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Date June 7, 2023 **Report No.** 2023-376

To Chair and Members
City of Brantford Committee of Adjustment

From Sarah Hague
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

2.0 Topic

Application No. B17/2023

Agent/Applicant Ronald De Coteau c/o Property Pathways Inc.

Owner 2712007 Ontario Inc. c/o Chris Henderson

Location 24 Balfour Street

3.0 Recommendation

- A. THAT Application B17/2023 to sever a parcel of land from the northeastern portion of the lands municipally addressed as 24 Balfour Street, having a lot area of 353 m², and to retain a parcel of land having a lot area of 393 m², BE APPROVED, subject to the conditions attached in **Appendix A** to Report 2023-376;
- B. THAT the reason(s) for approval are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent of the policies of the

Official Plan and Zoning By-law, specifically Section 9.3 (g – i) of the Official Plan respecting consent applications within the City of Brantford and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and

- C. THAT pursuant to Section 53(17) – (18.2) 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. 2023-376.”

4.0 Purpose and Description of Application

A consent application has been received for the lands municipally addressed as 24 Balfour Street for a severance to create separate ownership over each semi-detached dwelling unit, which are currently under construction. The severance sketch is included below as **Figure 1**.

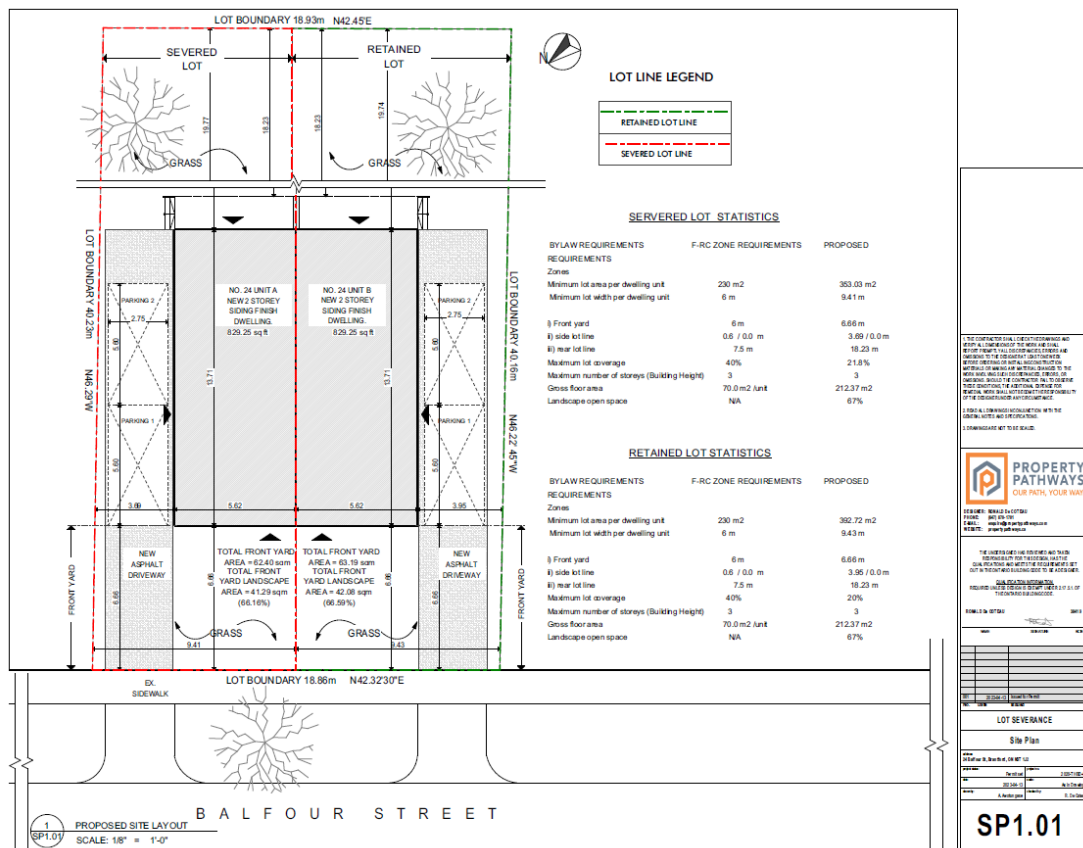


Figure 1 - Site Plan

The proposed lot dimensions are detailed below:

Table 1 - Proposed lot statistics for retained and severed lot at 24 Balfour Street

Lot Dimension	Lands to be Severed (Lot A)	Lands to be Retained (Lot B)
Lot Width	9.41 m	9.43 m
Lot Depth	40.23 m	40.16 m
Lot Area	353.03 m ²	392.72 m ²

5.0 Site Features

The subject property is located on the southeast side of Balfour Street, north of Oak Street and south of Gilkison Street in a residential neighbourhood. The property is surrounded by single detached and converted dwellings to the north, east and south, with commercial uses to the west. A location map, aerial photo, and site photographs are included below.



Figure 2 - Location Map



Figure 3 - Aerial Photo



Figure 4 - View of the frontage of the subject property



Figure 5 - View of the rear yard of the subject property

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies. No adverse comments or objections were received from the commenting

agencies. Conditions of approval have been requested by the Building and Development Engineering Departments and Bell Canada. A summary of the comments/conditions is provided below:

Table 1 - Department and Agency Comments

Agency Name	Agency Comment
Building Department	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.
	Condition: Occupancy must be obtained for building permit 2021-6050 prior to severance.
Environmental Services	City records indicate the subject properties are serviced as follows: 19 mm copper lateral from the 100 mm Cast Iron watermain in Balfour Street; this service lateral appears to be located 3.2 m Left of the Left side of the existing dwelling and the curb stop 6.8 m Out from same; 25 mm PEX lateral from the 100 mm Cast Iron watermain in Balfour Street; this service lateral appears to be located 1.5 m Right of the right side of the existing dwelling and the curb stop 4.5 m Out from same;
	Only one (1) service connection is permitted to each property. The severed property must be serviced independently. This service connection must occur after the water meter and be in accordance with the Ontario Building Code and the City of Brantford's Design and Construction Manual for Linear Municipal Infrastructure
	Site Servicing Plan shows one water line to the property; please confirm that the severed property is independently serviced.
	<u>Solid Waste:</u> For curbside recyclables collection by the City's curbside contractor, blue totes must be placed at curbside by 7:00 am on collection day by residents or on-site representative. In addition, materials set out at curbside must meet all requirements of Chapter 440 of the Municipal Code.
	<u>Solid Waste:</u> The property developer or owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy
Development Engineering	A Right of Way Activity Permit will be required for any access/driveway activity, any proposed excavation activity within the Right of Way and any occupancy activity within the Right of Way. This Permit is administered by the City's Operational Services Department.

Agency Name	Agency Comment
	A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections. This Permit is administered by the City's Development Engineering Department.
	A Water Connection Permit will be required for any proposed water service connections. This Permit is administered by the City's Environmental Services Department.
	Full public services are to be constructed, or replaced if damaged (sidewalk, boulevards, driveway approaches, noise barrier, etc.)
	Condition: Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
	Condition: 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.
	Condition: 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.
	Condition: The Owner/Applicant shall provide a Servicing Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate. The Servicing Plan shall indicate 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(s) and are connected directly to City infrastructure.
	Condition: 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.
	Condition: The Owner/Applicant shall provide a Grading and Drainage Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate.
Source Water Protection	No requirements.
Landscaping	No comments.

Agency Name	Agency Comment
Transportation	No comments.
Bell Canada	Condition: That a 1.5m wide easement be granted to Bell Canada over the existing rear-lot installation; that all costs associated with the transaction be the responsibility of the applicant; and that a letter shall be received from Bell Canada indicating that satisfactory arrangements have been made with respect to these matters.
GRCA	Information currently available at this office indicates that the subject property is within the floodplain of the Grand River. This reach of floodplain is within Special Policy Area 1 outlined in the City of Brantford Official Plan. Please be advised that any future development on the subject lands must conform to the City of Brantford and GRCA Special Policy Area policies.
	Due to the presence of the floodplain, the subject property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.
	GRCA issued Permit 672-21 for the semi-detached dwellings currently under construction and the plans circulated with this application are consistent with the plans approved through the GRCA permit.
	The Grand River Conservation Authority (GRCA) has no objection to the proposed consent application.

6.2 Public Response

Notice of public hearing was issued by personal mail (45 notices) and by posting a sign on-site. At the time of writing this Report, no comments have been received in regards to this consent application. A map of the area of notification is included below.

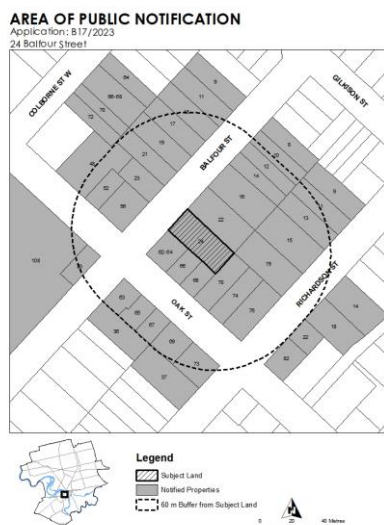


Figure 6 - Area of Public Notification Map

7.0 Planning Staff Comments and Conclusion

7.1 Policy Context

This application was reviewed in the context of the Provincial Policy Statement, the Growth Plan, the Official Plan and the Zoning By-law. A summary of conformity to these policies is provided in the table below:

Table 2 - Policy Context and Conformity

Document	Relevant Policy	Conformity
Provincial Policy Statement (PPS) (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)	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.	The proposed infill development supports gentle intensification within an established neighbourhood which aligns with the PPS objectives to promote efficient land use. 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 conforms to the Growth Plan.

Document	Relevant Policy	Conformity
City of Brantford Official Plan (Envisioning Our City: 2051)	The subject lands are designated “Residential” on Schedule 3 of the Official Plan. The “Residential” designation permits a full range of residential dwelling types, including single-detached, semi-detached, converted dwellings and additional residential units, as well as supporting land uses intended to serve local residents.	The subject application conforms to the policies set out in the Official Plan as it will facilitate the development of permitted residential dwelling units.
	Section 9.3 (g – i) of the Official Plan outlines when consent to sever should be granted. This includes when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan, when 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 of easements, boundary adjustments, rights-of-way, lot additions and long-term leases	
City of Brantford Zoning By-law 160-90	The subject lands are zoned “Floodplain – Residential Conversion Zone (F-RC)” which allows for uses including semi-detached dwellings and accessory uses.	The proposed severed and retained lots will both continue to satisfy all zoning requirements of the F-RC Zone.

7.2 Planning Analysis

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 (g – i) of the Official Plan also lists criteria for the subdivision of land and stipulates when consents are appropriate.

Table 3 - Conformity of Application with Applicable Criteria

Criteria for Considering a Consent Application	Discussion
1. That the plan conforms to the Official Plan	The proposed consent application is for the purpose of creating a new residential lot within an existing residential neighbourhood.
	The Official Plan encourages a wide range of housing types to accommodate the anticipated population. Section 3.1(d) of the Official Plan promotes the supply of new affordable housing in a variety of locations, dwelling types and tenures.
	<p>Section 9.3 (g – i) of the Official Plan also outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes:</p> <ul style="list-style-type: none"> a) when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan, b) no more than three new lots are being created; and c) all lots have frontage on a municipal road and do not require that municipal services be extended
	This application meets all of the above criteria.
2. The dimensions and shapes of the proposed lot	The proposed lots are very similar in both size and shape to other single detached dwelling lots in this area and conform to minimum lot sizes required in Zoning By-law 160-90.
3. The adequacy of utilities and municipal services	Both the severed and retained parcels will have frontage on a municipal roadway and have access to municipal services and utilities.

7.3 Conclusion

A site inspection was completed on May 23, 2023. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. 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 and will not result in adverse impacts on surrounding properties. The proposal will contribute to a broad range of housing options in Brantford in accordance with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan.



Prepared by: Sarah Hague
Planner, Development Planning
Prepared on: June 1, 2023



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

Appendix A – Conditions

Subject to the following conditions:

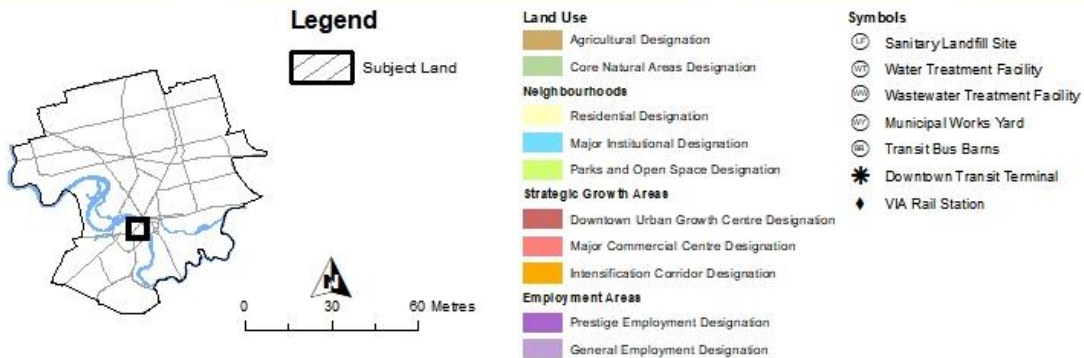
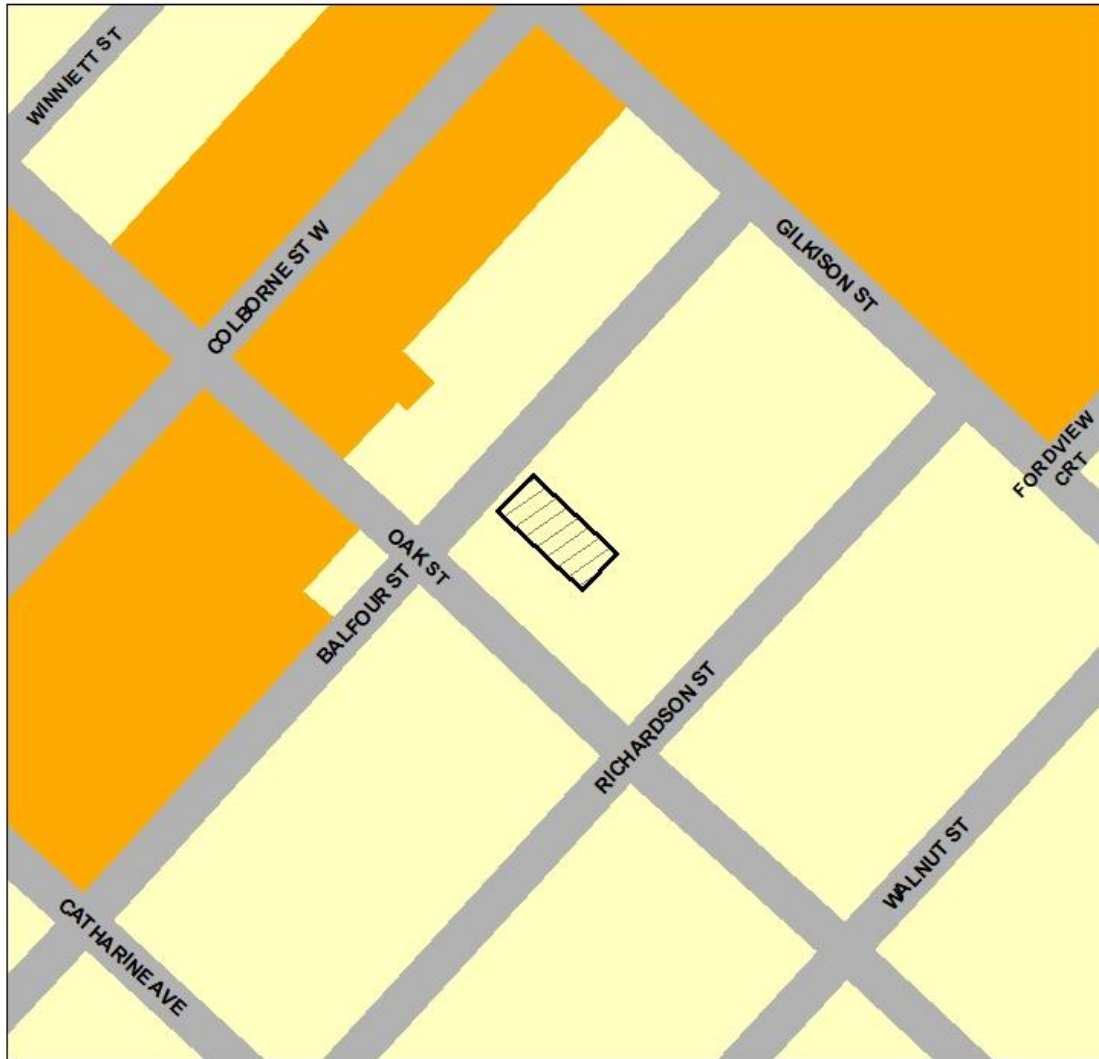
1. Receipt of a registered reference plan showing the severed, retained and receiving lands;
2. Receipt of confirmation that all taxes are paid up to date;
3. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be provided to the City);
4. Confirmation from the Chief Building Official or his/her designate that Occupancy has been obtained for building permit 2021-6050.
5. 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.
6. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
7. 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.
8. The Owner/Applicant shall provide a Servicing Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate. The Servicing Plan shall indicate 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.
9. 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.
10. The Owner/Applicant shall provide a Grading and Drainage Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate.
11. Confirmation from Bell Canada that a 1.5 m wide easement be granted to Bell Canada over the existing rear-lot installation; that all costs associated with the transaction be the responsibility of the applicant; and that a letter shall be received from Bell Canada indicating that satisfactory arrangements have been made with respect to these matters.

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12. That the above conditions be fulfilled and the Certificate of Consent be issued on or before June 8, 2025, after which time the consent will lapse.

Appendix B – Official Plan

OFFICIAL PLAN EXCERPT MAP

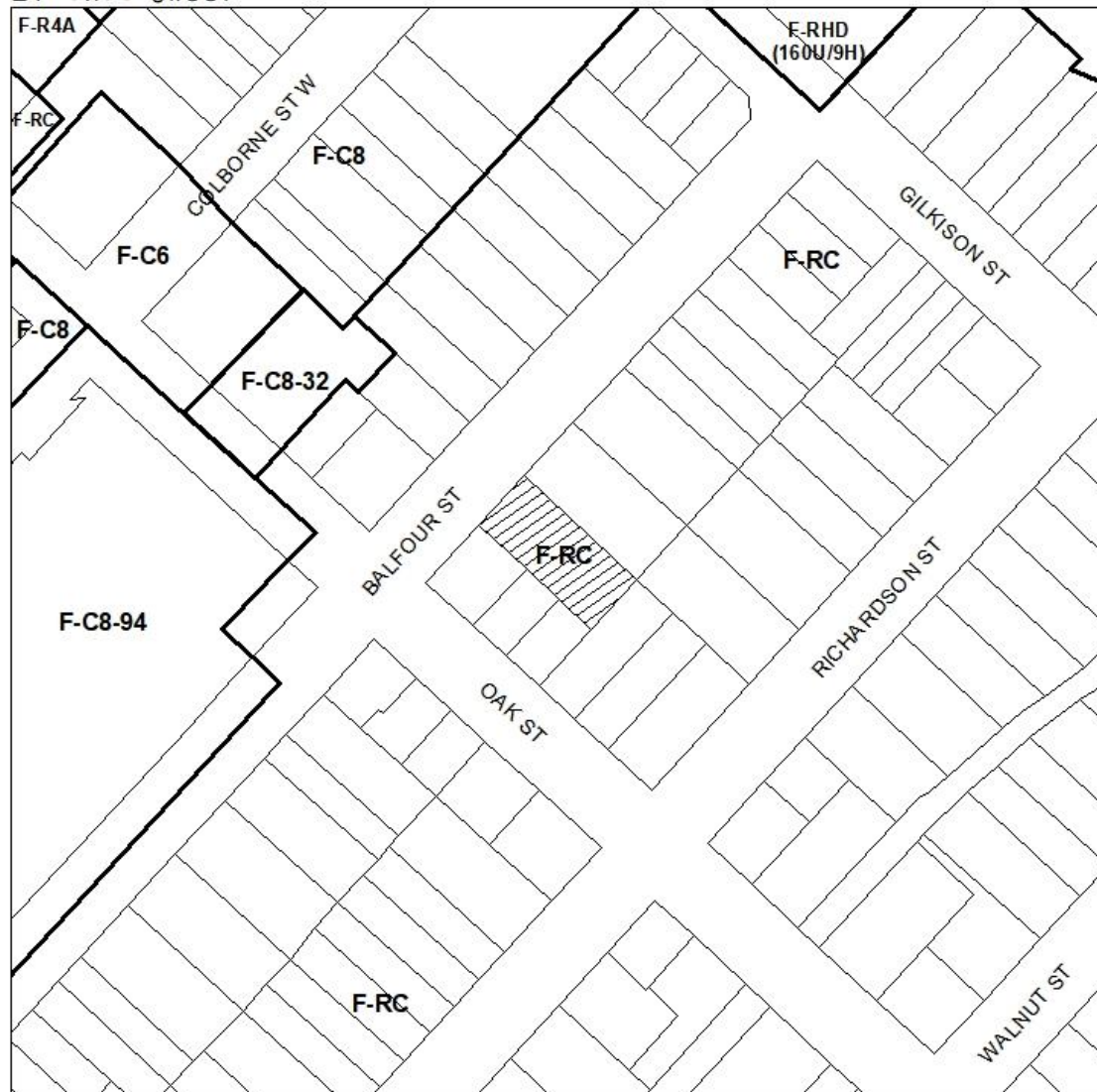
Application: B17/2023
24 Balfour Street



Appendix C – Zoning

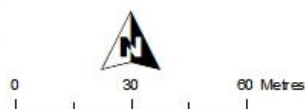
ZONING

Application: B17/2023
24 Balfour Street



Legend

- Subject Land
- Zone Boundary



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

- RC Residential Conversion
- R4A Residential Medium Density Type A
- RHD Residential High Density
- C6 Automobile Service Commercial
- C8 General Commercial
- F Floodplain Provision
- # Exception Number