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Date January 18, 2024 **Report No.** 2024-29
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent

2.0 Topic

APPLICATION NO.: B02/2024
AGENT: N/A
APPLICANT/OWNER: Nicola & Karen Valleta
LOCATION: 435 Nelson Street

3.0 Recommendation

- A. THAT Consent application B02/2024 requesting to sever a parcel of land from the subject property municipally addressed as 435 Nelson Street, having a lot area of 306.37 m² BE APPROVED subject to the Conditions of Consent, attached to report 2024-29 as **Appendix A**;
- B. THAT the reason(s) for approval of B02/2024 are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act*, is suitable for the lands, in the public interest, and would not result in adverse impacts on surrounding properties;

C. THAT pursuant to 53(17)-(18.2) of the *Planning Act*, R.S.O 1990, c. P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

D. *“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. 2024-29.”*

4.0 Purpose and Description of Application

A consent application has been received for the lands municipally addressed as 435 Nelson Street. The applicant is requesting to sever the subject property to create one additional lot. Three street townhouse units were developed on the lands, and now the applicant seeks to sever one of the units. The proposed lot dimensions are detailed below:

Lot Dimension	Severed Lot	Retained Lot
Lot Width	7.97 m	16.41 m
Lot Depth	38.44 m	38.44 m
Lot Area	306.37 m ²	630.80 m ²

Table 1 – Proposed Lot Statistics for Retained and Severed Lots

5.0 Site Features

The subject property is located on the south side of Nelson Street, east of Second Avenue, north of Wellington Street, and west of the Wayne Gretzky Parkway. There is currently three street townhouse units on site that would remain should this application be approved. The property is surrounded by primarily residential uses in the form of single detached dwellings, as well as a Nursing home and health services centres are located approximately 200 m to the northeast and Devereux Park approximately 200 m to the southwest. Several fast food restaurants, commercial stores, and personal service stores are also along Colborne Street East. The subject lands are designated “Residential” and zoned “Residential Type 3 – Exception 8” as shown in **Appendix B** and **Appendix C**, respectively. The Severance Sketch is included as **Appendix D**.

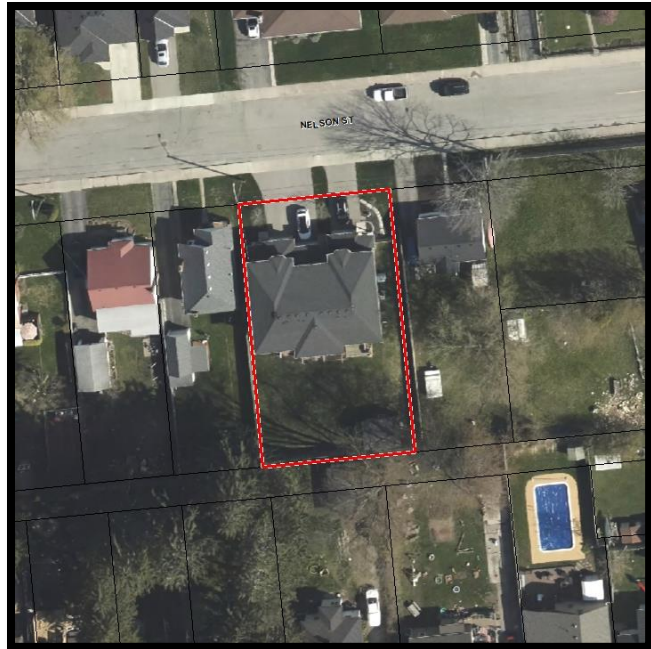
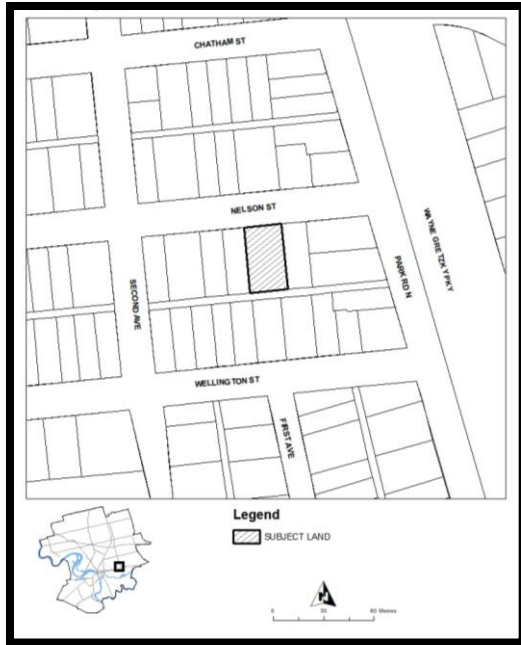


Figure 1 - Location Map

Figure 2 - Aerial Photo



Figure 3 – Site visit view

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies on November 24, 2023. No adverse comments or objections were received from the commenting agencies. A summary of the comments is provided below.

Agency Name	Agency Comment
Accessibility	No comment
Building Department	Based on the site info on the survey and application, the proposal complies with all zoning regulations.
	The width of the driveway slightly increased from 3.65m width towards Nelson St., but it shall be acceptable as the percentage of landscaped open space is 54.14% and exceeds the minimum required 50% landscaped open space.
Economic Development	No comment
Environmental Services	The City indicates that the proposed severed parcel is currently serviced by 19 mm copper lateral from the 200 mm Cast Iron main in Nelson Street. The curb stop located 3.3 m left of right of dwelling and 7.4 m out from the same.
	Only one (1) water service will be permitted to each parcel.
	The Owner must demonstrate that there are no common plumbing connections through the dividing wall of the building along the severance line.
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. Only one service is permitted to each parcel.
	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.)
	Requested 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.

Agency Name	Agency Comment
	<p>Requested Condition: Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.</p> <p>Requested 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.</p> <p>Requested Condition: Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.</p>
Heritage Planning	No comment
Landscaping	No comment
Long Range Planning	No comment
Transportation	No comment
Canada Post	Please be advised that Canada Post does not have any comments on this application for severance the triplex as this will not affect mail delivery.
Enbridge	<p>Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, does have service lines running within the area which may or may not be affected by the proposed severance.</p> <p>Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.</p> <p>Should you require any further information, please contact the undersigned.</p>
Hydro One	<p>We are in receipt of your Application for Consent, B02-2024 dated November 24th, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. <u>Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.</u></p> <p>For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.</p> <p>To confirm if Hydro One is your local distributor please follow the following link: HydroOne Map</p> <p>Please select " Search" and locate address in question by entering the address or by zooming in and out of the map</p> <p>If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre</p>
Rogers	Rogers is clear. We just have an aerial drop that service 435 Nelson St, Brantford. This aerial drop can be removed at anytime if it is in conflict with the proposed works on this parcel of land.

Table 2 – Technical Comments

6.2 Public Comment

A notice of public hearing was issued by personal mail (36 notices) and by posting two signs on-site. At the time of writing this report, no objections have been received.

AREA OF PUBLIC NOTIFICATION

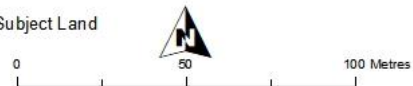
Application: B02/2024

435 Nelson Street



Legend

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



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 of the analyses is provided in the table below.

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 application is 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 A). The "Residential" designation permits a full range of residential dwelling types, including street townhouses.	The subject application conforms to the policies set out in the Official Plan.
City of Brantford Zoning By-law 160-90	435 Nelson Street is zoned "Residential Type 3 – Exception 8 (R3-8) Zone" in Zoning bylaw 160-90 (Appendix B). The R3-8 Zone permits a wide range of housing types including townhouses and abutting properties may share a common wall.	The proposed severance would create two lots that conformed with all the provisions of the R3-8 Zone including lot width (6.0 m/unit), lot area (185.0 m ² /unit), landscaped open space (50% of the required front yard) and required side yard (2.4 m).

Table 2 – Policy Context and Conformity

7.2 Planning Analysis

The *Planning Act* sets the standard to which provincial and local interests, policies, and goals are implemented. Section 51(24) of the *Planning Act* lists the criteria that the Committee of Adjustment must have regard for when considering a consent application, as summarized in the table below.

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 one new residential lots within an existing residential neighbourhood. The residential development currently exists, and the proposed severance would merely divide land for individual ownership. The Official Plan encourages a wide range of housing types to accommodate

Criteria for Considering a Consent Application	Discussion
	<p>the anticipated population. Section 3.1(d) of the Official Plan promotes the supply of new affordable housing in a variety of locations, dwelling types and tenures.</p> <p>Section 9.3 (g – i) of the Official Plan also outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes:</p> <ul style="list-style-type: none"> a) when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan, b) no more than three new lots are being created; and <p>all lots have frontage on a municipal road and do not require that municipal services be extended</p> <p>This application meets all of the above criteria.</p>
2. The dimensions and shapes of the proposed lot	The proposed lot is similar in both size and shape to other 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 January 2, 2024. Upon completion of this site visit and review of all relevant policies, Planning Staff are supportive of the application. The proposed consent application would create a new residential lot that is in keeping with the surrounding neighbourhood. For the reasons discussed above, Planning Staff think that the consent is consistent with the Official Plan, would create a property that is in keeping with the character of the neighbourhood, and can be adequately serviced. Staff recommend approval of application B02/2024.



Prepared by: Lindsay King
 Development Planner
 Prepared on: January 10, 2024



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

Appendix A – Conditions of Consent

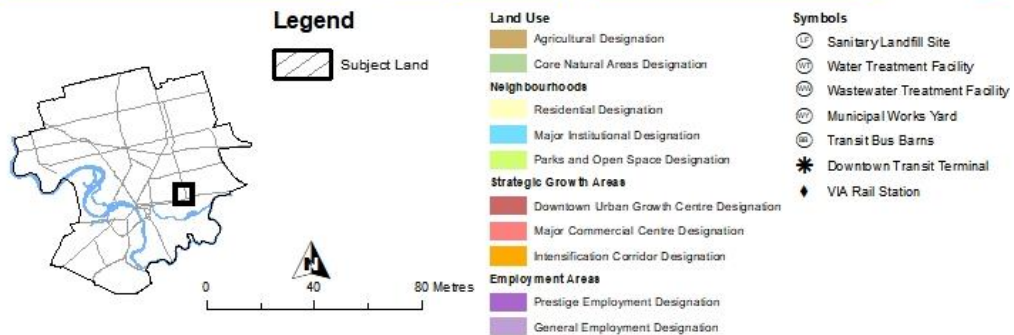
1. Receipt of a registered reference plan showing the severed and retained parcels.
2. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
3. Receipt of confirmation that all taxes are paid up to date;
4. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*);
5. Receipt of confirmation that the Zoning Bylaw Amendment is in full force and effect;
6. Receipt of confirmation that the required Site Plan Control By-law for the severed lot is in full force and effect;
7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
8. The Owner/Applicant shall provide a Servicing Plan 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, indicating that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection and that these services do not cross the proposed severance line and are connected directly to City infrastructure.
9. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
10. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
11. Receipt of confirmation that the 0.3 m reserves have been lifted at the owner's cost to the satisfaction of the General Manager of Public Works Commission;

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12. Receipt of confirmation that a road widening strip, as required by the Manager of Development Engineering or his/her designate, has been conveyed to the City, at no cost to the municipality, with any costs regarding the transfer being borne by the applicant(s);
 13. The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.
 14. Receipt of confirmation from the Environmental Services Department indicating that their requirements have been satisfied.
 15. Receipt of confirmation that the Building Department requirements have been met.
 16. That the above conditions be fulfilled and the Certificate of Consent be issued on or before January 18, 2026, after which time the consent will lapse.

Appendix B – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B02/2024
435 Nelson Street



Appendix C – Zoning

ZONING

Application: B02/2024
435 Nelson Street



Legend

- Subject Land
- Zone Boundary



0 30 60 Metres

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

- R1B RESIDENTIAL Type 1B (15 metre)
- R1C RESIDENTIAL Type 1C (12 metre)
- R3 RESIDENTIAL Type 3
- I2 INSTITUTIONAL SCHOOL
- # Exception Number

Appendix D – Severance Sketch

