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Date June 7, 2023 **Report No.** 2023-377

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 Applications for Consent and Minor Variance

2.0 Topic

Application No. B21/2023 & A18/2023

Applicant Matthew Joniec

Owner Brantford Polish Social Club

Location 150 and 154 Pearl Street

3.0 Recommendation

- A. THAT Application A18/2023 requesting relief from Section 9.8.2.1.7.1.2 of Zoning By-law 160-90 to permit the existing interior side yard of 1.2 m for the retained parcel, whereas 6.0 m is required, and from section 9.8.2.1.8 to permit the existing landscaped open space of 0% for the retained parcel, whereas 10% is required, BE APPROVED;
- B. THAT the reason(s) for approval are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-

- 90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and,
- C. THAT Application B21/2023 to sever a parcel of land, known as 150 Pearl Street from the southeastern portion of the lands municipally addressed as 154 Pearl Street, having a lot area of 374 m², and to retain a parcel of land having a lot area of 2,246 m², BE APPROVED, subject to the conditions attached is **Appendix A** to Report 2023-377;
- D. 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
- E. THAT pursuant to Sections 53(17) – (18.2) and 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. 2023-377”.*

4.0 Purpose and Description of Applications

Consent and minor variance applications have been received for 150 -154 Pearl Street. The Brantford Polish Social Club and abutting residential residence have merged on title and have applied for consent to re-establish the original boundary lines. The retained portion of lands will continue to function as the Polish Hall and the severed lot containing the single detached dwelling will be listed for sale. The severance sketch is included below as **Figure 1**.



The proposed lot dimensions are detailed below:

Table 1 - Proposed Lot Statistics for retained and Severed Lots at 150 and 154 Pearl Street

Lot Dimension	Lands to be Severed (150 Pearl Street)	Lands to be Retained (154 Pearl Street)
Lot Width	10.09 m	18.9 m (on Albion St.) 40.36 m (on Pearl St.)
Lot Depth	37.09 m	74.15 m
Lot Area	374.24 m ²	2,245.93 m ²

To facilitate the consent application, minor variances are required to provide relief from the following Sections of Zoning By-law 160-90:

Table 2 - Requested Relief from Zoning By-law 160-90

Regulation	By-law Section	Required	Proposed	Relief Requested
Interior side yard	9.8.2.1.7.1.2	6.0 m	1.2 m	4.8 m
Landscaped open space	9.8.2.1.8	10%	0%	10%

5.0 Site Features

The subject lands are located on the south side of St. James Street, bounded by Albion Street on the west and Pearl Street on the east and are completely surrounded by low density residential dwellings. The property is “L-shaped” and consists of the Polish Hall, established in 1927 as a social club, and a neighbouring single detached dwelling which was acquired by the Hall in 1994. Given that the properties were abutting and under the same ownership, they inadvertently merged on title. The residential dwelling at 150 Pearl Street has functioned as a rental property which has provided additional income to the Hall. The hall members and board of directors have now decided to sell, which has triggered the need for a legal severance. An aerial photo, location map and site photographs are included below.

AERIAL PHOTO

Application: B21/2023 & A18/2023
150-154 Pearl Street



Legend

Subject Lands

Aerial Photo from spring 2021



Figure 2 - Aerial Photo

LOCATION MAP

Application: B21/2023 & A18/2023
150-154 Pearl Street



Legend

SUBJECT LANDS



Figure 3 - Location Map



Figure 4 - View of the technical frontage of the Polish Hall on Albion Street.



Figure 5 - View of the Polish Hall from St. James Street.



Figure 6 - View of 150 and 154 Pearl Street from Pearl Street.



Figure 7 - View of the frontage of 150 Pearl Street.

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 Development Engineering Department and Bell Canada. A summary of the comments/conditions is provided below:

Table 3 - Department and Agency Comments

Agency Name	Agency Comment
Building Department	Any construction will require that a building permit be applied for and approved through the Building Department.
	Any development may be subject to Development Charges.
Environmental Services	No objections or concerns.
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.
	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: 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.
Landscaping	No comments.
Source Water Protection	No requirements.
Transportation	No comment.

Agency Name	Agency Comment
Bell Canada	Condition: 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.
GRCA	No objection.
Hydro One	No comments or concerns.

6.2 Public Response

Notice of public hearing was issued by personal mail (51 notices) and by posting two signs on-site. At the time of writing this Report, no comments have been received in regards to these applications. A map of the area of notification is included below.



Figure 8 - 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 4 - 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 depend on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis of guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested.	The proposed lot creation is technical in nature as it seeks to re-establish a previously existing lot. As such, it 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.
City of Brantford Official Plan (Envisioning Our City: 2051)	The subject lands are designated "Residential" on Schedule 3 of the City of Brantford's Official Plan (Appendix B). 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 help facilitate the creation of an additional lot for residential use, and allow for the retained lands to continue to function as a social club and servicing the needs of the community.
City of Brantford Zoning By-law 160-90	150 Pearl is zoned "Residential Conversion (RC) Zone" in Zoning By-law 160-90 and 154 Pearl is zoned "Residential Conversion – Exception 7 (RC-7) Zone" (Appendix C). The RC Zone permits a wide range of low density residential dwelling types including single-detached dwellings. The RC-7 Zone permits a private club, in addition to all uses permitted in the RC Zone.	Aside from the proposed variances to recognize existing deficiencies, the severed and retained parcels will continue to satisfy all other zoning requirements of the RC and RC-7 Zones.

7.2 Planning Analysis

7.2.1 Minor Variance Application A18/2023

When evaluating the merits of a minor variance application, the Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met. To be approved, a minor variance must be minor in nature, desirable for the appropriate development and use of the land, and the general intent and purpose of the Zoning By-law and Official Plan must be maintained. These tests are discussed in the table below:

Table 5 - Four Tests of a Minor Variance

Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. Due to the nature of this application, the lands to be severed were originally an independent lot, which has not been altered since the lands were inadvertently merged with 154 Pearl Street. The proposed variances to provide relief for pre-existing deficiencies for interior side yard and landscaped open space for the retained lot will not change the character of the neighborhood as they existed prior to the Zoning By-law being established. Therefore, they are not expected to have an adverse impact on adjacent properties.
2. That the intent and purpose of the Zoning By-law is maintained	The intent of minimum side yards is to allow for access around the structure for exterior maintenance, and to provide adequate drainage space.
	While the side yard is considered to be 1.2 m as that is the distance between the closest portion of the building to the property line, the majority of the building is 2.5 m which is sufficient for access and maintenance.
	The reduction in landscaped open space is to recognize an existing deficiency. As such, there are no associated negative impacts to drainage or surrounding neighbours.
	All other provisions of the RC-7 Zone will be maintained.
3. That the general intent and purpose of the Official Plan is maintained	The “Residential” designation permits a range of dwelling types and supporting land uses intended to serve residents.
	It is the opinion of Planning Staff that the proposal to

Four Tests	Discussion
	recognize the existing deficiencies of the retained lot will still maintain the general intent and purpose of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	The variances will allow for the continued use of the existing Polish Hall with no changes proposed. No adverse impacts are expected as the conditions are existing.

7.2.1 Consent Application B21/2023

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 6 - 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 previously existing residential lot within an established 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.
	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: a) when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan,

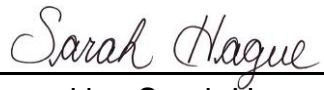
Criteria for Considering a Consent Application	Discussion
	b) no more than three new lots are being created; and c) all lots have frontage on a municipal road and do not require that municipal services be extended This application meets all of the above criteria.
2. The dimensions and shapes of the proposed 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.

Planning Staff have given regard to Section 51(24) of the *Planning Act* and are satisfied that the application is desirable and compatible with the surrounding area and will not result in any adverse impacts on surrounding properties. Planning Staff are of the opinion that the subject consent application is consistent with Section 51 (24) of the *Planning Act* and conforms to the Official Plan and therefore should be approved.

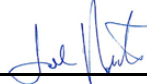
7.3 Conclusion

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 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 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.

It is Planning Staff's opinion that the variances satisfy 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 B21/2023 and A18/2023 be approved subject to the conditions attached as **Appendix A** to Report 2023-377.



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

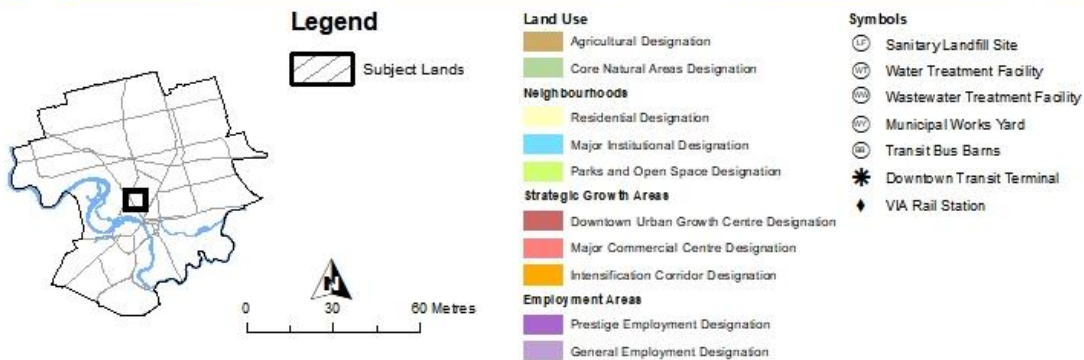
Subject to the following conditions:

- 1) Receipt of a registered reference plan showing the severed and retained parcel.
- 2) Receipt and confirmation that Application A18/2023 receives final and binding approval and is in full force and effect.
- 3) Receipt of confirmation that 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 the deposited reference plan showing the severed and retained parcels of land has been received.
- 6) 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 and the Manager of Capital and Development, Environmental Services, or his/her designate. The Servicing Plan shall indicate that the severed and retained parcels have been independently serviced with a water service and sanitary and storm sewer connection and that these services do not cross the proposed severance line(s) and are connected directly to City infrastructure.
- 7) 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.
- 8) Confirmation from Bell Canada that a 1.5 m wide easement be granted to Bell Canada over the existing rear-lot installation for the severed lot; 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.
- 9) Receipt of confirmation from the Manager of Environmental Services, or his/her designate, indicating that their requirements have been satisfied.
- 10) Receipt of confirmation from the Manager of Building, or his/her designate, indicating that their requirements have been satisfied.
- 11) Receipt of confirmation from the Manager of Development Engineering Department, or his/her designate, indicating that their requirements have been satisfied.
- 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: B21/2023 & A18/2023
150-154 Pearl Street





Appendix C – Zoning

ZONING

Application: B21/2023 & A18/2023
150-154 Pearl Street



Legend

-  Subject Lands
-  Zone Boundary



0 30 60 Metres

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

- RC Residential Conversion
- R4A Residential Medium Density Type A
- R4B Residential Medium Density Type B
- C4 Heritage Commercial Residential
- M2 General Industrial
- # Exception Number