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Date February 7, 2024 **Report No.** 2024-080
To Chair and Members
City of Brantford Committee of Adjustment
From K.C. Pongracz
Secretary-Treasurer, Committee of Adjustment

1.0 Type of Report

Consent Item
Item For Consideration

2.0 Topic **B02/2024 – 435 Nelson Street – Amendment to Conditions of Consent Approval**

3.0 Recommendation

THAT the Conditions of Consent for application B02/2024 – 435 Nelson Street previously adopted on January 18, 2024, BE AMENDED to the following:

1. Receipt of a registered reference plan showing the severed and retained parcels.
2. Receipt of confirmation that all taxes are paid up to date;
3. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*);

4. 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.
 5. 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.
 6. 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.
 7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
 8. Receipt of confirmation from the Environmental Services Department indicating that their requirements have been satisfied.
 9. Receipt of confirmation that the Building Department requirements have been met.
 10. 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.
- A. THAT the Change of Condition as herein granted be deemed minor requiring no further written notice pursuant to Section 53(26) of the *Planning Act, R.S.O. 1990, P.13*.

4.0 Background

Attached as **Appendix A** is Committee of Adjustment Decision B02/2024, dated January 23, 2024 (heard by the Committee of Adjustment on [January 18, 2024](#)) for 435 Nelson Street. This consent application involved the severance of an existing unit in a three unit street townhouse, or order to create separate title. The other two units would remain as one lot for ownership purposes.

The Committee approved the consent application subject to 16 conditions. Subsequent to the approval, staff realized that there were 6 conditions that had been inadvertently included, and should be removed from the decision. These conditions are either not normally included where existing units are simply being separated, or had not been requested by any of the commenting agencies. While in some cases staff could simply clear the condition because it does not apply to this property, in others, Staff does not have the authority to waive the condition (i.e. cash-in-lieu of parkland). The inclusion of some of these conditions would impose unfair financial requirements on the applicant, and staff are recommending that the Conditions of Approval be amended as noted below.

The conditions to be removed from the original decision are as follows:

2. *Receipt of payment for cash-in-lieu of parkland (amount to be determined in accordance with City of Brantford By-law 139-2022).*

This condition is only applied where the number of residential units is being increased. In this instance, the number of units is staying the same, it is just the ownership that is changing.

5. *Receipt of confirmation that the Zoning Bylaw Amendment is in full force and effect;*

This condition is not required for this decision.

6. *Receipt of confirmation that the required Site Plan Control By-law for the severed lot is in full force and effect;*

The Site Plan Control By-law for the City has been amended, and Site Plan Control is no longer applicable to consent applications.

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;*

This condition is not required for this decision.

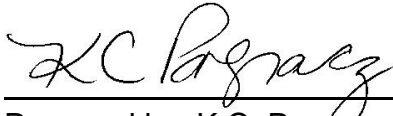
12. *Receipt of confirmation that a road widening strip, as required by the Manager of Development Engineering or his/her designate, has been conveyed to the City, at no cost to the municipality, with any costs regarding the transfer being borne by the applicant(s);*

This condition is not required for this decision.

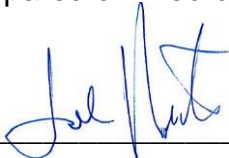
13. *The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.*

This condition was not requested by the Development Engineering department, and is therefore not necessary.

The *Planning Act* requires that a Notice of Changes to the Condition of Approval be circulated, unless in the opinion of the Committee of Adjustment, the changes are deemed minor. In this instance the changes do not affect any surrounding property owners, and Planning Staff are recommending that the amendments to the conditions be deemed minor, requiring no further written notice pursuant to Section 53(26) of the *Planning Act, R.S.O. 1990, P.13*.



Prepared by: K.C. Pongracz
Secretary-Treasurer, Committee of Adjustment
Prepared on: February 1, 2024



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

Attachments (if applicable)

Appendix A – Original Decision of Approval B02/2024 dated January 23, 2024

Appendix B – Proposed Amendment Conditions

Appendix A – Original Decision of Approval – B02/2024 – 435 Nelson Street



January 23, 2024

THE CORPORATION OF THE CITY OF BRANTFORD
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2
TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B02/2024
Related File Numbers: N/A
Address: 435 Nelson Street
Roll Number: 2906040011162000000
Agent: N/A
Owner/Applicant: Nicola and Karen Valletta

IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53
OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

PROPOSAL:

A Consent application has been received for the lands municipally known as **435 Nelson Street**. The subject lands contain a 3 unit street townhouse (Units A,B,C). The applicant proposes the severance of the western unit (435 A Nelson St.) from the balance of the lands.

The proposed lot dimensions are as follows:

Zoning Provision	Retained	Severed
Lot Frontage	16.42 m	7.96 m
Lot Area	631.26 m ²	306.37 m ²

DECISION: APPROVED

DATE: January 18, 2024

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 following conditions;

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;
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.

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;

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:

"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."

Electronically signed by V. Kershaw,
Chair/Member

Electronically signed by M. Bodnar
Member

ABSENT - T. Cupoli
Member

Electronically signed by G. Kempa,
Member

Electronically signed by T. Gaskin,
Member

Electronically signed by M. Simpson,
Member

ABSENT - J. Panag
Member

CERTIFICATION

I hereby certify that this is a true copy of the original document



Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Secretary-Treasurer, Committee of Adjustment, (519)759-4150 CofA@brantford.ca.

APEALS

The applicant, the Minister, a specified person (as defined under Section 1(1) of the *Planning Act*), or public body that has an interest in the matter may, not later than 20 days after the giving of notice of a decision under Section 53(17) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal. **Please note that members of the public are no longer entitled to appeal decisions of the Committee of Adjustment.**

The fee for an appeal to the Ontario Land Tribunal is \$400.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: "Minister of Finance". In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$575.00 administrative fee made payable to the Corporation of the City of Brantford.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

Notice of Changes

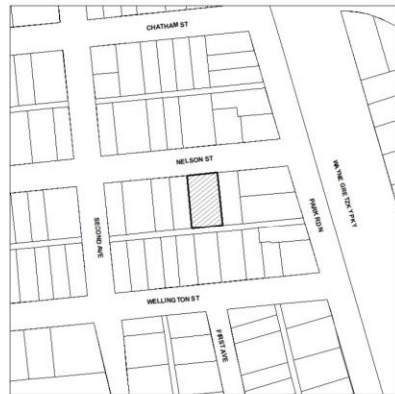
You will be entitled to be notified of the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is February 12, 2024

END OF DECISION

LOCATION MAP

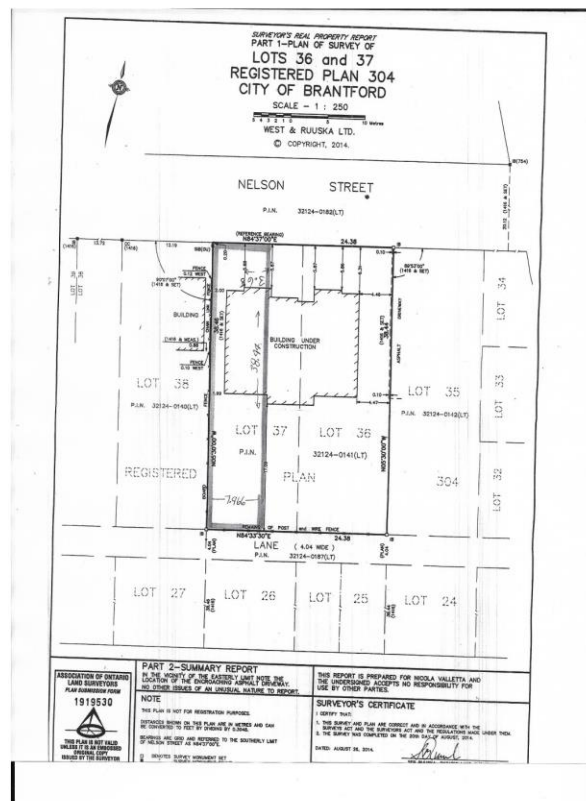
Application: 802/2024
 435 Nelson Street



Legend
 [Shaded Box] SUBJECT LAND



CONCEPT PLAN



Appendix B – Proposed Amended Conditions of Approval

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 following conditions;

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.
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