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Date November 1, 2023 **Report No.** 2023-551

To Chair and Members
City of Brantford Committee of Adjustment

From Michelle Le Dressay
Policy Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

Application No.	B27/2023, B28/2023, & A29/2023
Agent	J. H. Cohoon Engineering (c/o Bob Phillips)
Applicant/Owner	Kasco Properties Ltd
Location	72 Ava Road

3.0 Recommendation

- A. THAT Minor Variance application A29/2023 requesting relief from Section 7.2.3.2.2 of Zoning By-law 160-90 to permit a lot width of 18.4 m, whereas a minimum lot width of 24.5 m is required, and from Section 7.2.3.2.1 of Zoning By-law 160-90 to permit a lot area of 655.7 m², whereas a minimum lot area of 745.0 m² is required, BE REFUSED;
- B. THAT the reason(s) for refusal of the minor variances are as follows: the proposed variances are not in keeping with the general intent of Zoning By-

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- law 160-90, the relief requested is not considered minor in nature and is not desirable for the appropriate development and use of the subject lands;
- C. THAT Consent application B27/2023 requesting to sever a parcel of land from the subject land municipally addressed as 72 Ava Road, having a lot area of 655.7 m², and to retain a parcel of land having a lot area of 1,311.4 m², BE REFUSED;
- D. THAT the reason(s) for refusal of B27/2023 are as follows: the proposed Consent does not have regard for the matters under Section 51(24) of the *Planning Act*, in that it is not desirable or compatible with the surrounding area, is not suitable for the lands, is not in the public interest, and could result in adverse impacts on surrounding properties and will create an undersized lot for the area;
- E. THAT Consent application B28/2023 requesting to sever a parcel of land from the subject land municipally addressed as 72 Ava Road, having a lot area of 655.7 m², and to retain a parcel of land having a lot area of 655.7 m², BE REFUSED;
- F. THAT the reason(s) for refusal of B28/2023 are as follows: the proposed Consent does not have regard for the matters under Section 51(24) of the *Planning Act*, in that it is not desirable or compatible with the surrounding area, is not suitable for the lands, is not in the public interest, and could result in adverse impacts on surrounding properties and will create an undersized lot for the area;
- G. 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. 2023-551.”

4.0 Purpose and Description of Applications

Two consent applications have been received for the lands municipally addressed as 72 Ava Road and, legally described as Plan 1000 Section 20 Lot 5. The applicant is requesting to sever the subject property to create two additional lots in addition to the retained parcel for a total of three residential lots. This application was deferred at the September 6, 2023 Committee of Adjustment meeting with the anticipation that the application would be reviewed

further in light of the matters raised by both Staff and the public. However, the applicant has chosen to move forward with the original application, with no amendments. In this regard, the applicant has provided a Planning Justification Report prepared by The Angrish Group dated October 16, 2023 in support of the three proposed lots which is included as **Appendix A** to this Report. The new lots are intended to accommodate three new single detached dwellings, the retained lot has a single detached dwelling which is proposed to be demolished to make way for a new dwelling. To facilitate the consent applications, a minor variance application is also required to provide relief from the following sections of Zoning By-law 160-90:

- Section 7.2.3.2.2 of Zoning By-law 160-90 to permit a reduced lot width of 18.49 m on the severed and retained parcels, whereas the Zoning By-law requires 24.5 m; and,
- Section 7.2.3.2.1 to permit a lot area of 655.7 m² on the retained and severed parcels, whereas the Zoning By-law requires 745.0 m².

The property is located at the southern corner of the intersection between Ava Road and Stymie Boulevard, immediately to the west of the CN Rail line. The severance sketch is included as **Figure 1**.

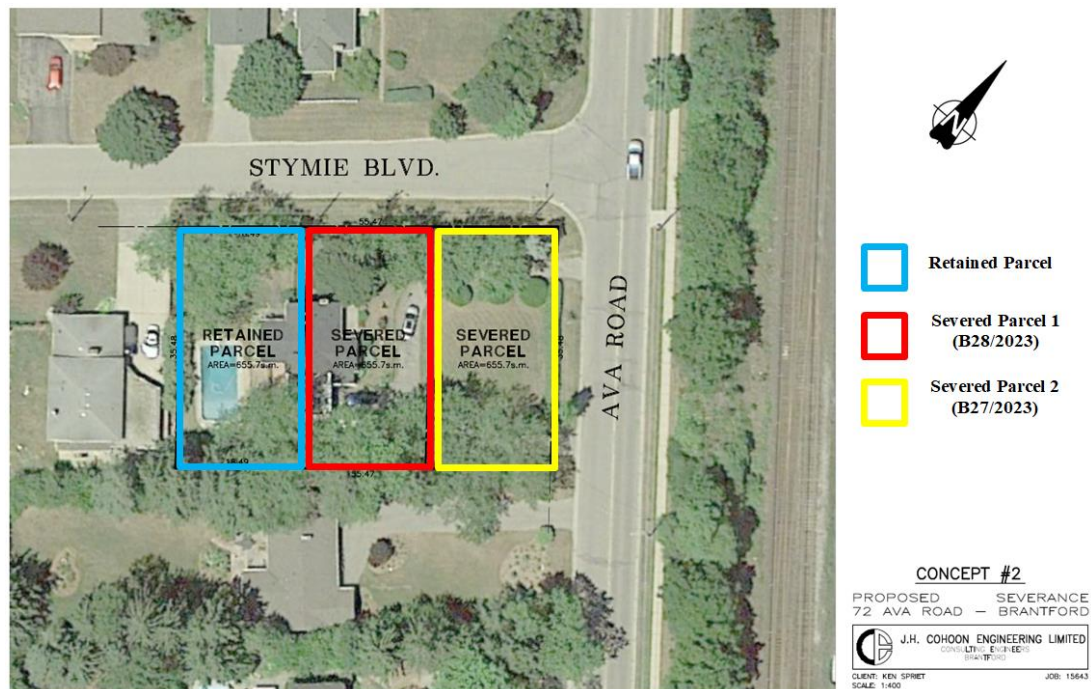


Figure 1 – Severance Plan

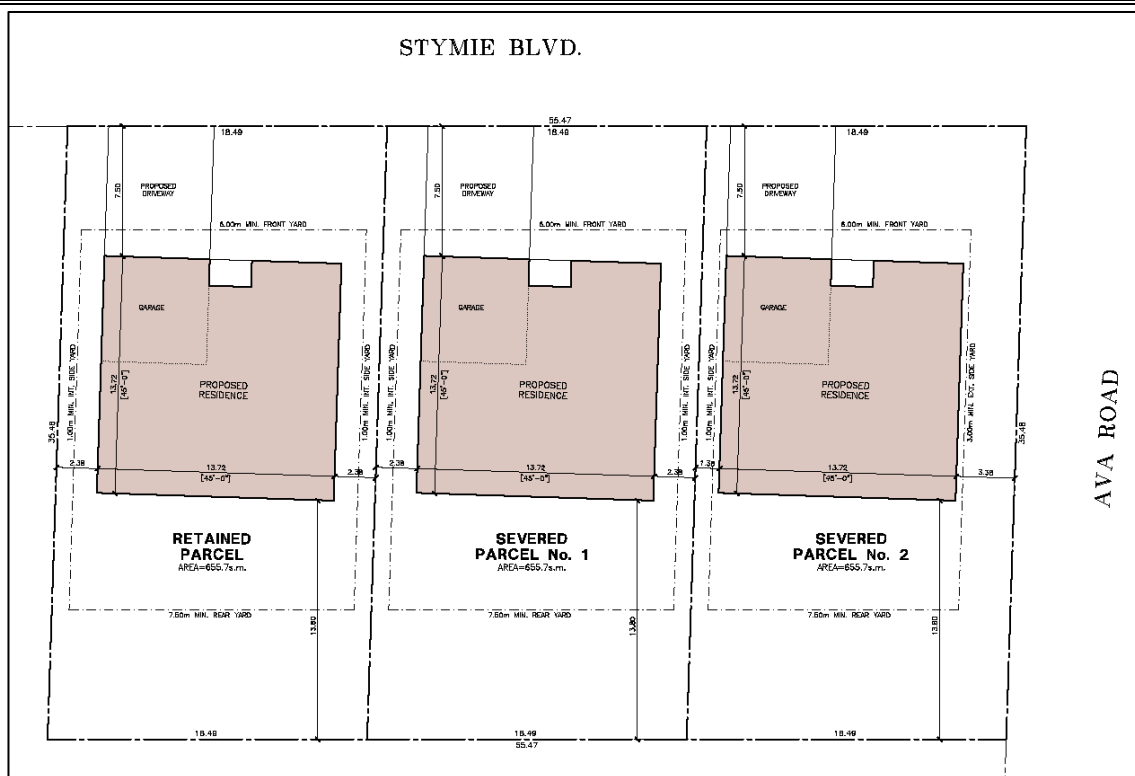


Figure 2 – Site Plan

The proposed lot dimensions are detailed below:

Table 1 - Proposed Lot Statistics for Retained and Severed Lots at 72 Ava Road

Lot Dimension	Severed Lot 1	Severed Lot 2	Lands to be Retained
Lot Width	18.49 m	18.49 m	18.49 m
Lot Depth	35.48 m	35.48 m	35.48 m
Lot Area	655.7 m ²	655.7 m ²	655.7 m ²

To facilitate the consent applications, 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	Severed Lot 1	Severed Lot 2	Retained Lot	Requested Relief
Lot Width	7.2.3.2.2	24.5 m	18.49 m	18.49 m	18.49 m	- 6.0 m
Lot Area	7.2.3.2.1	745.0 m ²	655.7 m ²	655.7 m ²	655.7 m ²	- 89.3 m ²

5.0 Site Features

The subject land is located on the southwest corner of Ava Road and Stymie Boulevard, and sits immediately west of the CN Rail line. The site is rectangular in shape and consists of a single detached dwelling with a pool and deck in the rear of the yard. If approved, the existing dwelling and structures are proposed to be demolished. The subject property contains two driveways both of which have access onto Ava Road.

The property is surrounded by single detached dwellings and is located in a low density residential area. The applicant is requesting to sever the subject property to create two additional lots on the property for a total of three residential lots. The three lots will be equal in terms of lot area, lot width and lot depth. The severed and retained lots are proposed to be developed for new single detached dwellings. An aerial photo, location map and site photographs are included below.

AERIAL PHOTO

Application: B27/2023, B28/2023 & A29/2023
72 Ava Road



Figure 3 – Aerial view of subject area

LOCATION MAP

Application: B27/2023, B28/2023 & A29/2023
72 Ava Road

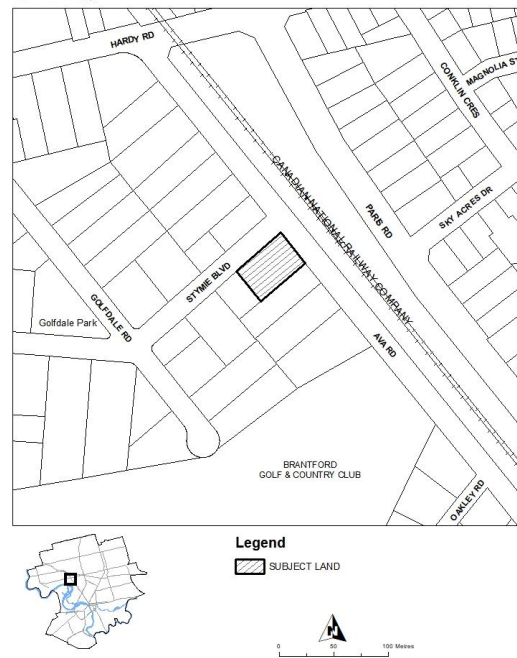


Figure 4 – Location Map of Subject Lands



Figure 5 – View of Subject Lands from Ava Road (Source: Google Streetview)



Figure 6 – View of Subject Lands from Corner of Ava Road and Stymie Boulevard (Source: Google Streetview)



Figure 7 – View of Subject Lands from Stymie Boulevard

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, Transportation, and Development Engineering Departments. A summary of the comments/conditions is provided below:

Table 2 - Department and Agency Comments

Agency Name	Agency Comment
Building Department	The existing house needs to be demolished before severing the lot.
	A demolition permit is required to demolish the existing house.
	Building height not mentioned; it shall not exceed 10 m.
	Any proposed construction will require that a building permit is applied for and approved through this department. Development charges may apply to any new development.
Environmental Services	City records indicate the property is currently serviced by a 25 mm copper lateral water service from the 200 mm PVC watermain on Stymie Boulevard within the frontage of its respective property. The service is located 14.5 m from the right side of the house and 0.8 m left of rear of the house.
	Only one service is permitted to each property. The proposed parcels must be serviced individually from the 200 mm watermain in Stymie Boulevard within the frontage of its respective property. The minimum water servicing size is 25 mm.
	The Owner must provide a servicing plan of the severed lot for review, comment and approval prior to commencing any installations.
	The Owner will be required to remove the existing water service and curb stop during demolition of the existing building. The service must be removed from the main to preserve water quality and prevent leaks and the curb stop removed to avoid confusion.

Agency Name	Agency Comment
	The Owner will be required to obtain a Water Service Connection Permit and pay all applicable fees prior to commencing any work to connect new water service for the severed lot; the City will complete the inspection of all connections to City watermain.
	The development must be metered during construction and the Owner will be required to pay the current fee per cubic metre for the quantity of water used.
	All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building 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 Manual and Ontario Building Code.
	<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 developer or property owner is responsible for the management of all waste and recyclables materials during construction.
Development Engineering	A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 29-2023. This Permit is administered by the City's Development Engineering Department.
	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.

Agency Name	Agency Comment
	Full public services are to be constructed, or replaced if damaged (sidewalk, boulevards, driveway approaches, noise barrier, etc.)
Development Engineering (Landscaping)	The Owner/Applicant shall provide an Arborist Report and a Tree Protection Plan prepared by a qualified Arborist for the Right-of-Way Trees located along Ava Rd and Stymie Blvd. The Arborist Report must provide an assessment of the health and condition of existing trees, identify all retention and removals, and recommend protection measures and replanting opportunities as required; the report shall inform the Tree Protection Plan protection measures which shall include tree protection fencing, root excavation pruning (if required) and root compaction mitigation in lieu of on-site works, all to the satisfaction of the Manager of Development Engineering or his/her designate.
	The municipal boulevard (located on the Ava Rd Right-of-Way) must be restored back to City of Brantford Boulevard standards (grassed boulevard from paved driveways) as per the City's Linear Design Manual.
	Where disturbed, the municipal boulevards (located on the Ava Rd and Stymie Blvd Right-of-Ways) must be restored back to City of Brantford Boulevard standards (grassed boulevard) as per the City's Linear Design Manual
Transportation	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.
	Staff are supportive of the driveway relocation from Ava Road to Stymie Boulevard.
	All work proposed within the road allowance or the purpose of constructing, altering, or extending a driveway approach, will require the contractor to obtain a Right of Way Activity Permit Administered by the City's Operational Services Department. https://www.brantford.ca/en/living-here/right-of-way-activity.aspx
MCFN	The Mississaugas of the Credit First Nation would like to notify you that we are the Treaty Holders of the land on which the land severance and future development will be taking place. This project is located on the Between the Lakes Treaty No. 3 of 1792.

Agency Name	Agency Comment
	<p>In light of this, the MCFN Department of Consultation and Accommodation (DOCA) requires that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent. MCFN DOCA would like to obtain the reports if these studies have been completed already.</p>
<p>CN Rail</p>	<p>The analysis of noise provided in the application is subject to review. The Railway may consider other measures recommended by an approved Noise Consultant.</p>
	<p>The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m off the railway right-of-way:</p> <p><i>“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”</i></p>
	<p>The owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered add further that the Owner shall have the sole responsibility for and shall maintain these measures to the satisfaction of CN.</p>

Agency Name	Agency Comment
	The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions registered against the subject property in favor of CN.
Canada Post	No comments.
GRCA	No comments.
County of Brant	No comments.
MTO	No comments.
Hydro One	No comments.

6.2 Public Response

The original notice of public hearing was issued by personal mail (18 notices) and by posting 2 signs on-site. Additional notices were provided at the request of meeting attendees from the September 6th 2023 Committee of Adjustment meeting. At the time of writing this Report, 5 objections have been received by email in addition to the 8 emails of objection that were received prior to the previous September 6th meeting date. In total, 13 responses have been received from 7 different households in regards to these consent and minor variance applications and are included in **Appendix B**. Several phone calls have been received by Staff in opposition of these planning applications relating to the overdevelopment of these lands. All but one has since provided an email stating their concerns. A map of the area of notification is included below.

AREA OF PUBLIC NOTIFICATION

Application: B27/2023, B28/2023 & A29/2023
72 Ava Road

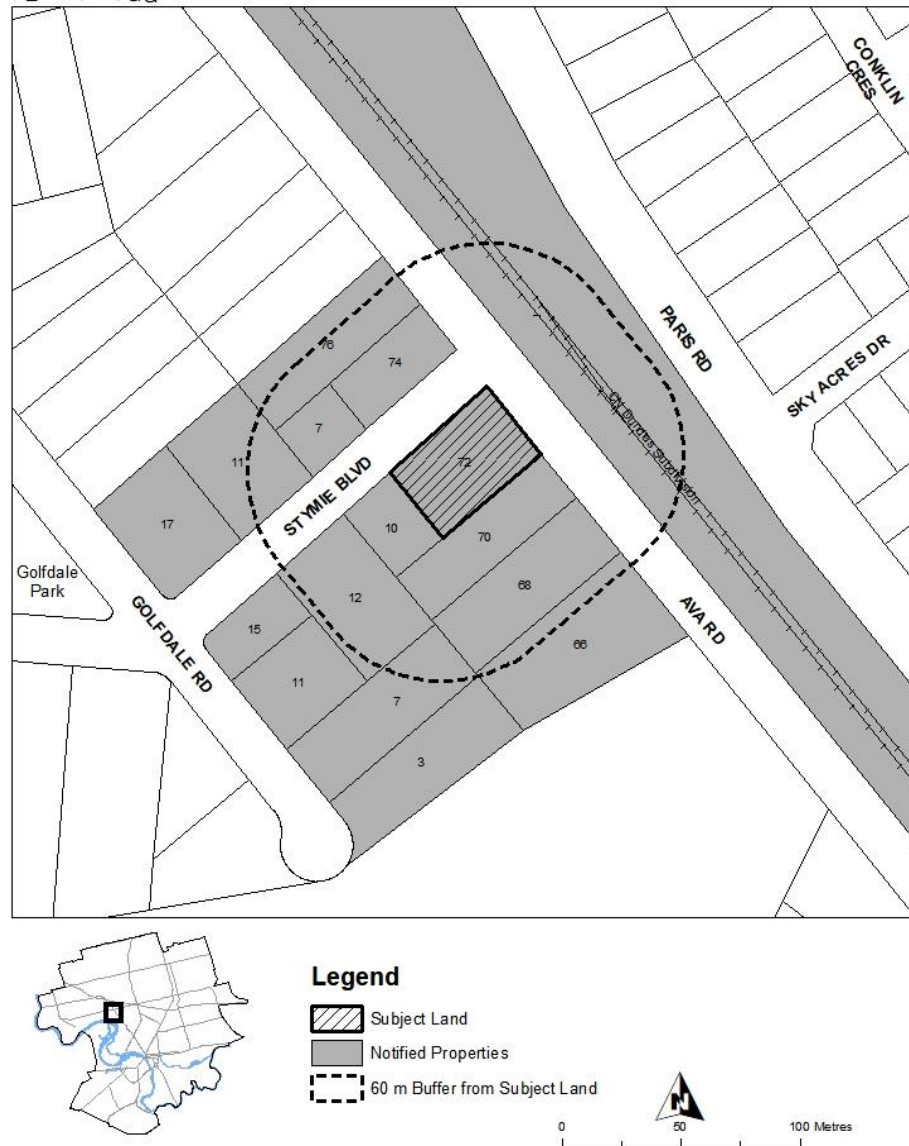


Figure 8 – Area of Public Notification

7.0 Planning Staff Comments and Conclusion

7.1 Policy Context

These applications were reviewed in the context of the Provincial Policy Statement, the Growth Plan, the Official Plan and the Zoning By-law. A summary is provided in the table below:

Table 3 - 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.	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 C). The “Residential” designation permits a full range of residential dwelling types, including single-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.
City of Brantford Zoning By-law 160-90	72 Ava Road is zoned “Residential Type 1A – Exception 2 (R1A-2) Zone” in Zoning bylaw 160-90 (Appendix D). The R1A-2 Zone permits a wide range of low density residential dwelling types including single-detached dwellings.	Aside from the proposed variances to recognize deficiencies for the proposed lot width and lot area, the severed and retained parcels will continue to satisfy all other zoning requirements of the R1A-2 Zone.

7.2 Planning Analysis

The applicant’s agent provided a Planning Justification Report (PJR) prepared by The Angrish Group and dated October 16, 2023. The PJR recommends supporting the minor variance and consent applications. Planning Staff does not agree with that recommendation as the proposal does not align with other built form or development within the area and therefore, Staff is of the opinion that it would negatively impact the character of the neighbourhood. Planning Staff is of the opinion that the minor variances are not minor in nature and that the proposal would represent an over-intensification of the site. Further, the consent applications are not compatible with the existing

neighbourhood and would nor be in keeping with the the character of the area. Staff does not support the creation of these proposed lots.

7.2.1 Minor Variance Application A29/2023

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 4 - 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. The proposed variances to provide relief for deficiencies in lot width and lot area are significant, and will result in a change to the character of the neighbourhood.
	With the exception of one lot, all lots within the immediate neighbourhood that are zoned R1A-2 Zone currently meet the minimum lot area of 745 m ² . Therefore the proposed new lots will be undersized for the neighbourhood. Although some lots do not meet the lot width, those lots are unique as they are irregularly shaped lots exist within this zone.
	Planning Staff are of the opinion that the variance is not minor in nature because the proposed lots are undersized and do not meet lot width required in the R1A-2 zone and the proposal would significantly change the character of the neighbourhood.
2. That the intent and purpose of the Zoning By-law is maintained	The intent of the minimum lot area in the Zoning By-law is to ensure ample space is available on the site for it to meet other zoning requirements.
	72 Ava Road and the properties in the immediate area are currently zoned R1A-2 Zone. To facilitate the proposed consent applications, the subject lands do not meet the minimum lot width and the minimum lot area requirements specific to the R1A-2 Zone.
	The R1A-2 Zone specifically requires that lots maintain a

Four Tests	Discussion
	lot area and lot width that is greater than what is normally required in the R1A Zone. The R1A-2 is intended for larger estate sized lots, which is unique to the character of this neighbourhood. Planning Staff are of the opinion that the intent and purpose of Zoning By-law 160-90 is not maintained as these additional lots will not be in character with the rest of the neighbourhood.
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 the residents.
	<p>However, Section 5.1 c) of the Official Plan, <i>Development Proposal Review</i>, outlines that compatible development shall be considered in the evaluation of all development proposals throughout the City and that the following shall be considered when evaluating the compatibility of development proposals:</p> <ul style="list-style-type: none"> ○ The use, height, massing, orientation and landscape characteristics of nearby properties is properly considered and appropriate transitions between the built forms and uses shall be ensured; ○ On-site amenity space is provided and is reflective of, or enhances, the existing patterns of private and public amenity space in the vicinity; and, <p>Streetscape patterns, including block lengths, setbacks and building separations are generally maintained.</p>
	This application provides minimal on-site amenity space which is not reflective of the majority of the existing lot patterns in the immediate vicinity.
	The proposed lot area and lot width is not consistent with those in the surrounding area.
	Planning Staff are of the opinion that the general intent of the Official Plan is not maintained because the proposed development is not compatible with the existing neighbourhood as it does not maintain the character of the neighbourhood or planned function.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	Planning Staff are of the opinion that the subject application is undesirable as the lots are undersized and have a reduced frontage; which may have negative impacts on the character of the neighbourhood. Furthermore, the subject applications propose the creation of 2 new lots and 1 retained lot. The applications represent an over development of the subject lands.

Four Tests	Discussion
	Planning Staff are of the opinion that the variance is not desirable for the appropriate development and use of the land and building.

7.2.2 Consent Application B27/2023 & B28/2023

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 5 - 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 applications are for the purpose of creating two new residential lots 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.
	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: <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	The proposed lots are similar in both size and shape to other

Criteria for Considering a Consent Application	Discussion
lot	single detached dwelling lots in the neighbourhood.
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 August 8, 2023. Upon completion of this visit and review of all relevant policies, Planning Staff are not supportive of the applications. The proposed consent applications would create a deficiency in the provided lot area and lot width triggering the need for the minor variances. For the reasons mentioned above in Section 7.2, it is Planning Staff's opinion that the variance fails to satisfy some of the tests as defined under the *Planning Act*. The application is not minor in nature, is not appropriate for the development and use of the lands, and does not meet the intent of the Zoning By-law. After further review and consideration of Planning Justification Report prepared by The Angrish Group and dated October 16, 2023, Planning Staff continue to recommend that applications B27/2023, B28/2023 and A29/2023 be refused.



Prepared By: Michelle Le Dressay, MSc
Planner, Long Range Planning
Prepared on: October 26, 2023



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

Appendix A – Planning Justification Report



THE ANGRISH GROUP

156 Charing Cross Street, Brantford, ON N3R 2J4

Planning Justification Report

72 Ava Road, City of Brantford

Prepared For: Bob Phillips

Prepared By: The Angrish Group

October 16, 2023

File: 2023_135



The Angrish Group
Planning Justification Report

72 Ava Road, Brantford
October 2023

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The Angrish Group
Planning Justification Report

72 Ava Road, Brantford
October 2023

1. Introduction and Context

The Planning Justification Report has been prepared by The Angrish Group in support of two Consent and associated Minor Variance Applications required for the development of the lands. The report has been prepared on behalf of J. H. Cohoon Engineering Ltd., applicant/agent of property municipally known as 72 Ava Road, City of Brantford.

The Planning Justification Report will provide an analysis of the provincial and municipal planning framework and provide a professional planning opinion related to the proposed Applications required for the intensification of the lands.

2. Description of Lands and Surrounding Uses

The lands are located at the corner of Ava Road and Stymie Blvd and contain a single detached dwelling on full municipal services.

The lands are located in a predominantly low-density residential area and are surrounded by single detached dwellings. CN Railway Line runs to the east of the subject lands. There are no natural heritage features located on the lands.

Map 1 below shows the location of the property and the surrounding land uses.

Map 1: Location of Subject Lands



The Angrish Group
Planning Justification Report

72 Ava Road, Brantford
October 2023

3. Proposal

The proposal involves severance of the property for the creation of two new residential lots. Two Consent Applications and associated Minor Variance Applications have been submitted for the development of the lands. The severed and retained lots will each be 655.7 sq.mt in lot area with a lot width of 18.49 meters (60.66 feet).

The subject lands are designated Residential (Neighbourhoods) in the City of Brantford Official Plan. Residential Designation allows for a variety of uses including low density residential uses such as single detached, semi-detached dwellings and converted dwellings.

The lands are zoned Residential Type 1A (R1A-2) in the City of Brantford Zoning By-Law 160-90. R1A-2 Zone provisions require a lot area of 745 sq.mt. and a lot width of 24.5m.

The proposed development requires relief from the provisions of Zoning By-Law to allow a reduced lot area and frontage for the severed and retained lots.

A detailed conceptual site plan has been included with the request.

A Minor Variance Application is submitted for the following:

1. Reduced Lot Area of 655.7 sq.mt whereas 745 sq.mt is required;
2. Reduced Lot Width of 18.49 m whereas 24.5 m is required.

All other requirements of the zoning by-law are complied with for the development of the lands.

The proposed lot sizes conform with the recent approved developments in the City and are reasonable for intensifying the subject lands. The surrounding area contains a considerable amount of variability in terms of lot patterns and the reduced lot area will not have any negative impact on the neighbourhood.

The reduced frontage for the severed and retained lots is required for efficient development of the lands to not have any impact on the surrounding lands. The lot width is compatible with R1A Zone (18 meters) provisions. All other regulations will be met for the development of the site.

The existing dwelling will be demolished for the development of the lands.

The proposed lot does not require extension of any municipal infrastructure and represents infilling in a designated built-up area of the city.

The variances are required for the efficient development of the parcel and to meet the intensification targets of the Official Plan. The variances are minor in nature and do not represent overbuilding of the subject lands.

The Angrish Group
Planning Justification Report

72 Ava Road, Brantford
October 2023

4. The Policy Context

The applications are subject to the provisions of the Planning Act, as amended. The Planning Act, R.S.O. 1990 sets out the legislative framework for land use planning in Ontario and provides the authority for the Minister of Municipal Affairs and Housing to issue policy statements and plans to guide land use planning and development in the province. The Act also sets out the legislative framework for local land use planning tools and plans.

All Planning Act applications are evaluated to ensure that the proposed development proposal is consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe (2020) and is in conformity with the City of Brantford Official Plan. This section demonstrates that the proposed Applications are consistent with, and conforms to, the applicable provincial and local planning policy framework.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) is issued in accordance with Section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" the PPS.

The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario and sets the policy foundation for regulating the development and use of land. The PPS encourages efficient development patterns that support sustainability by promoting strong, livable, healthy, and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Policy 1.1 provides direction on Managing and Directing Land Use to achieve efficient and resilient development and land use patterns. Policy 1.1.3 states that the settlement areas shall be the focus of growth and development.

The subject property is located within the Designated Built-Up Area of the City of Brantford and is fully serviced by municipal water, sanitary, and storm water services. The lands are designated Neighbourhoods (specifically Residential) in the City of Brantford Official Plan (the "Official Plan") and are located within the Urban Settlement Boundary. The Residential Designation permits a variety of low, medium and high-density residential uses and is intended to achieve the City's overall target for residential intensification in the Built-up Area.

The proposal for two new single detached dwelling lots aims to contain growth and development within the existing urban boundary in order to make efficient use of existing urbanized and underutilized lands.

The Angrish Group
Planning Justification Report

72 Ava Road, Brantford
October 2023

The proposed development will further intensify the existing area and will contribute towards the intensification goals of the Official Plan. The proposal is compatible with the surrounding area which contains low density residential dwellings.

There are no natural heritage features located on or near the subject lands.

The proposed development will not cause any environmental or public health and safety concern. The proposal will conform to the requirements of the Ontario Building Code and Fire Code, details for which will be provided at the time of the Building Permit process.

It is my professional opinion that the proposed Consent and Minor Variance Applications are consistent with the Provincial Policy Statement.

4.2 Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") is prepared under the Places to Grow Act, 2005. The Growth Plan provides policy direction for growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It implements Ontario's vision for building stronger, prosperous communities by better managing growth in the region.

Policy 1.2.1 supports the achievement of complete communities and prioritizes intensification of existing settlement areas for efficient use of land and infrastructure.

Policy 2.2.1. provides direction on the achievement of complete communities by providing a diverse mix of land uses, including employment uses.

The subject lands are designated Neighbourhoods in the Official Plan and are located within the Urban Settlement Boundary. The Neighbourhoods Designation allows for various residential uses including low-rise developments such as single detached dwellings. The proposed use provides intensification of the existing residential area by utilizing the already designated property and provides housing options contributing towards the City's density targets.

The development of lands for two additional single detached lots is compatible with the surrounding neighbourhood, which is dominated by single detached lots.

The lands are fully serviced by municipal services and are surrounded by similar or denser uses providing for a mix of residential uses in the area. The proposal will not have any impact on the existing municipal systems and will utilize the available water and sanitary services. No extension of municipal infrastructure is required for the

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development of the subject lands, as the existing infrastructure is sufficient for the proposed development.

The proposal will not have any negative impact on the infrastructure or the natural environment.

The proposed development supports the achievement of complete communities by providing additional housing options with healthy and active living and meeting people's needs for daily living by providing convenient access to local services and public service facilities. The recreational opportunities available for the residents in terms of neighbourhood parks, trails and access to local commercial uses will achieve the goals for better quality of life and healthy communities.

It is my professional opinion that the proposed development conforms to the Growth Plan for the Greater Golden Horseshoe.

4.3 City of Brantford Official Plan, 2021

A comprehensive review of the Official Plan was completed in 2021, and the new Official Plan was approved by the Ministry of Municipal Affairs and Housing on August 4, 2021 and is in full force and effect.

The Official Plan determines areas for growth and development, sets out population and employment forecasts and density targets, establishes an Urban Boundary, and sets out policies to protect the City's natural heritage, agricultural, and mineral aggregate resources.

The subject property is currently designated Neighbourhoods in the Official Plan. The lands are located within the Designated Built-up Area of the City.

An excerpt from the Land Use Schedule 3 with the location of the property is shown on Map 2.

Section 3 of the Official Plan provides contextual framework for the housing opportunities and encourages a mix and range of market-based housing types, styles, tenures and affordability characteristics to meet the needs of a growing and diverse population.

The development of the lands for low density residential including single detached dwellings will provide for intensification of the underutilized parcel, achieving the compact urban form. The Official Plan recognizes that a substantial portion of the existing residential areas are dominated by low-density residential uses and hence encourages redevelopment of these areas. The proposed development will contribute to achieving the City's residential intensification targets.

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The proposed development of the lands is in keeping with the surrounding residential area which is dominated by single detached lots.

Map 2: Official Plan Land Use Schedule 3



The lands have been designed to generally maintain the streetscape and the existing established setbacks.

Adequate landscaping and parking areas are provided for the severed and retained parcels for the benefit of the future residents. The existing municipal servicing is sufficient for the development of these lands for two additional residential lots.

Section 5 of the current Official Plan provides contextual framework for various land use designations. Compatible built form of development is a fundamental element of the Official Plan and is defined as "Compatible development is development that respects or

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enhances the character of the community, without causing any undue, adverse impacts on adjacent properties. Compatible development is not necessarily the same as, or even similar to existing development in the vicinity."

The creation of two new lots provides for infilling of the existing residential area achieving the compact urban form. The development of the site for an additional two single detached dwellings is in keeping with the character of the neighbourhood. There are many similar sized large lots in the surrounding area. The new lots will be developed keeping in mind the character of the existing neighbourhood and provide for larger lot sizes. Adequate amenity space and parking is provided for the future residents.

The lands are located in a low-density residential area and are serviced fully by municipal services. There are no compatibility issues with the proposed development.

Policies for Neighbourhoods are noted in Section 5.2 of the Official Plan. The Residential Designation falls under the Neighbourhoods policies. The intent of the Residential Designation is to include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. The policy recognizes that areas within the Residential designation will continue to evolve, with compatible development playing a modest role in achieving the City's overall target for residential intensification in the Built-up Area.

The proposed development will allow for the creation of two new residential lots. Low-rise residential dwelling units such as single-detached, semi-detached and converted dwellings are permitted in the Residential Designation. Both the severed and retained lands will be developed with single detached dwellings.

The proposal does not require construction of a new road and no extension of municipal infrastructure is required for the development of the lands.

The proposed development allows for intensification of an existing residential area while keeping the character of the neighbourhood, and contributing towards achieving the City's residential intensification targets.

Adequate municipal water, sewage and storm services are available for the development of the site.

The proposed development is located on Local Road, providing active transportation options to the future residents.

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The site is within walking distance of a secondary school, neighbourhood parks, commercial uses and trails, providing amenities for the future residents.

The proposed development supports the achievement of complete communities by providing additional housing with healthy and active living and meeting people's needs for daily living by providing convenient access to local services and public service facilities.

The redevelopment of underutilized parcel will allow efficient use of land and infrastructure and will be compatible with the surrounding area. The significant large lot sizes do not conflict with the surrounding neighbourhood.

Based on the analysis contained in this section of the report, it is my professional opinion that the proposed Consent and Minor Variance Applications conform to the policies of the City of Brantford Official Plan and maintains the general intent of the Official Plan.

4.4 City of Brantford Zoning By-Law, 160-90

The City of Brantford Zoning By-Law 160-90 was enacted by City Council on October 9, 1990. The by-law regulates the use of the lands, location, size, frontage, and lot area of a parcel of land, as well as setbacks from the lot lines, height, parking, and landscape open space.

The property is currently zoned Special Provision Residential Type 1A (R1A-2). R1A-2 Zone requires a lot area of 745 sq.mt. and a lot width of 24.5m and permit single detached dwellings.

Map 3 depicts the current zoning of the lands.

The proposed development involves the creation of two new residential lots to be developed for single detached dwellings. The severed and retained lots will be equal in size with a lot area of 655.7 sq.mt each and a lot width of 18.49 meters (60.66 feet).

A Minor Variance is required to for the development of the lands in accordance with the policies and density targets of the Official Plan.

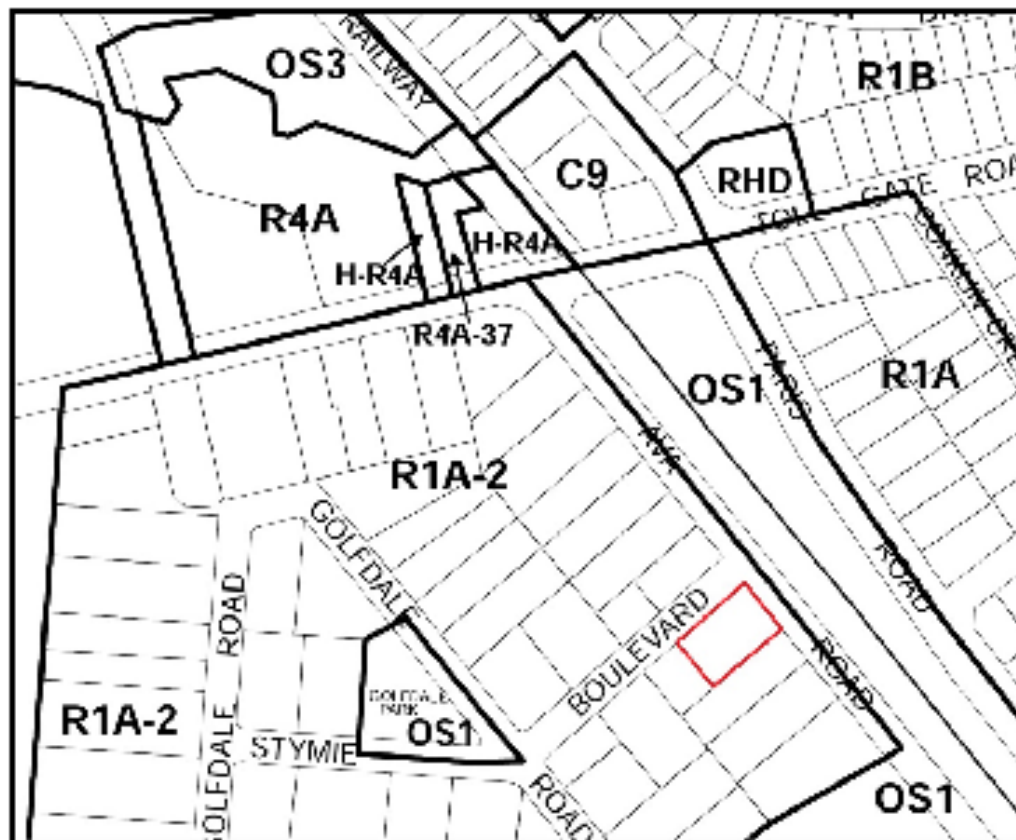
All other requirements of the Zoning By-Law will be complied with for the development of the site.

Ample amenity space and parking area is being provided on the severed and retained parcels.

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Map 3: Current Zoning



5. Minor Variance

A Minor Variance Application is required for the severed and retained lots for the following:

1. Reduced Lot Area of 655.7 sq.mt. whereas 745 sq.mt is required;
2. Reduced Lot Width of 18.49 m whereas 24.5 m is required.

In accordance with the requirements of the *Planning Act*, in the consideration of an application for Minor Variance, there are "four tests" which are required to be satisfied, they are:

- ☐ Does the application conform to the general intent of the Official Plan?
- ☐ Does the application conform to the general intent of the Zoning Bylaw?

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- Is the application desirable for the appropriate development of the lands?
- Is the application minor?

5.1 Official Plan Conformity

The subject lands are designated Neighbourhoods in the Official Plan. The development of the lands for two new single detached lots will provide for intensification of the underutilized parcel.

The Official Plan recognizes that a large portion of the existing residential areas are dominated by low-density residential uses and hence encourage redevelopment and intensification of these areas. The proposed development will contribute to achieving the City's residential density targets while keeping in mind the character of the area. Compatibility in accordance with City's Official Plan means that the landscape characteristics of the surrounding neighbourhoods is considered; and appropriate built transitions are ensured. The proposal achieves these goals as the lots will continue to be developed for low density residential and will provide appropriate transitions within the existing built-up area. the large lot sizes meet the neighbourhood's characteristics.

The variances are required for the efficient development of the parcel, and to meet the intensification targets of the Official Plan while maintaining the compatibility with the surrounding area.

Based on the detailed analysis contained in this report, it is my opinion that the general intent of the Official Plan is maintained through the proposed Minor Variance Application which is required for the development of the site.

5.2 Conformity with the general intent of the Zoning By-Law

The property is zoned Residential Type 1A (R1A-2) in the Zoning By-Law. The intent of this zone is to allow large lot developments with single detached dwellings.

The proposed lot size for the severed and the retained lots is reasonable for intensifying this site while maintaining the character of the surrounding area.

The reduction of 89.3 sq.mt. of the lot area requirement is considered minor in nature. Based on the review of the surrounding area, there is a considerable amount of variability in terms of lot patterns and the reduced lot area will not have any negative impact on the area.

The reduced lot width of 6 meters for the lots is required for efficient development of the lands and will not have any impact on the surrounding lands. All other yard setbacks regulations will be met for the development of the site.

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Even with the reduced lot area and lot width, the severed and retained lots will remain large estate style lots and will maintain the character of the surrounding neighbourhood.

Parking will be provided on site and no variations are required for parking spaces.

Large amenity spaces are provided for the severed and retained lots, meeting the character of the neighbourhood.

The proposal meets all other requirements of R1A-2 Zone.

It is my opinion that the proposed variances will not have any impact on the lands or the surrounding land uses. The proposed applications are compatible with the surrounding residential uses will not have any negative impacts on abutting properties.

The proposed development is appropriate and represents good planning. The variances are minor in nature and will not represent overbuilding of the subject lands.

It is my opinion that the variances are needed for efficient development of the parcel as these maintain the general intent of the Zoning By-Law.

5.3 Appropriateness of the Minor Variance

It is my opinion that the proposed variances are appropriate for the efficient development of the lands, do not create any negative impacts on the surrounding land uses, and are required for the intensification of the lands. The proposal represents infilling and intensification of an underutilized property in the City. A variety of parcel sizes and residential uses are located in the surrounding area, hence making the proposed development appropriate for the subject lands and compatible with the surroundings. The large style lots proposed for the site meet the character of the area.

It is my opinion that the proposed variances provide for the desirable development of the land.

5.4 Proposed Variance is Minor in nature

Based on the review of the Official Plan policies, Zoning By-Law regulations, along with the 3 tests as outlined in this report, it is my opinion that the requested variances are minor in nature.

The variances will not change any character of the neighbourhood as the lot sizes are compatible with the area. The proposed large lots represent the estate style which is the dominant form of the neighbourhood.

The proposed variances are minor in nature.

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6. Summary and Recommendations

The proposed applications for Minor Variance and Consent are required for the redevelopment of the lands located at 72 Ava Road. The proposal will allow construction of single detached dwellings on the severed and retained parcels in keeping with the surrounding low density residential uses.

The lands are located within the Delineated Built-Up Area and within the Settlement Boundary of City. The intensification proposal for the lands is in keeping with the Provincial Policies and the policy direction in City's Official Plan.

The proposed development is compatible with the neighbourhood by providing large estate style lots and will not result in adverse impacts on surrounding properties.

It is my professional opinion that the proposed applications are:

- ☐ consistent with the Provincial Policy Statement;
- ☐ in conformity with the Growth Plan for the Greater Golden Horseshoe;
- ☐ conform with the policies of the City of Brantford Official Plan; and
- ☐ in keeping with the regulations of the City of Brantford Zoning By-Law 160-90.

The proposal represents good planning, and the Minor Variance and Consent Applications are required for the appropriate and efficient development for these lands.

It is our recommendation and request to the Committee of Adjustment that the applications be approved.

Respectfully Submitted,

The Angrish Group



Ruchika Angrish, MPlan, B.Tech, MCIP, RPP
Co-Founder

CC: Bob Phillips, Agent

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I hereby certify that this Planning Justification Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners' Institute Act, 1994.



October 16, 2023

I hereby certify that this plan/report was prepared by a Registered Professional Planner within the meaning of the Ontario Professional Planners' Institute Act, 1994.

October 16, 2023
Date


Registered Professional Planner

Appendix B – Public Comments

From: [REDACTED]
To: [Michelle LeDressay](#)
Subject: 72 Ava Rd
Date: Tuesday, August 22, 2023 3:14:18 PM

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We are very concerned regarding the proposed changes to 72 Ava Rd property
Having lived across the road since 1960 ,we cannot imagine having 3 properties in the place of one
All Ava residents have enjoyed the set back from the road which is somewhat if a buffer from the train noises
It will be the only property so close to Ava among other concerns
Sincerely
Kaye & Bill Clarke [REDACTED] Ava Rd



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From: [REDACTED]
Sent: Sunday, August 27, 2023 6:50 PM
To: Clerks Office
Subject: minor variance

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First, We do not consider this a minor variance, but rather a MAJOR concern regarding the area we have lived in since 1969.
We see NO reason to sever one of our single residential lots into 3 lots.
This is only NOT necessary but does appear very greedy by the city to allow such,
It would not only change the area but cause extra traffic and congestion on Ava Road and also on Stymie Blvd as this is the only exit from Golfdale.
We strongly feel that this minor variance should NOT be allowed .
Sincerely
Kaye & Bill Clarke [REDACTED] Ava Road
[REDACTED]



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On Aug 27, 2023, at 1:55 PM, Marian Howe <[REDACTED]> wrote:

Re: B27/2023, B28/2023 and A29/2023.

We live at [REDACTED] Ava Road, adjacent to proposed severance. We would be the most impacted in the event this proceeds. We are requesting you deny the application for the following reasons:

1. Two of the lots would back onto our driveway in front of our house. An eyesore and complete invasion of privacy (photo attached from our driveway)
2. There are 40 foot 60 year old trees along the lot line between both properties. Root systems would be destroyed or severely damaged in the likelihood that fences would be built by new home owners and during construction. It's imperative we protect as many trees as possible for obvious reasons.
3. The value of our property would be very negatively impacted. This was confirmed by Michelle Amy, Broker/owner Coldwell Banker.
4. Applicant already owns property opposite 72 Ava on Stymie. He's a speculator with no regard for our neighbourhood and only profit driven.
5. Lot is best suited for a larger single dwelling, facing out to Ava Road.
6. We understood that lot sizes of 80ft was protected by bylaw when we purchased our home.
- 7.

Application defies common sense and would most definitely ruin our section of this beautiful neighbourhood. Please confirm you will pass on comments to the committee.

Respectfully

Marian & Harold Howe

[REDACTED] Ava Road.



To: City Clerk City of Brantford Re: Applications A29/2023, B27/2023 and B38/2023

It is with great concern that I am writing to the members of the Committee of Adjustment regarding the above applications for severing of the land at 72 Ava Rd. into three lots.

Allowing three lots overcrowds our entrance into our neighbourhood and this standard does not fit our neighbourhood

If the applications are approved, it will be only a matter of time before the owners of lots at 7 Stymie (the owner is connected to the applicant) and 74 Ava Rd. across the street from 72 Ava Rd. may be combined and ask to create 4 undersized lots as well. The precedent will have been established and thus increasing the overcrowdedness.

Area traffic and noise levels will increase, and land values and privacy will be seriously impacted. As a result of the applications, the peace of mind of several members of our community has been negatively affected,

Our neighbourhood already has a great variety of house sizes and designs, both old and new. Lot sizes also vary but make this neighbourhood unique, appealing and affordable for a variety of people. No lot is as small as the proposed three lots.

Since about 2002, this neighbourhood has had 7 building lots created by severance and 5 beautiful and unique homes already built offering more people an opportunity to live and grow in this area. All of this success has been accomplished using the minimum frontage and area required by our R1A-2 zoning.

The R1A-2 zone presently controls the land size in all areas west of the CN main rail line and stretching from Hardy Rd. to Inwood Drive. Approval of these applications, would set a detrimental precedent for this area. R1A-2 was created to protect the area.

Because of the large area potentially affected, it is a shame that notice of the change and process involved were mailed only to those owners within 60 meters of 72 Ava Rd. As a result of the potential affect on the whole area much wider notice should be given. In deed, the owners across the street from our 3 Golfdale house at 4 and 6 Golfdale did not get a notice and they as well as others have complained about lack of notice. I, together with another neighbour have notified at least another 10 neighbours who are all aghast at the proposal and word is still being spread to encourage more objections. The notice received does encourage further circulation but why is that our job when such a wide area will be negatively impacted.

Our neighbourhood and all of the Ava Rd. neighbourhood expect their property to be protected by the R1A-2 zone. This request, if successful, seriously undermines and takes away our protection now and into the future. This should not be changed without a general zoning by-law amendment with its broader notice requirements and Council input.

Common sense mandates that the requests are not minor but major.

I compare a successful application to a snowflake. It takes only one snowflake to cause an avalanche. Let us stop this now and respect this neighbourhood. We have all worked hard to make it all that it is.

Respectfully I submitted - Heather Harrow a 31 year area resident

From: Lori Kirby [REDACTED]
Sent: Monday, August 28, 2023 9:46 AM
To: Clerks Office
Subject: 72 AVA Road

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To whom this may concern,

We are writing with regard to the proposed build of 3 houses on 72 AVA Road.

We are completely opposed to this happening for many reasons.

We built our home ([REDACTED] Golfdale Road) in 2014 on a severed lot.
We followed all the by-laws requiring us to build a home that was going to add value to our neighbourhood. We knew that by building a home similar to those around us we would add value to the area. House values would increase or remain the same for those that lived here based on our designing and building a home conducive to our area.
Multiple homes on ONE lot will most likely lower our property value.

We are concerned that by allowing a multi home build on ONE subdivision lot in this neighbourhood will set a precedent for this to happen again in the future. This is not acceptable. These are stately homes on 80' frontages that have created a unique and desirable area of Brantford.
Altering the variance on the frontage will forever change our neighbourhood...and not for the good.

We also have concerns about increased traffic and noise levels.

We truly hope that the neighbours who will be affected by this proposal will have a voice that will be heard.

Respectfully,

Lori Kirby & Brian Wood
[REDACTED] Golfdale Road

From: [Reg Schram](#)
To: [Michelle LeDressay](#)
Subject: Re: Re Notice of change. 72 Ava Road
Date: Wednesday, August 30, 2023 10:20:26 AM

Thank you Michelle for your prompt reply in sending me requested information. With all due respect and without prejudice we submit the following to be considered by your committee

After review of all documents we are very concerned that the proposed sizes of lots are substantially smaller than most if not all lots in the area. As noted in the documents I believe the existing bylaw states approx 80 ft frontage is required for new construction. The application is for approx 60 ft width. Very significant reduction. Not a minor variance by no means. A major variance for the neighbourhood

Existing residents in the area purchased homes with lots that are notably much wider than 80 ft and paid a substantial premium to do so. As reflected in our tax base. They are proud of the neighbourhood and as a result maintain and landscape their properties with pride of ownership. Perhaps considered by some to be a premium neighbourhood due to the substantially open space and wider lots

As a result our collective concerns are for the possible devaluation of existing properties if cookie cutter 60 ft wide lots are allowed. Not only the frontage is reduced but the square footage of the lots are also obviously reduced. In addition we feel that we are entitled to enjoy our properties without the constant noise, obstructions of constructors and trucks for the next 2 years. We all know the turmoil and debris caused by constructing one house. Let alone three

I can only assume the developer is a absentee owner and not local resident living in our area. Otherwise they would not be proposing such a development

Stymie Blvd is not a new subdivision. It's a well established old neighbourhood and feel it deserves some compassion for its history and significance to our community by your Committee

This new development of three homes with much smaller lots simply said " just does not fit "

In addition three new residences will add to traffic (perhaps as many as 6 vehicles or more) not only on Stymie Blvd but Ava Rd as well which has been recently dedicated by City as a " Traffic Calmed Neighbourhood "

We respectfully request that the committee have consideration for the existing residents as well compassion for a well established neighbourhood and not for a developer looking for a significant return on investment at the sake of others

Thank you once again Michelle for sending the requested information
Respectfully submitted

Reginald R Schram a.r.i.d.o

From: [Rick Denton](#)
To: [Clerks Office](#); [John Sless](#); [Michelle LeDressay](#)
Subject: 72 Ava Road - minor variance/consent applications
Date: Thursday, August 31, 2023 10:48:22 AM

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Hello,

Re: File No.: B27/2023, B28/2023 & A29/2023

My wife and I reside at the corner of Stymie Blvd. and Golfdale Road which is across the street and up four houses from the lots delineated in the notice from the City of Brantford.

Since the Zoning By-Law requires a lot width of 24.5 m, we do not view a proposed lot width of 18.49 m as a minor variance. It is a major variance!

We are not against development for housing as new housing is needed in our community and in the province. However, we feel that 72 Ava Road should be severed into two parcels of land and not three as proposed.

Sincerely,

Rick and Edna Denton

■ Golfdale Road

Brantford, ON

■

To: City Clerk- City of Brantford re applications B27/2023, B28/2023 and A29/2023

We are the owners of █ Golfdale Rd. and have resided here for the last 31 years. As far as we know , there are only one or two residents here as long as us and with as much knowledge of the history of this neighbourhood and how it has evolved over time.

We are objecting to the severance and minor variance applications before the Committee of Adjustment. Without the minor variances to the zoning by law the severance can not be granted.

It is our position that the variance applications are NOT minor for the following reasons:

1. the properties on the south side of Hardy Rd. from the Brantford and Country Club property to Ava Rd., all properties fronting on Ava Rd. from Hardy Rd. to and including down to Inwood, all properties in the Goldale and Stymie Blvd. neighbourhood, and all properties on Oakley, Dempster Place, Gaywood Gardens and Inwood are zoned R1A-2. The proposed three lots would comply with R1A zoning but not R1A-2. The only difference between R1A and R1A-2 is the minimum frontage and area. The applications are more properly a zoning by-law amendment not a variance to change zoning by , in effect, removing the "2" in R1A-2 zoning. This is not MINOR. The three lots would be an island of an R1A zone in a surrounding ocean of R1A-2 properties.

2. Common sense would dictate that a reduction of 25% of frontage and 12 % area is not MINOR

3. Common sense would also dictate that doubling the number of lots on the south side of Stymie to Golfdale and doubling the number of driveways in the same stretch is not MINOR.

We realize that Provincial policy and Brantford's Official Plan encourage in filling. Our neighbourhood has done its part. Subsequent to 1960 (when most of the existing lots were already built upon and resided in) the neighbours were able to successfully argue against the granting of any severance applications up until 2002 . However, since then we are aware of six successful severances creating 7 new building lots, 5 of which now have been built upon. All of the lots comply with the minimum frontage and area requirements of R1A-2. Only one existing house was demolished to get 7 complying in-fill building lots. This application is not an in-fill. Furthermore, in our opinion, it is not under utilized land as contemplated by provincial Plan to Grow policies.

There is a 30 meter buffer required for properties abutting main rail lines. While maybe the lot does not technically abut the railway, the proposed lot on the corner would only be set back 23.5 meters . The Ava road allowance and the 3.38 proposed side yard.

On its face the applications constitute a MAJOR change for not only the immediate neighbourhood but the whole area. It would set a major precedent for demolition of houses and division of the property into smaller lots than those required in the R1A-2 zone.

This type of MAJOR change begs for more widespread notice to those in the area than to those inside the 60 meter requirement. In fact , owners of 4 and 6 Golfdale Rd. across the street from us did not get a notice.

This change in zoning should be by way of a zoning by-law amendment so that members of Council can weigh in on the matter. Council may have a different perspective than that of Planning staff if staff is in favour of the applications. There would be more notice to those in the area and non planning perspectives would be considered.

Let Council make a decision that they think is best for the community of the larger area of Ava Rd.

The public has a right to appeal a zoning by law amendment BUT not a Committe of Adjustment decision!!

In summary we respectfully request that the applications be refused or at the very least a condition that the severance be conditional on a zoning by-law amendment be passed by Council.

thank you Bill Harrow

From: [REDACTED]
To: [Sarah Hague](#)
Subject: RE: 72 Ava Road - Notice of Deferral
Date: Saturday, September 9, 2023 7:03:56 PM

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Hello

We were at the meeting September 6 and were very disappointed to have it deferred with no chance for discussion or opportunity to put forth our arguments against the proposal of turning one of our residential lots into three smaller lots.

It was reassuring to us to see so many neighbours and lot holders in our survey that came out for that meeting. We feel everyone is very concerned with the future use of that property. The house has been sitting empty for a year

Sincerely

Kaye & Bill Clarke [REDACTED] Ava rd)

From: [Marian Howe](#)
To: [Michelle LeDressay](#)
Subject: Proposed 3 buildings on lot 72 Ava Road, Brantford
Date: Tuesday, October 24, 2023 6:46:18 PM

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Further to my original submission, outraged that he hasn't even attempted to address or hear the neighbourhood objections presented at previous meeting. Once again - it's not a "minor variance" squeezing 3 lots on that small plot. It will destroy sight lines, not fit in with neighbouring homes, impact beautiful old tress and be an eyesore. It won't do anything to address the provinces policy of "affordable housing". Purely profit driven grab by someone who doesn't live in this neighborhood. We expect our council to represent the interests of our community and not out of town developers only interested in a fast buck. I suggest the decision makers take a trip to the site and see the obvious. Let common sense prevail.

Thanks

Marian & Harold Howe

Sent from my iPad

From: [REDACTED]
To: Sarah Hague
Subject: Re: 72 Ava Road - Notice of Deferral
Date: Friday, September 8, 2023 3:58:09 PM

My wife and I were present along with about 16-18 other neighbours. Some of those had made written objections and some verbal. In fact, the written objection of William Harrow was not included in the staff report but was, we understand, circulated to staff and the Committee.

The Chair seemed to be a bit surprised by the sudden request for deferment. After the members of the Committee consulted with the clerk in camera, the Chair asked for a vote on the request for deferment and it was passed.

With respect, in my opinion, the Chair should have asked if any of the public had any input concerning the surprise request for deferment. We for one would have argued that it be refused. The public was ready to go ahead. The applications were for three undersized lots and we can't, for the life of us, figure out how the applicant can change the configuration to still have three lots. Those interested in the matter should have been given a chance to speak to the issue of deferment.

If the applicant changes the applications in a major way (such as a severance into two lots) then probably no minor variances would be required. In our opinion, this would be the equivalent of a new application requiring a new fee etc. and not be heard as quickly as up two cycles.

To be cynical, the applicant tried for an iffy 3 lot application and when caught out by all the opposition including staff now will go to a Plan B for 2 lots.

We will have to see what comes forward. Too bad the staff will have to consider something new and do all the work they will have to do in a short time frame to circulate and receive revised objections etc.

Bill and Heather Harrow

Michelle LeDressay

From: Kevin Whitehead [REDACTED]
Sent: Tuesday, October 17, 2023 4:05 PM
To: Michelle LeDressay
Subject: FW: Applications 72 AVa Rd.
Attachments: minor variance objection Heather.rtf

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I would just like to go on record that I agree with everything bill and heather have said in there letter that is attached. and I live right next door at [REDACTED] stymie blvd were this variance will impact me and the value of my home the most. this is very disappointing and I really hope me righting will help. thanks for your time

KEVIN WHITEHEAD

To Sarah Hague (SHague@brantford.ca)

Cc Michelle Le Dressay (mledressay@brantford.ca)

Re 72 Ava Road request to sever into 3 lots

First let us say we do NOT consider this a MINOR variance . This is a lot with a solid brick house and a swimming pool behind it. The requests to sever will create MAJOR change in our neighborhood. You might note that this property has already had a lot severed in the past.

We are also concerned because all the homes on Ava Road are set back a good distance from Ava to help buffer the train noise etc. This means the detached building proposed on the front parcel will have little frontage/sideage and will not be in line with all the other homes. An additional concern will be the visibility issue that may arise on the corner of Ava and Stymie causing unnecessary accidents.

After the Sept 6 th meeting , we did expect to see some changes to this request following the deferral but NO, nothing noteworthy is in this new request.

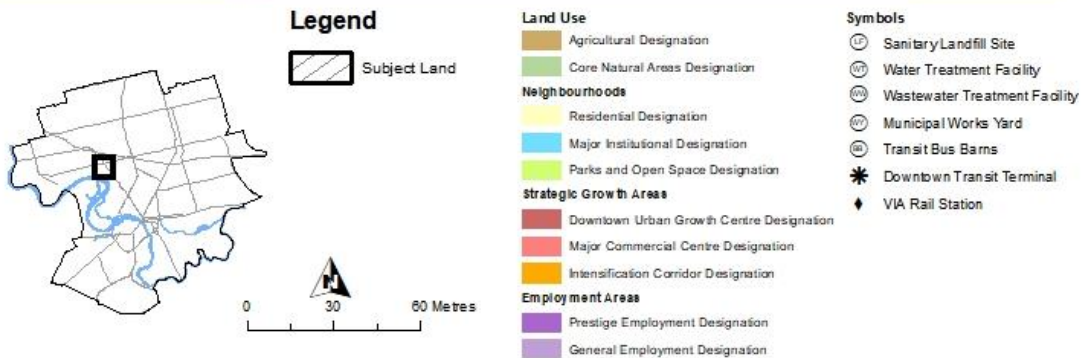
It seems many of our neighbours share the same concerns and feel strongly that this request to sever into 3 lots should NOT be allowed .

Kaye & Bill Clarke ■ Ava Road (residents since 1969)

Appendix C – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B27/2023, B28/2023 & A29/2023
72 Ava Road





Appendix D – Zoning

ZONING

Application: B27/2023, B28/2023 & A29/2023
72 Ava Road



Legend

-  Subject Land
-  Zone Boundary



0 50 100 Metres

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

- R1A Residential Type 1A (18 metre)
- R1B Residential Type 1B (15 metre)
- OS1 Open Space Type 1
- # Exception Number