewage and water services. The Proposed Lot will be nestled between two existing residential lots and should be of sufficient size to support the implementation of an additional private sewage and water system.

Policy 2.6.2 of the PPS states that development that can be sustained by rural service levels should be supported. Policy 2.6.3 of the PPS states that development shall be appropriate to the infrastructure which is planned or available and avoid the need for the uneconomical expansion of this infrastructure.

<u>Response:</u> As stated previously, the Proposed Lot should be sufficiently large enough to be sustained by rural service levels. As the Proposed Lot is intended to be used for residential purposes, the Proposed Lot is anticipated to have sufficient size to accommodate a private sewage and water system. The Proposed Lot will only utilize available public utilities and infrastructure, such as electricity along Branchton Road, avoiding the uneconomical expansion of infrastructure.

Planning Justification for Proposed Minor Variances

In accordance with Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act"), the Committee of Adjustment may authorize a minor variance from the provision of a zoning by-law provided that the following four tests have been satisfied:

- 1. The proposed minor variance maintains the intent and purpose of the Official Plan;
- The proposed minor variance maintains the intent and purpose of the Zoning By-law;
- 3. The proposed minor variance is desirable for the appropriate development or use of land; and,
- 4. The proposed minor variance is minor in nature.

To facilitate the creation of the Proposed Lot, the following minor variances are required:

- 1. Permit a minimum lot area of 12.35-hectares, whereas 35-hectares is required in Zoning By-law 689-83 (retained lot) (although 13.4 hectares is recognized) as an existing lot of record;
- 2. Permit a minimum lot frontage of 171-metres, whereas 230-metres is required in Zoning Bylaw 689-83 (retained lot) (although 217.5 m is recognized as existing lot frontage for an existing lot of record);
- Permit a minimum lot area of 1.0-hectares, whereas 35-hectares is required in Zoning By-law 689-83 (severed lot); and,
- 4. Permit a minimum lot frontage of 46-metres, whereas 230-metres is required in Zoning By-law 689-83 (severed lot).

The following provides planning justification for the proposed minor variances based on the abovenoted four tests.

Proposed Minor Variance for Minimum Lot Area (Retained Lot)

The purpose of the proposed minor variance is as follows:

 Permit a minimum lot area of 12.35-hectares, whereas the current lot area of 13.4-hectares is recognized as an existing lot in Zoning By-law 689-83.

The following provides planning justification for the proposed minor variance based on the abovenoted four tests.

1. Maintains the intent and purpose of the Official Plan

The existing grouping of lots at 1189, 1245, 1279 and 1295 Branchton Road are all designated Rural Areas with an Environmental Protection Overlay and are zoned Z.1 (Agricultural). These lots are existing rural residential lots, but are undersized for the Z.1 Zone regulations, with lot sizes ranging from 4.04-hectares to 13.4-hectares. Aerial imagery identifies that this grouping of lots is utilized as rural residential properties.

While these lots exceed the 100-metre separation distance requirement, as established in the rural residential infilling formulae, the Proposed Lot is situated between 1279 and 1295 Branchton Road, with both lots containing single-detached dwellings within proximity to each other. The Proposed Lot is located on what is currently 1279 Branchton Road and is located between the dwelling on the Site and the dwelling on 1295 Branchton Road. The Proposed Lot therefore represents a logical location for rural residential infilling within an established grouping of residential lots.

Due to the undersized nature of these lots, lack of current agricultural use, and a lack of a prime agricultural area designation, they are not considered the most viable agricultural parcels. The Proposed Lot is in an area of the parcel that has limited agricultural use and potential, and the creation of the Proposed Lot would have minimal impact on adjacent and Township-wide agricultural activities.

While these lots are zoned as agricultural, the general intent of the Official Plan is met as these parcels are undersized and used primarily for rural residential purposes rather than for farming operations. Similarly, the Official Plan supports compact, limited growth in a manner that minimizes fragmentation and land use conflicts. As demonstrated, the Proposed Lot is ideally situated to preserve as much land as possible while aligning with Provincial policy to provide housing in rural lands, targeting housing to a logical area between two existing dwellings.

2. Maintains the intent and purpose of the Zoning By-law

The Site is zoned Z.1 (Agricultural) which permits one residential building. As per Section 7.5 of the Zoning By-law, in its current state, the Site is a recognized undersized lot of 4 hectares to 35 hectares. Similarly, in its current state, the Site has a frontage of 217.5-metres and does not meet the minimum frontage requirement of 230-metres. The proposed lot area of 12.35-hectares is not a large deviation from the existing 13.4-hectare site. Other than the minimum lot area and minimum frontage requirements, the Retained Lot meets all other applicable zoning provisions. The applicable zoning provisions are geared toward large agricultural parcels and are intended to prevent the fragmentation of farmland. The Proposed Lot will be created from an already-undersized parcel in a location on the Site where farming operations are not being undertaken. As such, the Proposed Lot avoids the fragmentation of farmland as it is limited in size and is located in a logical area for residential expansion.

3. Desirable for the appropriate development or use of the land

The proposed severance of the Site is desirable for the appropriate development and use of the land. The proposed severance will result in the creation of a lot capable of supporting residential development, which supports the Township of North Dumfries' population and growth targets while fulfilling the Provincial policy direction in support of building 1.5 million homes by 2031. The Proposed Lot is located on a vacant portion of the Site and is located between the existing dwellings on 1279 and 1295 Branchton Road, respectively. As such, the Proposed Lot is in a logical location to accommodate residential development, and any development on the Proposed Lot will contribute to the infilling of the street line where residential development is already present.

4. Minor in nature

The proposed minor variance is minor in nature. While the proposed 12.35-hectare Retained Lot is a significant numerical deviation from the 35-hectare requirement, it is not a significant deviation from the existing 13.4-hectare established lot area. As such, this minor deviation will result in the creation of the Proposed Lot, which is located in a corner of the Site that many would consider the side yard to a residential property, rather than viable farmland. The proposed minor variance will not have any impact on land currently used for agricultural purposes, and the proposed lot area of 12.35-hectares from the 13.4-hectare Site is minor in nature.

Proposed Minor Variance for Minimum Lot Frontage (Retained Lot)

The purpose of the proposed minor variance is as follows:

 Permit a minimum lot frontage of 171-metres, whereas 217.5-metres is recognized as the existing frontage in Zoning By-law 689-83.

The following provides planning justification for the proposed minor variance based on the abovenoted four tests.

1. Maintains the intent and purpose of the Official Plan

The existing grouping of lot at 1189, 1245, 1279 and 1295 Branchton Road are all designated Rural Areas with an Environmental Protection Overlay and are zoned Z.1 (Agricultural). These lots are rural residential lots, with an agricultural zoning, but are undersized for agricultural purposes with lot sizes ranging from 4.04-hectares to 13.4-hectares. Aerial imagery identifies that this grouping of lots is primarily used for rural residential purposes and not for agricultural production.

While these lots exceed the 100-metre separation distance requirement, as established in the rural residential infilling formulae, the Proposed Lot is situated between 1279 and 1295 Branchton Road, with both lots containing single-detached dwellings within proximity to each other. The Proposed Lot is located on what is currently 1279 Branchton Road and will be situated between the dwelling on the Site and the dwelling on 1295 Branchton Road. The Proposed Lot therefore represents a logical location for rural residential infilling within an established grouping of residential lots.

Due to the undersized nature of these lots and lack of current agricultural use, they are not considered to be viable agricultural parcels. The Proposed Lot is in an area of the parcel that has limited agricultural use and potential, and the creation of the Proposed Lot would have minimal impact on adjacent and Township-wide agricultural activities.

While these lots are zoned as agricultural, the general intent of the Official Plan is met as these parcels are undersized and used primarily for rural residential purposes rather than for

farming operations. Similarly, the Official Plan supports compact, limited growth in a manner that minimizes fragmentation and land use conflicts. As demonstrated, the Proposed Lot is ideally situated to preserve as much land as possible while aligning with Provincial policy to provide housing in rural lands, targeting housing to a logical area between two existing dwellings.

2. Maintains the intent and purpose of the Zoning By-law

The Site is zoned Z.1 (Agricultural) which permits one residential building. As per Section 7.5 of the Zoning By-law, in its current state, the Site is a recognized undersized lot of 4 hectares to 35 hectares. The proposed frontage for the retained lot is 171.3-metres. As per Policy 2.10.3 c) of the Official Plan, the Proposed Lot has been designed to adhere to the maximum size of 1.0-hectares. Other than the minimum lot area and minimum frontage requirements, the Retained Lot meets all other applicable zoning provisions. The applicable zoning provisions are geared toward large farm parcels and are intended to prevent the fragmentation of farmland. The Proposed Lot will be created from an already-undersized parcel in a location on the Site where farming operations are not being undertaken. As such, the Proposed Lot avoids the fragmentation of farmland as it is limited in size and is in a logical area for residential expansion.

3. Desirable for the appropriate development or use of the land

The proposed severance of the Site is desirable for the appropriate development and use of the land. The proposed severance will result in the creation of a lot capable of supporting residential development, which supports the Township of North Dumfries' population and growth targets while fulfilling the Provincial policy direction in support of building 1.5 million homes by 2031. The Proposed Lot is located on a portion of the Site located between the existing dwellings on 1279 and 1295 Branchton Road, respectively. As such, the Proposed Lot is in a logical location to accommodate residential development, and any development on the Proposed Lot will contribute to the infilling of the street line where residential development is already present.

4. Minor in nature

The proposed minor variance is minor in nature. While the proposed minimum lot frontage of 171.3-metres is a deviation from the 230-metre requirement, in its current state, the existing Site's frontage is 217.5-metres, which is already below the 230-metre requirement. The Proposed Lot will be created from the Site which is already an undersized agriculturally zoned parcel in a location on the Site where farming operations are not being undertaken. As such, the Proposed Lot avoids the fragmentation of farmland as it is limited in size and is in a logical area for residential expansion. Similarly, the Proposed Lot is in a corner of the Site that would be considered the side yard, rather than an agricultural parcel. While numerically

there is a large deviation, the location of the Proposed Lot is logical, and the size of the Proposed Lot has been carefully designed to preserve as much frontage and area in the Retained Lot.

Proposed Minor Variance for Minimum Lot Area (Severed Lot)

The purpose of the proposed minor variance is as follows:

 Permit a minimum lot area of 1.0-hectares, whereas 35-hectares is required in Zoning By-law 689-83.

The following provides planning justification for the proposed minor variance based on the abovenoted four tests.

1. Maintains the intent and purpose of the Official Plan

The existing grouping of lots at 1189, 1245, 1279 and 1295 Branchton Road are all designated Rural Areas with an Environmental Protection Overlay and are zoned Z.1 (Agricultural). These lots are rural residential lots with an agricultural zoning; however, the lots are undersized, ranging from 4.04-hectares to 13.4-hectares.

While these lots exceed the 100-metre separation distance requirement, as established in the rural residential infilling formulae, the Proposed Lot is situated between 1279 and 1295 Branchton Road, with both lots containing single-detached dwellings within proximity to each other. The Proposed Lot is located on what is currently 1279 Branchton Road between the dwelling on the Site and the dwelling on 1295 Branchton Road. The Proposed Lot therefore represents a logical location for rural residential infilling within an established grouping of residential lots.

Due to the undersized nature of these lots and lack of current agricultural use, they are not considered to be viable agricultural parcels. The Proposed Lot is in an area of the parcel that has limited agricultural potential, and the creation of the Proposed Lot would have minimal impact on adjacent and Township-wide agricultural activities.

While these lots are classified as farm lots, the general intent of the Official Plan is met as these parcels are undersized and used primarily for residential purposes rather than for farming operations. Similarly, the Official Plan supports compact, limited growth in a manner that minimized fragmentation and land use conflicts. As demonstrated, the Proposed Lot is ideally situated to preserve as much land as possible while aligning with Provincial policy to provide housing in rural lands, targeting housing to a logical area between two existing dwellings.

2. Maintains the intent and purpose of the Zoning By-law

The Site is zoned Z.1 (Agricultural) which permits one residential building. As per Section 7.5 of the Zoning By-law, in its current state, the Site is an undersized lot of 4 hectares to 35 hectares. As per Policy 2.10.3 c) of the Official Plan, the Proposed Lot has been designed to adhere to the maximum size of 1.0-hectares. Other than the minimum lot area and minimum frontage requirements, the Severed Lot meets all other applicable zoning provisions. The applicable zoning provisions are geared toward large farm parcels and are intended to prevent the fragmentation of farmland. The Proposed Lot will be created from an already-undersized farm parcel in a location on the Site where farming operations are not being undertaken. As such, the Proposed Lot avoids the fragmentation of farmland as it is limited in size and is in a logical area for residential expansion.

3. Desirable for the appropriate development or use of the land

The proposed severance of the Site is desirable for the appropriate development and use of the land. The proposed severance will result in the creation of a lot capable of supporting residential development, which supports the Township of North Dumfries' population and growth targets while fulfilling the Provincial policy direction in support of building 1.5 million homes by 2031. The Proposed Lot is located on a portion of the Site where there is minimal farming activity and is located between the existing dwellings on 1279 and 1295 Branchton Road, respectively. As such, the Proposed Lot is in a logical location to accommodate residential development, and any development on the Proposed Lot will contribute to the infilling of the street line where residential development is already present.

4. Minor in nature

The proposed variance is minor in nature. The Proposed Lot is 1.0-hectares in size, which adheres to Policy 2.10.3 c) limiting these types of parcels to a maximum of 1.0-hectare in size. The Zoning By-laws intention is to preserve farmland and prevent the fragmentation of it. As mentioned previously, the portion of the Site which contains the Proposed Lot is between the existing single-detached dwellings located on 1279 and 1295 Branchton Road, respectively, and is in an area where there are no agricultural operations. As such, proposed minor variance will result in the creation of a lot that will support the Province's target of building 1.5 million homes by 2031 while preserving the size of the already-undersized Retained Lot as much as possible.

Proposed Minor Variance for Minimum Lot Frontage (Severed Lot)

The purpose of the proposed minor variance is as follows:

 To permit a minimum lot frontage of 46.1-metres whereas a minimum lot frontage of 230metres is required by Zoning By-law 689-83. The following provides planning justification for the proposed minor variance based on the abovenoted four tests.

1. Maintains the intent and purpose of the Official Plan

The Proposed Lot is situated between 1279 and 1295 Branchton Road, with both lots containing single-detached dwellings within proximity to each other. The Proposed Lot is located on what is currently 1279 Branchton Road and is proposed between the dwelling on the Site and the dwelling on 1295 Branchton Road. The Proposed Lot therefore represents a logical location for rural residential infilling within an established grouping of residential lots.

Due to the undersized nature of these lots and lack of current agricultural use, they are not considered viable agricultural parcels. The Proposed Lot is in an area of the parcel that has limited agricultural potential, and the creation of the Proposed Lot would have minimal impact on adjacent and Township-wide agricultural activities.

The general intent of the Official Plan is met as these parcels are undersized and used primarily for residential purposes rather than for farming operations. Similarly, the Official Plan supports compact, limited growth in a manner that minimizes fragmentation and land use conflicts. As demonstrated, the Proposed Lot is ideally situated to preserve as much land as possible while aligning with Provincial policy to provide housing in rural lands, targeting housing to a logical area between two existing dwellings.

2. Maintains the intent and purpose of the Zoning By-law

The Site is zoned Z.1 (Agricultural) which permits one residential building. As per Section 7.5 of the Zoning By-law, in its current state, the Site is an undersized lot of 4 hectares to 35 hectares. As per Policy 2.10.3 c) of the Official Plan, the Proposed Lot has been designed to adhere to the maximum size of 1.0-hectares. Given this, the proposed frontage of 46.1-metres supports the creation of this residential lot which has been purposefully sited to reduce its potential impact on surrounding land uses. The proposed 46.1-metre frontage of the Proposed Lot is a substantial numerical deviation from the 230-metre frontage requirement, however, the portion of the Site that the Proposed Lot is created from represents a logical location for residential infill. Other than the minimum lot area and minimum frontage requirements, the Retained Lot meets all other applicable zoning provisions. The applicable zoning provisions are geared toward large farm parcels and are intended to prevent the fragmentation of farmland. The Proposed Lot will be created from an already-undersized farm parcel in a location on the Site where farming operations are not being undertaken. As such, the Proposed Lot avoids the fragmentation of farmland as it is limited in size and is in a logical area for residential expansion.

3. Desirable for the appropriate development or use of the land

The proposed severance of the Site is desirable for the appropriate development and use of the land. The proposed severance will result in the creation of a lot capable of supporting residential development, which supports the Township of North Dumfries' population and growth targets while fulfilling the Provincial policy direction in support of building 1.5 million homes by 2031. The Proposed Lot is located on a portion of the Site between the existing dwellings on 1279 and 1295 Branchton Road, respectively. As such, the Proposed Lot is in a logical location to accommodate residential development, and any development on the Proposed Lot will contribute to the infilling of the street line where residential development is already present.

4. Minor in nature

The proposed minor variance is minor in nature. While the proposed minimum lot frontage of 46.1-metres is a significant numerical deviation from the 230-metre requirement, it is our opinion for the reasons outlined in this letter that the proposed lot is in an appropriate location and a larger lot frontage would not benefit the intended use of the property. The Proposed Lot will be created from an already-undersized farm parcel in a location on the Site where farming operations are not being undertaken. As such, the Proposed Lot avoids the fragmentation of farmland as it is limited in size and is in a logical area for residential expansion. Similarly, the Proposed Lot is in a corner of the Site that would be considered the side yard, rather than an agricultural parcel.

Conclusion

We have reviewed the Proposed Applications in the context of the Provincial Planning Statement, the Township Official Plan, Township Zoning By-law in addition to the 4-tests of the Planning Act for Minor Variances and based on the locational attributes of the Subject Property. As outlined herein, the proposed lot creation is found to meet the intent of the Township Official Plan, is consistent with the Provincial Planning Statement and overall represents good planning.

Submission Materials

In support of this request, please find attached the following information:

- Completed and Signed Consent Application Form;
- Completed and signed Minor Variance Application Form;
- Consent Sketch;

The required fees are being sent separately from these documents:

- A cheque made payable to the Township of North Dumfries in the amount of \$3,175.00 for Consent Application (Creation of New Lot or classification altered); and,
- A cheque made payable to the Township of North Dumfries in the amount of \$1,415.00 for Minor Variance Application.

I trust that the enclosed is sufficient to proceed with the circulation of the enclosed Consent and Minor Variance applications. Please do not hesitate to contact me if you have any further questions or require further information.

Yours truly, **GSP Group Inc.**

Dylan Schnurr Student Planner

c.c. Chris Saraiva

Brandon Flewwelling, MCIP, RPP Development Planning Manager

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