



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date July 6, 2022 **Report No.** 2022-486

To Chair and Members
City of Brantford Committee of Adjustment

From Blaine Yatabe, MCIP, RPP
Senior Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

APPLICATION NO. B17/2022 and A18/2022

APPLICANT/OWNER Joan Griffin

LOCATION 30 Proctor Avenues

3.0 Recommendation

- A. THAT Application B17/2022 to sever a parcel of land from the west portion of the lands municipally addressed as 30 Proctor Avenue, having a lot area of 465 m² and retain a parcel of land having a lot area of 535 m², BE APPROVED subject to the conditions attached as **Appendix A** to Report 2022-486;
- B. THAT the reason(s) for approval are as follows: having regard for the matter under Section 51(24) of the *Planning Act*, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on the surrounding properties. The application is in conformity with the general intent of the policies of the

Official Plan and Zoning By-law 160-90, and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement;

- C. THAT Application A18/2022 requesting relief from Section 7.3.2.1.5 of the City Of Brantford Zoning By-law 160-90 to permit a 3 m front yard setback for a proposed garage, whereas 6 m is required, BE APPROVED;
- D. THAT Application A18/2022 requesting relief from Section 7.3.2.1.6 of the City Of Brantford Zoning By-law 160-90 to permit a 1.23 m rear yard setback for a proposed garage, whereas 6 m is required, BE APPROVED
- E. THAT the reason(s) for approval are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and,
- F. 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 Section 6.2 of Report No. 2022-486”

4.0 Purpose and Description of Applications

Consent and minor variance applications have been received for the lands municipally addressed as 30 Proctor Avenue. A location map and a severance plan are attached as **Appendices B** and **C**. The applicant is proposing to sever the existing property into two lots for the purposes of developing a single detached dwelling on the severed lands for occupancy. The existing single detached dwelling will remain on the retained parcel, but the attached garage (which will be mostly on the severed portion) along with the accessory structure and the in-ground pool on the severed lands will be demolished. The proposed lot dimensions are as follows:

	<i>Lands to be Severed</i>	<i>Lands to be Retained</i>
<i>Lot Width</i>	20.75 m	21.95 m
<i>Lot Depth</i>	21.92 m -21.95 m (varies)	23.95 m -24.9 m (varies)
<i>Lot Area</i>	465 m ²	535 m ²

To facilitate the consent application, a minor variance is required to provide relief from Section 7.3.2.1.5 of Zoning 160-90 to permit a front yard setback of 3 m for the severed lot, whereas 6 m is required.

Additionally, a minor variance is required to provide relief from Section 7.3.2.1.6 of Zoning 160-90 to permit a rear yard setback of 1.23 m for the retained parcel, whereas 7.5 m is required.

5.0 Site Features

The subject lands are located on the north side of Proctor Avenue, on a corner lot of Proctor and Robinson Avenue to the west. The lands are occupied by a single detached dwelling with an attached garage, an in-ground swimming pool and an accessory structure are also on the subject lands. The neighbourhood consists predominantly of one and two story dwellings. The subject property backs onto other lots with single detached dwellings in an established neighbourhood. An aerial photo and site photographs of the subject lands are attached as **Appendices D and E**.

6.0 Input from Other Sources

6.1 Technical Comments

The applications were circulated to all applicable departments and agencies. No adverse comments were received, but Transportation had recommended that a daylight triangle measuring 4.5 m is to be conveyed to public roadway at the corner of the property nearest the intersection of Robinson Avenue at Proctor Avenue, along with accompanying 0.3 m reserves should also be conveyed as per the City's requirements. Also as per the City's Site Plan Manual, no driveways shall be located closer than 9.2 m measured along the lot line from the nearest side of the driveway to the road allowance of the intersecting road. Consideration should be made on relocating the proposed garage driveway onto Robinson Avenue.

The Building Department commented that elevations need to be provided, and a demolition permit as a condition of the severance will be needed for the removal of the existing garage and an accessory building to comply with all applicable by-laws. The in-ground pool will need a site alteration permit before being removed. As the severed parcel is subject to Site Plan Control, all technical comment will be addressed at that stage. Detailed comments from the Building, Engineering, and Environmental Services Departments are attached as **Appendices F, G, and H**, respectively.

6.2 Public Response

Notice of public hearing was issued by personal mail (25 notices) and by positing a public notice sign on-site. A map of the area of notification is included as **Appendix I**. At the time of writing this Report, two phone calls were received with one concerned resident raising issue about the placement of a new structure in a small site.

6.2 Grand River Notification

Notice of the consent application was issued to representatives of the Six Nations of the Grand River and the Mississaugas of the Credit First Nation, with no response received to date.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Applications B17/2022 & A18/2022 were reviewed in the context of Provincial Policy, including the Provincial Policy Statement (2020) (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) (August 2020). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario's long term prosperity, environmental health and social well-being depends on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. Planning Staff is of the opinion that the proposed consent and minor variance applications are consistent with the direction set out in the PPS and conform to the Growth Plan.

7.2 City of Brantford Official Plan (Envisioning Our City: 2051)

The subject lands are designated "Residential" on Schedule 3 of the City of Brantford's the Official Plan (see **Appendix J**). The "Residential" designation permits a full range of residential dwelling types, including single detached dwellings, as well as supporting land uses intended to serve local residents. The subject application conforms to the policies set out in the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned “Residential Type 1 B Zone (R1B)” in Zoning By-law 160-90 (see **Appendix K**). The R1B Zone permits single detached dwellings. The proposed lots comply with all other requirements of Zoning By-law 160-90.

7.4 Planning Analysis

7.4.1 Consent

The *Planning Act* sets the standard to which provincial and local interests, policies and goals are implemented. Section 51 (24) of the *Planning Act* lists the criteria that the Committee of Adjustment must have regard for when considering a consent application for approval. These criteria include: if the plan conforms to the Official Plan, the dimensions and shapes of the proposed lot, and the adequacy of utilities and municipal services. Section 9.3 of the Official Plan also outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan, no more than three new lots are being created and all lots have frontage on a municipal road and do not require that municipal services be extended, and for the creation easements, boundary adjustments, rights-of-way, lot additions and long-term leases.

This consent application is for the purpose of creating a new residential lot within an existing residential neighbourhood. Both the severed and the retained parcels will have frontage on a municipal roadway. If approved, both lots can accommodate a dwelling while still providing space for the required parking, and amenity space. The proposed severance will result in one new lot, and Staff is of the opinion that it maintains the character of the established residential neighbourhood. The subject property is currently a single lot (Lot 9 PLAN 611) while the majority of parcels on the street are single lots and larger in size to that of the proposed severed and retained lots.

7.4.2 Minor Variance

The Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met when evaluating the merits of a minor variance application. To be recommended for approval, a minor variance must maintain the general intent and purpose of the Official Plan and Zoning By-law, be minor in nature, and desirable for the appropriate development and use of the land.

It is the opinion of Planning Staff that the minor variance requested for reduced rear yard setback from a required 7.50 m to 1.23 m as a result of the former side yard becoming the rear yard for the retained lot, and a reduction in the front yard setback from a required 6 m to 3 m due to Robinson Avenue now becoming the front yard is minor in nature and appropriate for the development of the lands as the new lot will be able to accommodate an adequate building width and area with appropriate front and side yards, and the retained lot will accommodate the existing dwelling but have lesser front and side setbacks as a result of the side yard becoming the front yard. Both lots also provide adequate outdoor amenity space, vehicle access, parking, landscaping while contributing to a mix of housing options within the neighbourhood.

The minor variance meet the general intent and purpose of Zoning By-law 160-90 and the Official Plan by resulting in a lot that will appropriately accommodate a single detached dwelling which is consistent with the existing character of the neighbourhood. The severed lot is subject to Site Plan Control which will provide the City and Ward Councillors with an opportunity to review the functionality of the site, placement of the building(s), driveway location and overall design of the new dwelling to ensure its compatibility and integration within the neighbourhood. All other technical requirements of the City will be addressed at the Site Plan Control stage. Planning Staff are of the opinion that the proposed minor variance meets the four tests of Section 45(1) of the *Planning Act*.

7.5 Conclusion

A site inspection was completed on June 20, 2022. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the applications. Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the consent application is desirable and compatible with the surrounding area. The proposal will contribute to both economic and residential development on an underutilized lot in Brantford and in accordance with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan. The application is also consistent with the consent policies of Section 9.3 of the Official Plan. Ontario is experiencing a housing crisis and the Province's newly formed Housing Affordability Task Force released a report in January 2022 which identified intensification within existing built-up areas of municipalities as one of the most important residential housing priorities. The creation of this additional building lot aligns with this direction.

It is Planning Staff's opinion that the variance satisfies the four tests as defined under the *Planning Act*. The application is minor in nature, appropriate for the development and use of the lands, and meets the intent of the Zoning By-law and Official Plan. Planning Staff recommend that applications B17/2022 and A18/2022 be approved subject to the conditions attached as **Appendix A** to Report 2022-486.



Prepared by: Blaine Yatabe
Prepared on: June 29, 2022
Senior Planner,
Development Planning



Reviewed By:
Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A – Conditions of Consent – B17/2022

Subject to the following conditions:

1. ☒ Receipt of confirmation that Application A18/2022 receives final and binding approval and is in full force and effect.
2. ☒ Receipt of a registered reference plan showing the severed and retained lands.
3. ☒ Receipt of confirmation that all taxes are paid up to date.
4. ☒ Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be provided to the City).
5. ☒ Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
6. ☒ Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted and the appropriate fee has been paid.
7. ☒ Receipt of confirmation that the Owner has entered into a site plan agreement with the City of Brantford for the development of the retained and/or severed parcels of land has been received.
8. ☒ Receipt of payment for cash in lieu of parkland (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018).
9. ☒ Receipt of confirmation of a demolition permit for the demolition of the existing attached garage and an accessory building to the existing residence to the satisfaction of the Chief Building Official.
10. ☒ Receipt of confirmation that the in-ground pool has been removed from the severed lands to the satisfaction of the Chief Building Official.
11. ☒ Receipt of confirmation that a Site Alteration Permit has been issued for the removal and filling of said pool to the satisfaction of the Chief Building Official.
12. ☒ The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.

-
13. ☒ That the Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.
 14. ☒ That the Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate, indicating that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection and that these services do not cross the proposed severance line and are connected directly to City infrastructure.
 15. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before July 6, 2024, after which time the consent will lapse.

Appendix B – Location Map

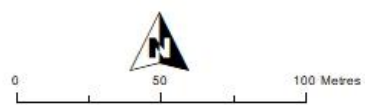
LOCATION MAP

Application: B17/2022 & A18/2022
30 Proctor Avenue

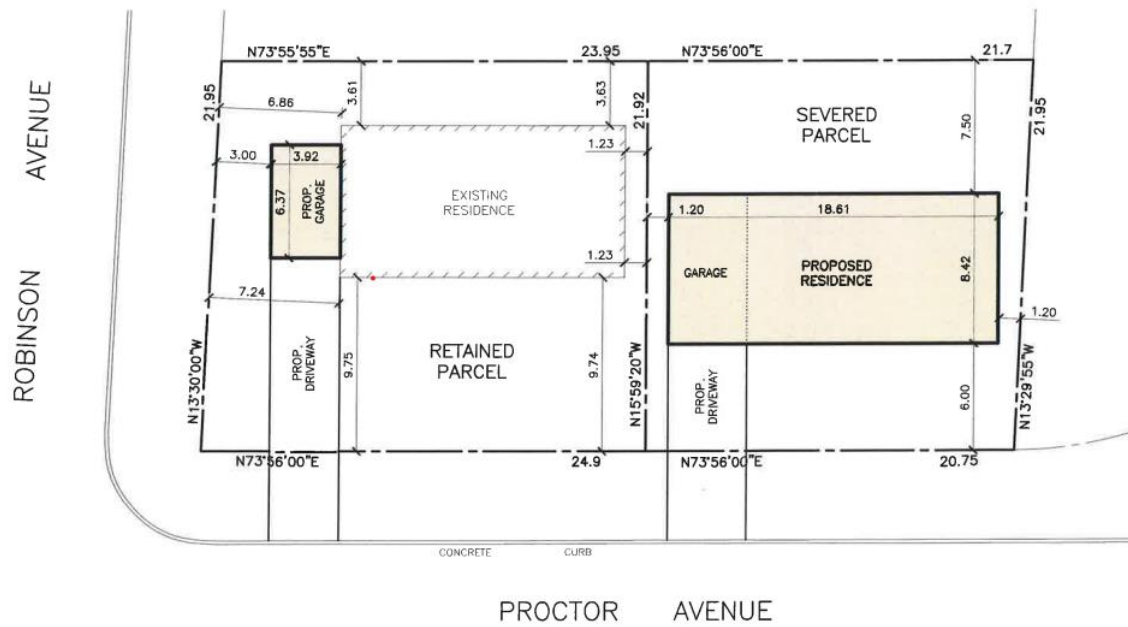


Legend

 SUBJECT LAND



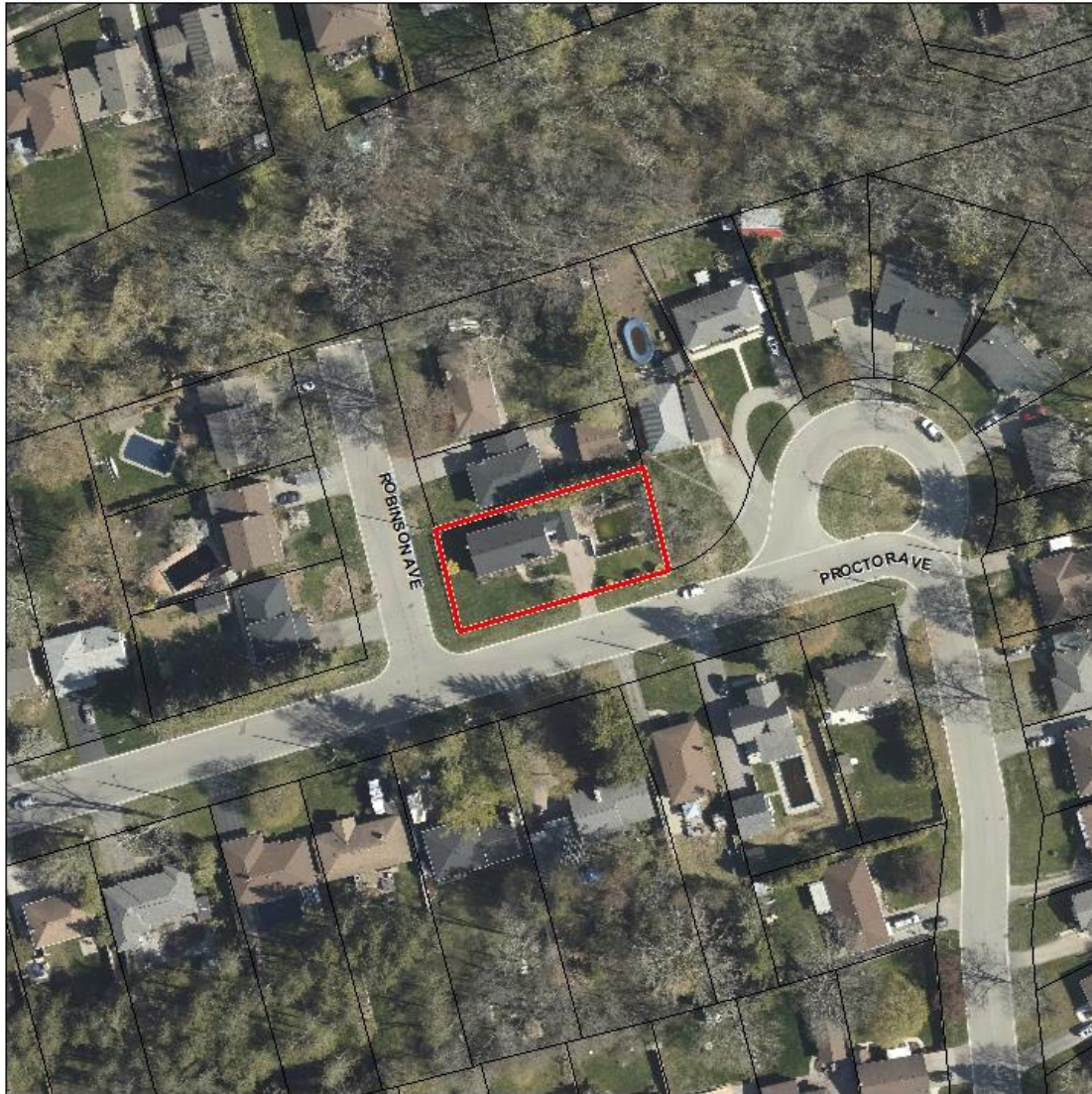
Appendix C – Survey Sketch




Appendix D – Aerial Photo

AERIAL PHOTO

Application: B17/2022 & A18/2022
30 Proctor Avenue



Legend

 Subject Land

Aerial Photo from spring 2021



Appendix E – Site Photos



Photo 1: View of the Subject Property from the SW off of Proctor Avenue



Photo 2: View of the proposed severed lot from Proctor Avenue



Photo 3: View of site from Robinson Avenue that is location of proposed garage addition and driveway



Photo 4: Examples of other similar houses and lot sizes on Robinson Avenue

Appendix F – Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/> MINOR VARIANCE	<input checked="" type="checkbox"/> SEVERANCE
<input type="checkbox"/> DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/> ZONING BYLAW AMENDMENT
<input type="checkbox"/> OFFICIAL PLAN AMENDMENT	<input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/> RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/> SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N° A18-2022 & B17-2022

SITE: 30 Proctor Ave

APPLICANT: Joan Griffin

COMMENTS:

BYLAW: 160-90 ZONE: R1B

- Provide elevations and spatial separation calculations for existing residence as per Ontario Building Code DIV B 9.10.15.4.
- Demolition permit required for attached garage.
- Demolition permit required for accessory building on proposed severed lot.
- Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may be applicable to any new development.

Appendix G – Engineering Department Comments

|



Date:	June, 2022
From:	Sivana Younan, Transportation Reviewer – Planning & Development Engineering
RE:	B17-2022 & A18-2022 - 30 Proctor Avenue

A. Transportation Comments

1. A daylight triangle measuring 4.5m is to be conveyed to public roadway at the corner of the property nearest the intersection of Robinson Avenue at Proctor Avenue. Accompanying 0.3m reserves should also be conveyed. See the City's Site Plan Manual for further detail.
2. As per the City's Site Plan Manual, no driveways shall be located closer than 9.2 m measured along the lot line from the nearest side of the driveway to the road allowance of the intersecting road. Consideration should be made on relocating the proposed garage driveway onto Robinson Avenue.

Appendix H– Environmental Services Department Comments



June 8, 2022

Environmental Services

Attention: Blaine Yatabe, Senior Planner

RE: A18-2022 & B17-2022 – 30 Proctor Avenue – Minor Variance and Consent Application

I reviewed the Minor Variance and Consent application, and associated documents — as prepared by J.H. Cohoon Engineering Limited — on behalf of Environmental Services and have no objections regarding the proposed Minor Variance and Consent application.

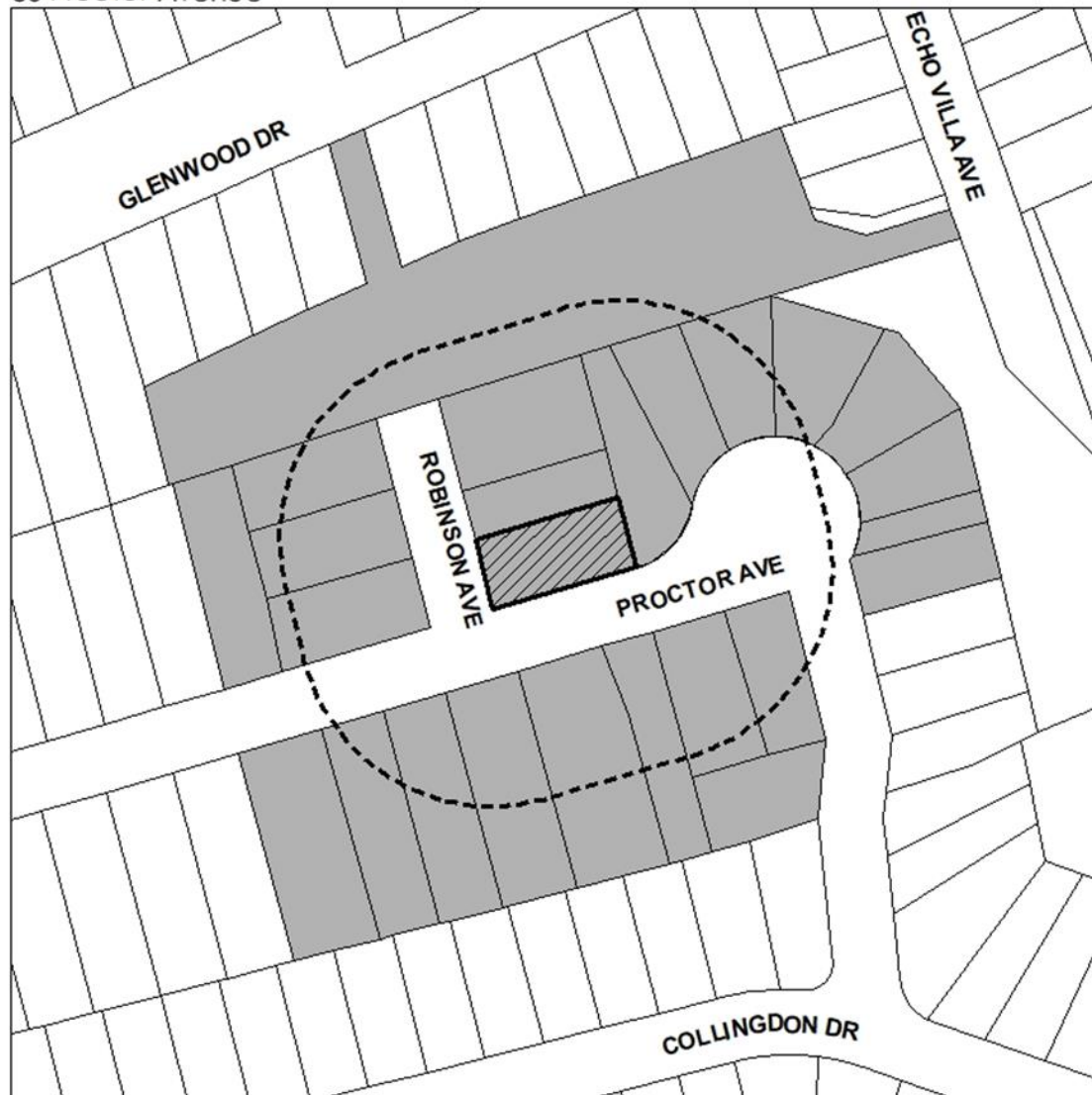
Sincerely,

Patricia McMullan, P.Eng
Environmental Services Technologist
pmcmullan@brantford.ca

Appendix I – Area of Notification

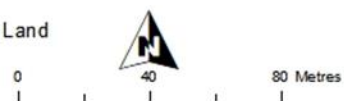
AREA OF PUBLIC NOTIFICATION

Application: B17/2022 & A18/2022
30 Proctor Avenue



Legend

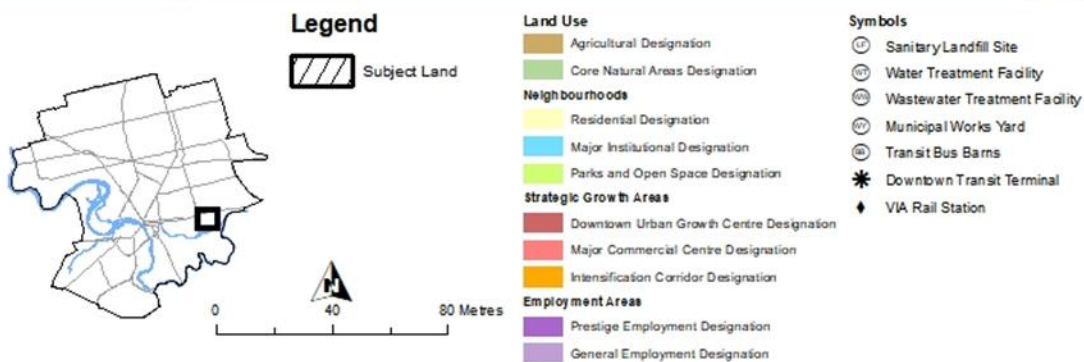
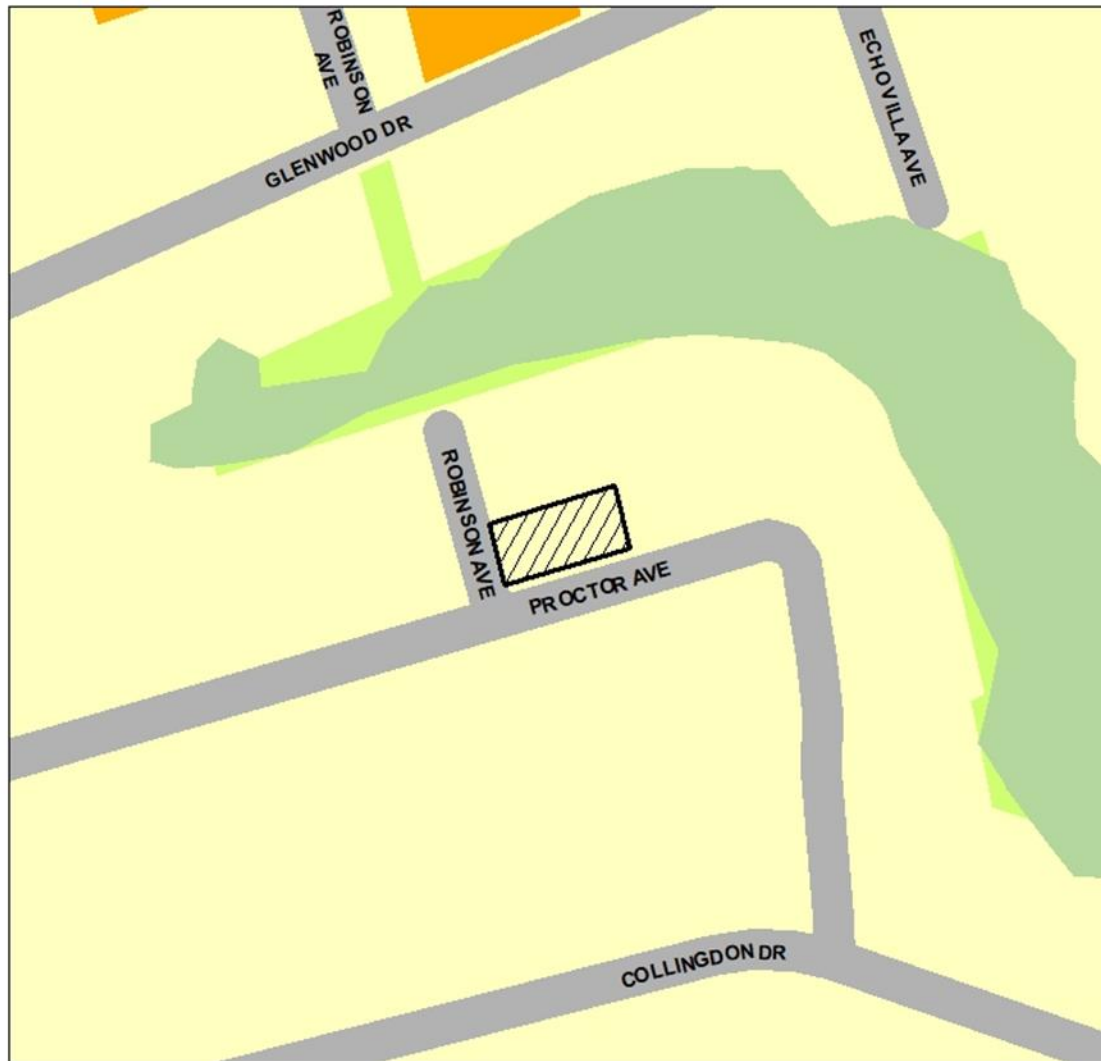
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix J – Official Plan

OFFICIAL PLAN EXCERPT MAP

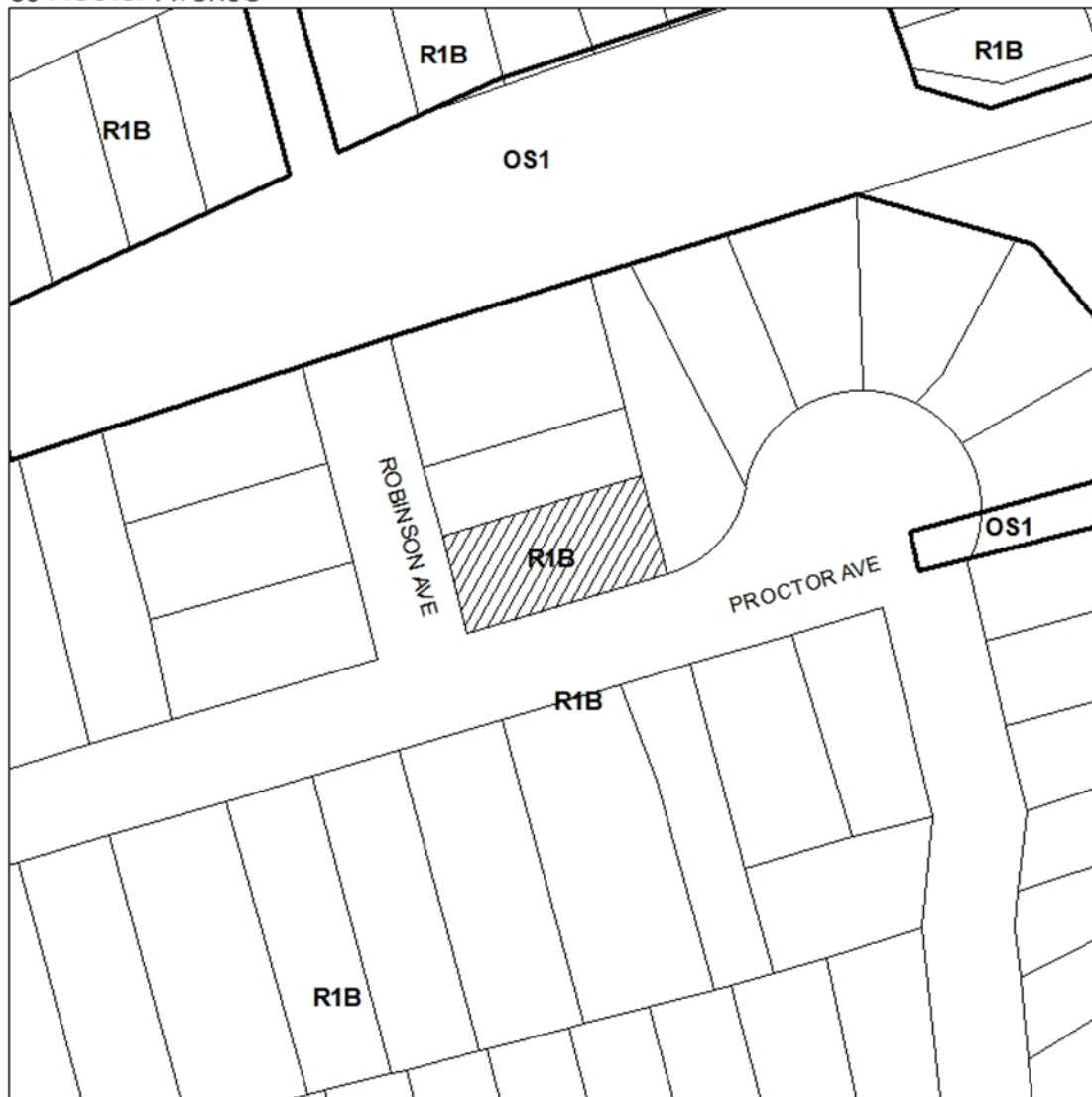
Application: B17/2022 & A18/2022
30 Proctor Avenue





Appendix K – Zoning

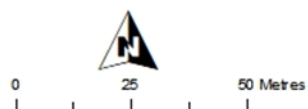
ZONING

Application: B17/2022 & A18/2022
30 Proctor Avenue



Legend

-  Subject Land
-  Zone Boundary



ZONING (Bylaw 160-90) and County of Brant(61-16)

- R1B Residential Type 1B (15 metre)
- OS1 Open Space Type 1
- # Exception Number