



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date April 3, 2024 **Report No.** 2024-202

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 and Minor Variance

2.0 Topic

APPLICATION NO.: B16-2024, A16-2024

AGENT: George Ziotek

APPLICANT/OWNER: Ifran Ullah Muhammad Bairan

LOCATION: 29 Elm Street

3.0 Recommendation

- A. THAT application A16-2024 seeking relief from Section 7.2.2.1.6, of Zoning By-law 160-90 to permit, for the proposed retained parcel, a Minimum Rear Yard of 5.12 m whereas 7.5 m is otherwise required, BE REFUSED;
- B. THAT application A16-2024 seeking relief from Section 6.18.3.4, of Zoning By-law 160-90 to permit, for the proposed retained parcel, a parking space that is a minimum of 0.67 m from a property boundary, whereas 1 m is otherwise required, BE REFUSED;

-
- C. THAT application A16-2024 seeking relief from Section 7.2.2.1.1 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Lot Area of 367.9 m², whereas 550 m² is otherwise required, BE REFUSED;
- D. THAT application A16-2024 seeking relief from Section 7.2.2.1.2 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Lot Width of 15.09 m, whereas 18 m is otherwise required, BE REFUSED;
- E. THAT application A16-2024 seeking relief from Section 7.2.2.1.5 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Front Yard of 4.69 m, whereas 6 m is otherwise required, BE REFUSED;
- F. THAT the reasons for the refusal of the minor variance application A16-2024 are as follows: the proposed variance is not in keeping with the general intent and purpose of the Zoning By-law and Official Plan, the relief requested is not considered minor in nature nor desirable for the appropriate development and use of the subject lands;
- G. THAT Consent application B16-2024 requesting to sever a parcel of land from the subject property addressed as 29 Elm Street, having a lot area of approximately 367.90 m², and to retain a parcel of land having a lot area of approximately 613.16 m², BE REFUSED;
- H. THAT the reason(s) for refusal of B16-2024 are as follows: the proposed consent does not comply with the Zoning By-law, and is not desirable or compatible with the surrounding area and will result in adverse impacts on surrounding properties; and,
- I. THAT pursuant to Section 53(17)-(18.2) of the *Planning Act*, R.S.O 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in section 6.2 of Report No. 2024-202.”

4.0 Purpose and Description of Applications

The joint minor variance and severance applications aims to facilitate the creation of one new parcel to enable the construction of a new two-storey house on the proposed severed property. The applicant is also seeking additional

variances for both the proposed severed and retained properties including relief from the minimum lot area, minimum lot width, minimum front yard, and maximum lot coverage for the severed lot. A summary of the requested relief is summarized in **Table 1** (retained) and **Table 2** (severed). Additionally, variances for the retained lot include requests for a reduced rear yard, reduced accessory building setback, and a reduced setback for the parking space. The Severance Plan is shown below in **Figure 1**.

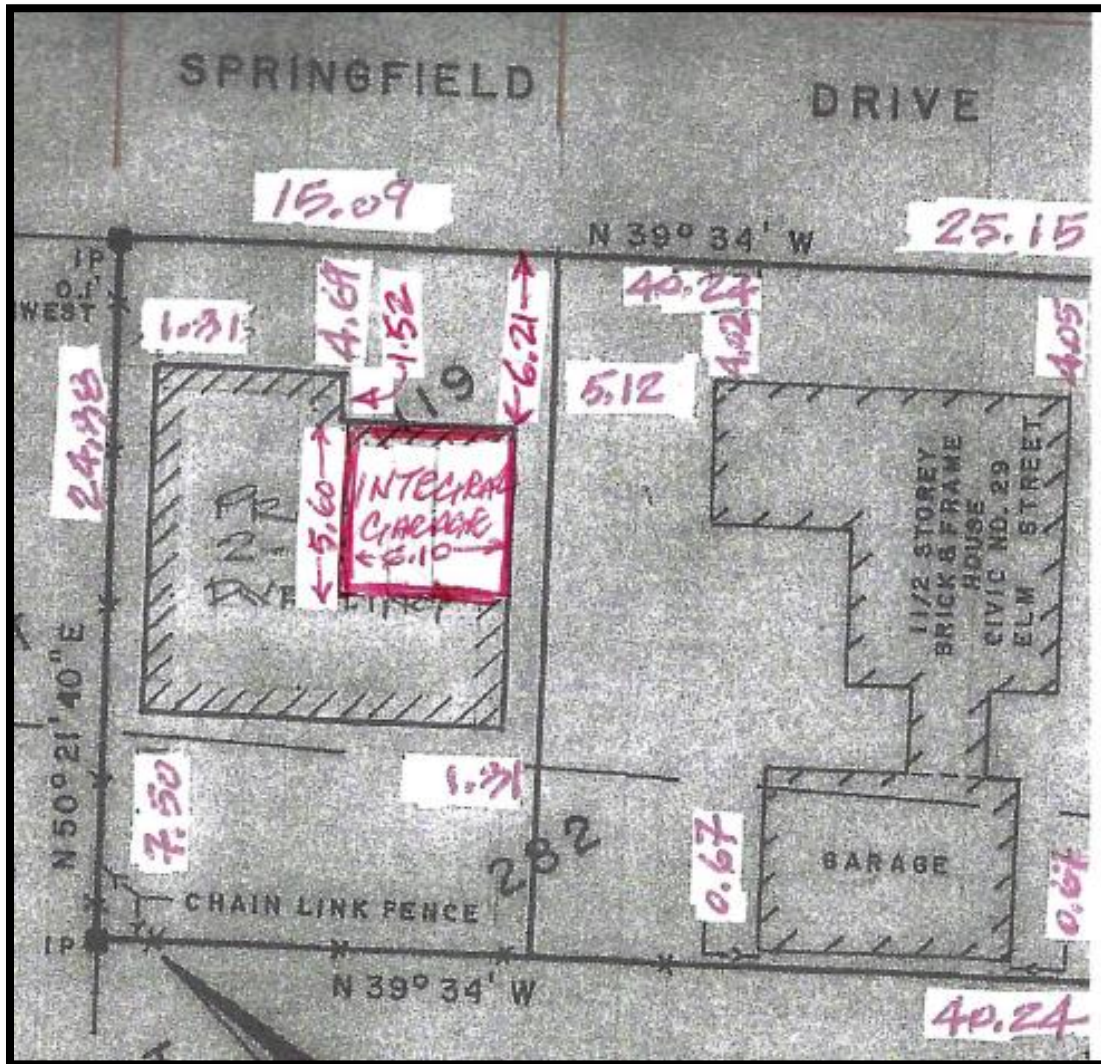
Table 1 - Requested Relief for Retained Property

Regulation	By-law Section	Required	Proposed	Relief Requested
Rear Yard Setback	Section 7.2.2.1.6	7.5 m	5.12 m	2.38 m
Parking Space Location (setback from abutting property)	Section 6.18.3.4	1 m	0.67 m	0.33 m

Table 2 - Requested Relief for Severed Property

Regulation	By-law Section	Required	Proposed	Relief Requested
Lot Area	Section 7.2.2.1.1	550 m ²	367.9 m ²	182.1 m ²
Lot Width	Section 7.2.2.1.2	18 m	15.09 m	2.91 m
Front Yard	Section 7.2.2.1.5	6 m	4.69 m	1.31 m

Figure 1 - Severance Sketch



Ultimately, if approved, the application would enable the construction of a new two-storey single detached dwelling on the severed parcel, while retaining the existing single detached dwelling on the retained parcel. The retained lot would continue to front onto Elm Street, whereas the severed property would front onto Springfield Avenue. The variances are required due to the limited size of the subject property.

5.0 Site Features

The subject property, located at the corner of Springfield Drive and Elm Street, is in a low density residential neighbourhood. The existing home and lot is characteristic of the neighbourhood in size and dimensions. **Figure 2** shows the existing dwelling on the subject lands that is proposed to remain on the retained

parcel. The following is a description of the land use surrounding the subject lands.

North	Single detached dwelling
South	Single detached dwelling
East	Single detached dwellings
West	Single detached dwelling

Figure 2 - Existing dwelling proposed to remain on retained parcel



There are several large trees in the existing backyard, where the severed lot is proposed, and one large tree in the city Right-of-Way along Elm Street that would remain unaffected, should this application be approved. **Figure 3** shows the existing rear yard and the location of the proposed severed lot. The property is also approximately 350 m northeast of the CN railway line and within 250 m walking distance to Devon Down Park.

Figure 3 - Location of proposed severed parcel



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated for technical review on February 23, 2024. The following is a summary of the related feedback received.

Landscaping Department staff stated that the Boulevard trees along Springfield Drive fall under the protection of the City Tree By-law (38-2023). The Owner/Applicant must adhere to the provisions of the By-law to avoid penalties for damages to trees/roots. In case of disturbance, municipal boulevards (situated within the Springfield Drive Right-of-Way) must be reinstated to City of Brantford Boulevard standards, as specified in the City's Linear Design Manual. If approved, the Owner/Applicant is required to furnish an Arborist Report and a Tree Protection Plan, prepared by a qualified Arborist, focusing on Right-of-Way Trees along Springfield Drive. The Arborist Report should assess the health and condition of existing trees, identify retention and removals, and propose protection measures and replanting opportunities as necessary. The Tree Protection Plan should delineate protection measures including tree protection fencing, root excavation pruning (if necessary), and root compaction mitigation, subject to approval by the Manager of Development Engineering or their designate.

Engineering Department staff commented that the application necessitates a site alteration permit and a Right-of-Way activity permit for any access/driveway

activity, which is overseen by the City's Operational Services Department. Additionally, sanitary lateral connections and a water connection permit are mandatory. The proposal mandates the construction of full public services, encompassing sidewalks, boulevards, and driveway approaches. If approved, required documents include a deposited reference plan, wastewater allocation form, municipal numbering form, servicing plan, and necessary provisions for sanitary and storm sewer connections, as well as a Grading and Drainage Plan.

Transportation Department staff commented that prior to obtaining permits, the location of the proposed driveway/garage must be established. Detailed parking/driveway dimensions for the severed parcel are required. Staff will not endorse a front yard setback less than 6 m. A daylight triangle measuring 4.5 m must be conveyed to the public roadway at the corner nearest the intersection of Elm Street and Springfield Drive, along with 0.3 m reserves. No driveways should be located closer than 9.2 m along the lot line from the nearest side of the driveway to the road allowance of the intersecting road. For the severed lot accessing Springfield Drive, a minimum 6 m front yard is necessary to accommodate a driveway. These will also be required if the consent application is approved.

Building Department staff stated that spatial separation calculations are necessary for the reduced rear yard setback. The location of the proposed parking space (driveway or garage) needs clarification. An integral garage or carport is required to reduce side yard setbacks to 1 m, per 7.3.2.7(1) of the Zoning By-law. Upon receiving this comment, Planning Staff gained clarity through the revised concept drawing, shown in **Figure 1**.

6.2 Public Comments

A notice of public hearing was issued by personal mail to 21 property owners within 60 m of the subject lands on March 13, 2024, and by posting a sign on-site. At the time of writing this Report, six members of the public have contacted staff regarding this application. Key issues include apprehension about the potential impact on the character of the neighbourhood, property values, privacy, and on-street parking availability. The comments showed a general sentiment towards ensuring adherence to the zoning regulations. Additional concerns were raised regarding the public notice sign. In response, Staff corrected an error on the sign and recirculated the corrected notice within the legislated time frame. Staff also requested that the applicant relocate the sign to an area that would allow higher visibility, and they did this. All comments provided at the time of writing this report have been provided in **Appendix C**.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

The existing property is designated Residential in the Official Plan as shown in **Appendix B** and zoned Residential Type 1A (R1A) Zone in the Zoning By-law as shown in **Appendix C**. Staff completed a site inspection on February 12, 2024. Upon completion of this site visit and review of the relevant policies, Planning Staff do not support the application. **Table 3** details the minor variance application in the context of the four tests of a minor variance, and **Table 4** evaluates the consent application.

Table 3 - Four Minor Variance Tests

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, lot area, and various required setbacks are significant. With one exception, all properties in the immediate neighbourhood meet the minimum lot area of 550 m ² . Regardless of this provision, the application is accompanied by several other requests for relief from the zoning by-law that would effectively permit an infill development that would otherwise not be permitted in this Zone, and considered a significant deviation from the existing neighbourhood, and therefore Staff does not consider the request to be minor.
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	The Residential Type 1A Zone is intended to develop and maintain low-density residential neighbourhoods with relatively large properties, as illustrated in Appendix C , which shows the existing parcel fabric of the neighbourhood near the subject lands. Ample amenity space is also a characteristic of the R1A Zone, which is not being provided in this instance. Minimum parcel sizes and maximum lot coverages help control the intensity of development and ensure that the existing infrastructure can adequately support the development without becoming overburdened. Furthermore, they protect natural resources, preserve open spaces, and ensure adequate stormwater management by reducing the amount of impervious surfaces, thereby decreasing stormwater runoff and the strain on drainage systems. Staff are of the opinion that the proposed relief would not be in keeping with the general intent and purpose of the Zoning By-law, and would classify

Four Tests	Discussion
	this as over-development relative to the existing zoning.
3. That the general intent and purpose of the Official Plan is maintained	The Official Plan states that lands within the Residential Designation may include a full range of residential dwelling types and 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. Staff are of the opinion that the proposed relief is in keeping with the general intent and purpose of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	The proposal would effectively bisect a property that is characteristic of the neighbourhood with regards to property size and built form. This could result in undesirable residential density and reduced open space, and would detract from the overall character of the neighbourhood, rendering the proposed variances undesirable for the appropriate development and use of the land.

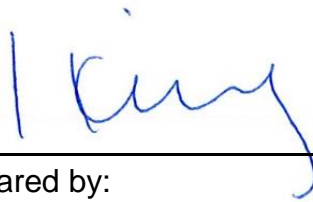
Table 4 - Criteria for Consent

Criteria for Considering a Consent Application	Discussion
1. That the application conforms to the Official Plan	<p>Section 9.3 (g – i) of the Official Plan outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes:</p> <p><i>g) A Consent to sever land shall only be considered where a Plan of Subdivision is deemed to be unnecessary and where the application conforms to the policies of the Official Plan,</i></p> <p><i>h) The maximum number of new lots approved by the City on one property through Consent shall be three (3), where appropriate.</i></p> <p>The proposed severance application satisfies the general intent of the Official Plan regarding the division of land through a consent application.</p>
2. The dimensions and shapes of the proposed lot	The dimensions and lot area of the retained and severed lot do not satisfy the provisions in the R1B zone, as detailed in this report, which is why the consent application is accompanied by the minor variance application. Given that staff are not supportive of the minor variance for the


Criteria for Considering a Consent Application	Discussion
	reasons explained in Table 3 , it lends to the opinion that that the proposed consent could not be supported.
3. The adequacy of utilities and municipal services	The retained parcel and severed lots would have frontage on a municipal roadway and access to municipal services and utilities.

7.2 Conclusion

The proposal would facilitate the creation and development of a residential property that is not in keeping with the neighbourhood. The significant requested relief cannot be considered minor in this context and is not in keeping with the general intent and purpose of the Zoning By-law. Furthermore, staff are concerned that the propose development may erode privacy for neighbouring properties. With this in mind, Staff recommend that applications B16-2024 and A16-2024 be refused.



Prepared by:
Lindsay King
Development Planner
Prepared on: March 28, 2024



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

APPENDIX A – PUBLIC COMMENT

Lindsay King

From: Lorie Hawkins [REDACTED] >
Sent: Monday, March 25, 2024 8:30 AM
To: Lindsay King; Clerks Office
Subject: 29 Elm St

CAUTION EXTERNAL EMAIL. This email originated from outside of the City of Brantford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Service Desk at ext. 5555

Good morning,

I am writing to you in response to the letter we received regarding the Minor Variance and Consent Applications for 29 Elm Street.

My husband and I moved into our home at 35 Elm Street in 1998. It's no surprise why people choose to live in the Henderson Survey. The unique and well built homes of the 40's and 50's, the large lot sizes, the mature tree's. It's the perfect neighborhood and one of the most sought after areas in Brantford.

We are strongly apposed to this Variance Application and would like our views and concerns noted on public record.

Six variances need to be approved to allow this Application to go through. Zoning By-Laws exist to protect the integrity and structure of a neighborhood and cannot be ignored.

The request for consent and approval of six variances is significant. If approved it will be precedent setting and could potentially have a huge negative impact on this neighborhood as other such applications would likely follow.

Each of the six variances fall significantly short of the Zoning By-law requirements.

Parking is already an issue at 29 Elm Street. Building a new home on the same property will generate more traffic and additional parking issues.

A new build in such a small space will look out of place and is not in keeping with the current structure and architectural design of the neighborhood.

A new build in this small space will not only infringe on the privacy of the surrounding neighbors but it will also take away from the natural beauty and green space that currently exists.

If approved, it will have a negative impact on the property values of the surrounding homes.

As previously stated, if approved it will set precedence and allow for other home owners/speculators/builders to apply for the same.

This will have a significant financial impact to numerous homeowners in the Henderson survey. It will make it difficult for homeowners living beside or near a corner lot to sell their property and drastically drive the value of those homes down.

We live beside a corner lot. If this application is approved there would be nothing to stop the current owners or future owners from severing that property and building a two story home overlooking our backyard and pool. We would be left with zero privacy. It would be devastating.

We do not want to see the backyards of neighboring homes torn up and replaced with small, out of place, substandard homes where neither the homes nor property's meet the Zoning By-law requirements. Allowing this to happen will destroy the intended structure and appearance of the Henderson Survey.

We trust the City will review and take note of all of the concerns brought forth regarding the 29 Elm Street Applications.

Please review and consider all of the repercussions and detrimental long term impacts to the Henderson Survey if these Applications were to be approved and precedence set.

We appreciate the opportunity to voice our opinions and concerns.

If you require additional information please don't hesitate to contact me.

Sincerely,

Lorie Hawkins,
(Dave Hawkins)

Lindsay King

From: Sara Hohenadel [REDACTED]
Sent: Tuesday, March 19, 2024 9:30 AM
To: Lindsay King; Clerks Office; Jason
Subject: Response to Minor Variance and Consent Application - 29 Elm St

CAUTION EXTERNAL EMAIL. This email originated from outside of the City of Brantford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Service Desk at ext. 5555

Good morning,

I am writing in response to the Minor Variance and Consent Applications for 29 Elm Street. Myself, Sara Hohenadel and my partner, Jason Paul (cc'ed here), own 33 Elm street, where we live with our two children, ages 10 and 7.

We do **not** consent to the variance application that was proposed for the following reasons:

- the request for six variances to the Bylaw can not be classified as minor. These requested variances do not maintain the general intent and purpose of the zoning by-laws and is not in keeping with the aesthetic and integrity of the neighborhood
- the new build will destabilize the character of the neighborhood and break the continuity of the street
- we are concerned with the proposed size of build and the lack of green space that would remain
- the new build would interfere with the use and enjoyment of our home, and it would also directly impact our privacy, access to light sources and air flow
- the required Parking for the proposed home needs heavy consideration. The current house, 29 Elm Street, has anywhere from 3-4 cars daily. The current owner (one male), also rents out rooms and we have seen an influx to the number of people staying and using the driveway, as well as street parking. With the additional Home being proposed on Springfield, the Parking for the additional cars needs to be accounted for within the subject property and not street. The Street parking is already limited on Elm Street. and Springfield street.
- this build is not out of necessity

From our understanding, we are not the only ones that hold these oppositional views in the surrounding area. We are grateful that you are consulting with residents and that you value our opinion and concerns.

If you require any further information from us, please do not hesitate to connect with us.

Sara Hohenadel and Jason Paul

33 Elm Street, Brantford.

Lindsay King

From: Brian Smith [REDACTED] >
Sent: Tuesday, March 19, 2024 11:16 AM
To: Lindsay King
Subject: Re: File B16/2024 and A16/2024 - 29 Elm Street, Brantford

Thanks Lindsay for your email reply. It is very helpful, especially seeing the concept plan. You note in your email below that a single-storey dwelling is proposed on the severed lot however the concept plan says "proposed 2-storey dwelling". Not sure what is correct but please advise.

We are trying not to look at the proposed severance and minor variances too subjectively and have it be just a NIMBY reaction by us. However, in this instance the applications does in fact directly impact our "back yard" and that makes it more difficult from our perspective. In our situation, it means the placement of windows and provision for fencing and screening is important and necessary to limit the impacts of the proposed development on our property.

Do I need to provide a written comment to the Committee or is my initial email OK for inclusion in your report or for submission to the Committee members? I would like my comments to be on record.

So, thanks again for you reply and we look forward to seeing your staff report.

Kind regards.....Brian Smith and Janet Crook, 27 Elm Street

> On Mar 19, 2024, at 9:56 AM, Lindsay King <LKing@brantford.ca> wrote:

>

> Hello Brian and Janet,

>

> Thank you for your email. I have added to my notes to circulate the report to you once it is complete (approximately March 28th). I have attached the concept plan provided with this application. The development plan includes a single-storey dwelling on the severed lot. If approved for the Consent, the applicant would permitted three dwelling units 'as of right' in the proposed and existing single detached dwellings. However, each dwelling unit requires an off-street parking space. If they cannot facilitate this parking space, in accordance with the Zoning By-law provisions listed under section 6.18, then they would effectively not be permitted the additional dwelling units. The applicant has not proposed any buffering/fencing along the rear lot line of the severed lot.

>

> I understand your concerns regarding the spacing between your dwelling and the new dwelling proposed on the severed lot. I can confirm that the Building Department has recommended a condition that the applicant provide spatial separation calculations to evaluate this proximity and that, depending on these calculations, windows may not be permitted on the side of the proposed dwelling that faces your dwelling. I have saved this comment to the file, which will become part of the public record.

>

> Thank you for taking the time to provide your feedback. Please let me know if you have further questions or comments; I am happy to help.

>

> Kind regards,

>

> Lindsay King

> Development Planner

> Planning and Development Services

> Phone: (519)759-4150 ext. 5358

> Email: lking@brantford.ca

> Web: brantford.ca/planning

>

> <https://www.brantford.ca/en/business-and-development/new-zoning-by-law>

> -project.aspx
>
> The fastest way to submit Planning Applications is through Cloudpermit (<https://ca.cloudpermit.com>) .
> Create a free account and start today!
>
> -----Original Message-----
> From: Brian Smith [mailto:████████████████████]
> Sent: Monday, March 18, 2024 8:23 AM
> To: Lindsay King <LKing@brantford.ca>
> Subject: File B16/2024 and A16/2024 - 29 Elm Street, Brantford
>
> CAUTION EXTERNAL EMAIL This email originated from outside of the City
> of Brantford email system. Do not click links or open attachments
> unless you recognize the sender and know the content is safe. If you
> are unsure, please contact the Service Desk at ext. 5555
>
> My wife and I live at 27 Elm St. in Brantford next door to the subject property. We are hoping you can answer a few
> questions and provide greater detail on the severance and minor variance applications:
> 1. When available, how do we secure a copy of the planning report that will be submitted to the Committee?
> 2. Is a plot plan available that will show the location of the proposed severed lot, the retained lot and related yard
> spaces around each dwelling?
> 3. Will the dwelling to be erected on the severed lot be a bungalow style or will it be two storeys or higher?
> 4. Will two dwelling units be allowed "as of right" in the proposed and existing single detached dwellings and, if so,
> how has the applicant addressed off-street parking?
> 4.1 believe our rear yard will abut the rear yard of the severed lot and the new single detached dwelling. We are
> concerned about the spacing between our dwelling and the new dwelling and the placement of windows in the new
> dwelling. We have an interior privacy concern and would like to see that impact minimized.
> 5. Has the applicant indicated any proposed buffering/fencing along the rear lot line of the severed lot? We have a
> concern about exterior privacy for our rear lot area and outdoor living space.
>
> My wife and I are generally in support of intensification in urban areas and using our urban spaces and services more
> efficiently. In instances like our neighbourhood, where existing lot sizes, the massing of buildings and yard distances
> generally well exceed the minimum zoning bylaw standards, there needs to be special care taken so as not to
> significantly impact existing properties and the general character of the area by over-developing sites. There is a need to
> pay special attention to such things as buffering, location of windows to habitable rooms, off-street parking, the massing
> of buildings etc. We are hopeful the Committee will give careful consideration to these issues.
>
> We plan to attend the April 3rd meeting at City Hall. Please make this email available to the Committee members
> prior to the meeting so they have it in advance. Thanks so much for your consideration.
> Yours truly,
> Brian Smith and Janet Crook, 27 Elm Street, Brantford Ontario ██████████
> ██████████
>
>
> -----
> ----- This email and any files transmitted with it are
> confidential and may contain privileged information. Any rights to confidentiality and privilege have not been waived.
> You must not present this message to another party without the permission of the sender. If you are not the intended
> recipient you must not copy, distribute or use this email or the information contained in it for any purpose other than to
> notify us. If you have received this message in error, please notify the sender immediately, and delete this email from
> your system. We do not guarantee that this material is free from viruses or any other defects although due care has

been taken to minimize the risk. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of The Corporation of the City of Brantford.
> <29 Elm Street - Consent Plan 2.pdf>

Lindsay King

From: Lisa Simmons [REDACTED] >
Sent: Tuesday, March 19, 2024 12:04 PM
To: Lindsay King
Cc: [REDACTED]; Joe Muto
Subject: 29 Elm St (B16-2024 & A16-2024)

CAUTION EXTERNAL EMAIL This email originated from outside of the City of Brantford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Service Desk at ext. 5555

Hi Lindsay,

As I start to formulate my position on the proposed severance and variances, kindly wondering what the 'rules' are for locating the Notice sign on the subject property?

Currently, the owner has installed the sign in a less-than-prominent location on the property, i.e. up against the house, near bushes. Given that it's a corner property, should there not be a requirement that the Notice sign be visible from both streets or, at least, better viewed from one? Quite obviously, the sign has been located in such a way so as to not provide notice to the neighbourhood.

Thank you for the insight you may have to offer; if this question is best answered by another, please kindly redirect on my behalf.

In addition, the front yard of 4.69 m is being attributed to the retained property; however, from the drawing, it should be attributed to the severed property?

Thank you,

Lisa S.

March 26, 2024

To: Members of the Committee of Adjustment
Lindsay King, Planning Department

Subject: **29 Elm St, Brantford**
Minor Variance & Consent Applications
A16-2024 & B16-2024
April 3, 2024 Hearing

Please kindly accept this letter as **opposition** to the above-noted applications.

We, the undersigned, live adjacent to the subject lands. The proposed **severed** lot – shown to have frontage on Springfield Drive – will be **immediately adjacent to our property at 3 Springfield Drive.**

We can not support severance of the subject property for the following reasons:

1. The **severed** lot is proposed to have a **lot area** of 367 sq.m., which is only 67% of the minimum required. The proposed lot area is not similar to any lot in the surrounding/immediate area. Our property – adjacent to the proposed severed lot – has a lot area of approximately 834 sq.m., which is typical for the area.
2. The **severed** lot is proposed to have a **lot width** of 15.09 m, which is only 84% of the minimum required. The proposed lot width is not similar to any lot in the surrounding/immediate area. Our property – adjacent to the proposed severed lot – has a lot width of 20.7 m., which is typical for the area.
3. The **severed** lot is proposed to have a **lot coverage** of 38.8% instead of a maximum of 35%. (It is not clear what coverage is proposed for the retained lot.) The proposed lot coverage (of the severed lot) is not similar to any lot in the surrounding/immediate area. Our property – adjacent to the proposed severed lot – has less than 20% coverage.
4. The **severed** lot is proposed to have a **front yard setback** (Springfield Drive) of 4.69 m instead of the minimum 6 m. It appears the front of the proposed house is intended to align with the **side** of the retained house. The retained house 'fronts' on Elm Street. Given that the new house is proposed to 'front' on Springfield Drive, it should be required to match the setback of those houses existing on Springfield Drive or, at the very least, provide the minimum 6 m. Our property – adjacent to the proposed severed lot – has a front yard setback of 7.4 m., which is typical for Springfield Drive.
5. At this time, at least **six (6) variances** have been identified for the proposal. In our opinion, this is not a 'minor' variance application, but better considered through a rezoning application.

6. When intensification occurs in a well-established neighbourhood, it is imperative the City has the ability to regulate potentially negative impacts, such as grading/drainage, etc. Through Bill 23 (*More Homes Built Faster Act*), the province has removed the City of Brantford's ability to implement standard site plan control for this development. Without this layer of oversight, there is **less protection to the area** from the often-negative impacts of over-intensifying an established area.
7. Shoehorning a new lot and house into this well-established neighbourhood is not in keeping with, nor upholding, the character of the neighbourhood. The City of Brantford has limited legacy neighbourhoods, i.e. neighbourhoods built with lot sizes/areas larger than current subdivision designs. To some, it would be important to **preserve legacy neighbourhoods** like Henderson in order to continue to attract people to make Brantford their home.

Thank you for the opportunity to provide comments. We sincerely hope our opposition and reasons are considered by the Committee of Adjustment.

Kindest Regards,

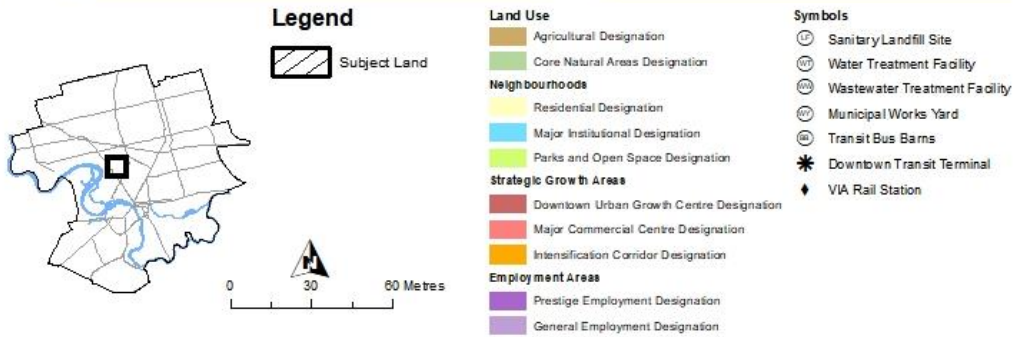
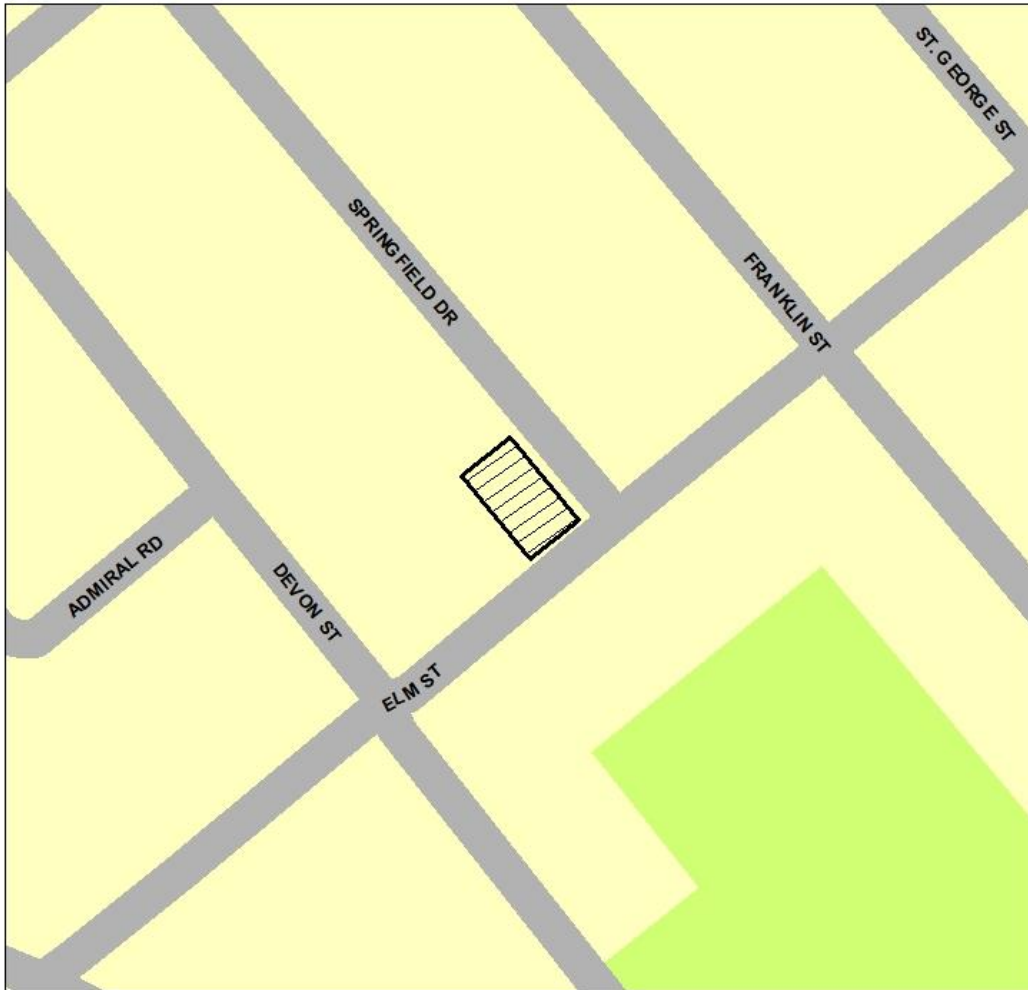


Lisa Simmons & Jay Appell
(3 Springfield Dr)

APPENDIX B – OFFICIAL PLAN

OFFICIAL PLAN EXCERPT MAP

Application: B16/2024 & A16/2024
29 Elm Street



APPENDIX C – ZONING

ZONING

Application: B16/2024 & A16/2024
29 Elm Street



Legend

- Subject Land
- Zone Boundary



0 30 60 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