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**Date** May 1, 2024 **Report No.** 2024-279  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Dora Pripon  
Development Planner

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### 1.0 Type of Report

Committee of Adjustment Decision Regarding  
Application for Consent

### 2.0 Topic

**APPLICATION NO.** B20-2024  
**AGENT** J .H. Cohoon Engineering Ltd.  
**APPLICANT/OWNER** Dudley Lambert LLP c/o John Wiacek  
**LOCATION** 33 Hampton Street and 848 Colborne Street

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### 3.0 Recommendation

- A. THAT Consent application B20-2024 requesting to sever previously established lots municipally addressed as 33 Hampton Street and 848 Colborne Street, having a lot area of 810.12 m<sup>2</sup> and 696.6 m<sup>2</sup>, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-279 as **Appendix A**;
- B. THAT the reason(s) for approval of B20-2024 are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed consent application is desirable and compatible with the

surrounding area and will not result in adverse impacts on surrounding properties.

- C. 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. 2024-279.”*

#### 4.0 Purpose and Description of Application

A Consent application has been received for the lands municipally known as 33 Hampton Street and 848 Colborne Street. These lots were originally within the Plan of Subdivision being lots of Registered Plan 368. Through transactions and passing of parties, the title of the lands was merged into a single parcel. The purpose of this application is to re-establish the original lots, as shown in **Figure 1 – Severance Sketch**. No development is proposed as a result of this application. The table below outlines the dimensions of both proposed lots.

Table 1 - Lot Dimensions

	Required	Retained Lot (33 Hampton St)	Required	Severed Lot (848 Colborne St)
<b>Lot Area</b> (minimum)	550 m <sup>2</sup>	810.12 m <sup>2</sup> (Complies)	900 m <sup>2</sup>	696.6 m <sup>2</sup> (Does not Comply)*
<b>Lot Width</b> (minimum)	18 m	20.65 m (Complies)	30 m	20.12 m (Does not Comply)*

\* Previously Existed

Figure 1 - Severance Sketch



## 5.0 Site Features

The subject lands are located north of Colborne Street, south of Hampton Street, west of Rowanwood Avenue and east of Morley Avenue. Both lots are rectangular in shape and currently have an existing single detached dwelling located on them, as shown in **Figures 2 and 3**. Each parcel has its own servicing from when they were previously separate parcels. The following is a description of the land use surrounding the subject lands.

- |              |   |
|--------------|---|
| <b>North</b> | Single detached dwellings                   |
| <b>South</b> | Single detached dwellings                   |
| <b>East</b>  | Single detached dwellings and vacant parcel |
| <b>West</b>  | Nursery (Nicole Florist)                    |

Figure 2 - Subject Lands - 33 Hampton Street



Figure 3 - Subject Lands - 848 Colborne Street



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## 6.0 Input from Other Sources

### 6.1 Technical Comments

This application was circulated to all applicable departments and agencies on March 15, 2024. No notable comments or objections were received.

### 6.2 Public Comment

A Notice of Public Hearing was issued by personal mail on April 11, 2024 to property owners (31 notices) within 60 metres of the subject lands pursuant to the *Planning Act*. No public comments were received at the time of writing this Report.

## 7.0 Planning Staff Comments and Conclusion

### 7.1 Consent Application

The subject lands (33 Hampton Street) are designated “Residential” in the Official Plan and zoned “Residential Type 1B (R1B)” in Zoning By-law 160-90. The subject lands (848 Colborne Street) are designated “Intensification Corridor” in the Official Plan and zoned “General Commercial (C8)” in the Zoning By-law 160-90 as shown in **Appendix B and Appendix C**, respectively.

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.


Table 2 - Criteria for Considering a Consent Application

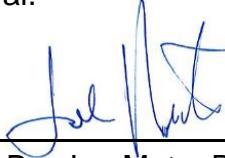
Criteria for Considering a Consent Application	Discussion
1. That the application conforms to the Official Plan	Section 9.3 (g – i) of the Official Plan outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes:  g) <i>A Consent to sever land shall only be considered where a Plan of Subdivision is deemed to be unnecessary and</i>

Criteria for Considering a Consent Application	Discussion
	<p><i>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>
<p>2. The dimensions and shapes of the proposed lot</p>	<p>The lot width and lot area of the retained lot (33 Hampton Street) meet the requirements in the Zoning By-law. The lot width and lot area of the severed lot (848 Colborne Street) are proposed to be smaller than what is required in the Zoning By-law. However, as mentioned before, this was a previously existing lot. If the lots were not merged on title, this lot would be considered legally non-compliant. Therefore, no minor variance application would be necessary. Staff has no other concerns with legally separating the lots to restore what was there originally.</p>
<p>3. The adequacy of utilities and municipal services</p>	<p>The retained parcel and severed lots both currently have frontage on a municipal roadway and have access to municipal services and utilities as they were previously established lots.</p>

## 7.2 Conclusion

A site inspection was completed on April 12, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested severance regarding file B20-2024 subject to the conditions in **Appendix A**. The supported severance would re-establish lots that previously existed and pose no concerns or disturbances. For the reasons discussed above, the consent applications satisfy Section 51(24) of the *Planning Act*, and Staff recommends approval.

  
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 Dora Pripon, Development Planner  
 Prepared on: April 24, 2024

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

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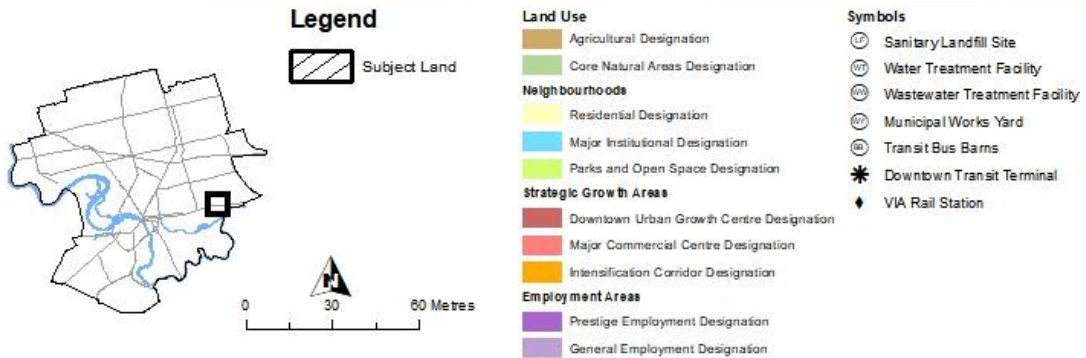
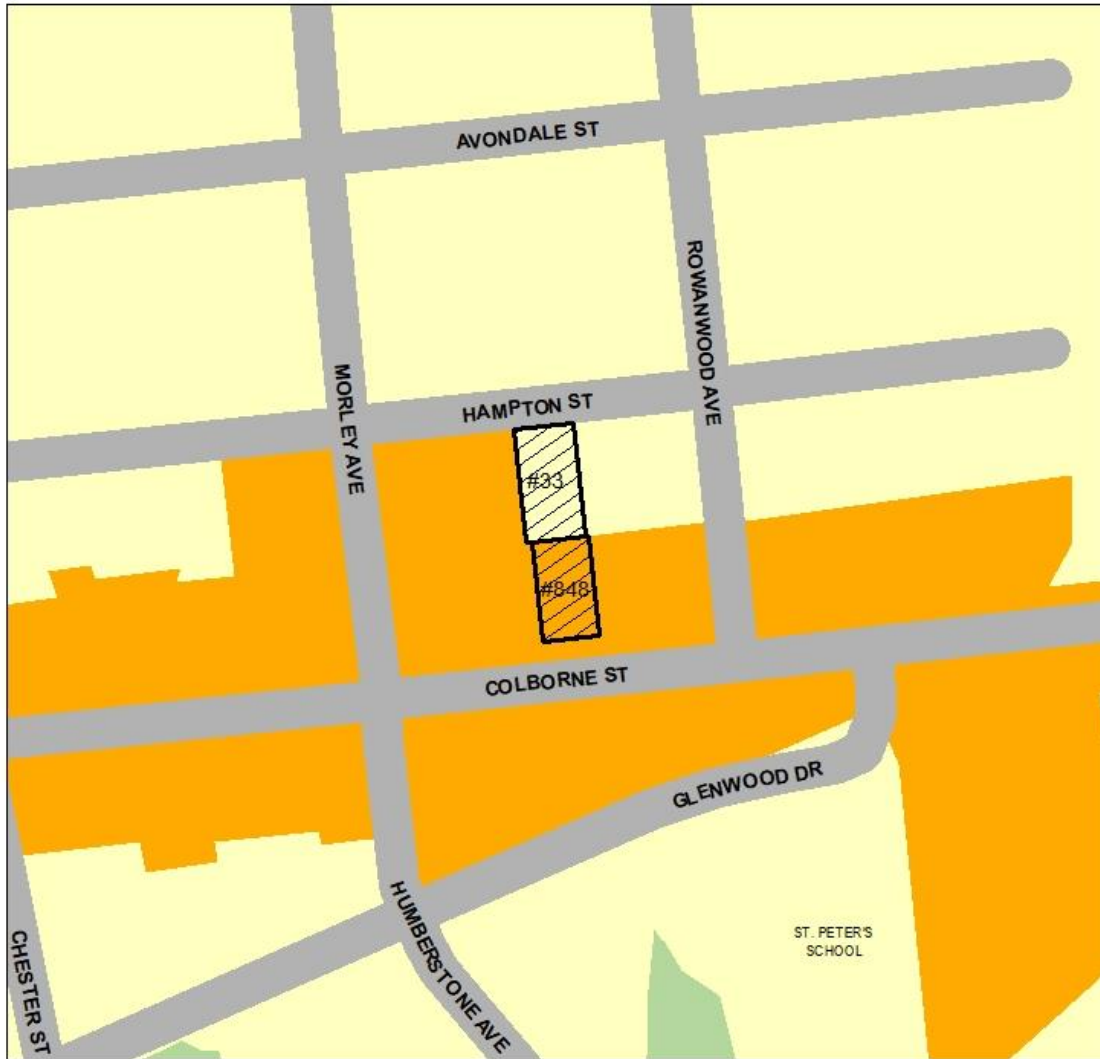
## **Appendix A – Conditions of Consent**

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. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **May 1, 2026**, after which time the consent will lapse.

**Appendix B – Official Plan**

**OFFICIAL PLAN EXCERPT MAP**

Application: B20-2024  
 33 Hampton Street & 848 Colborne Street







**Appendix C – Zoning By-law**

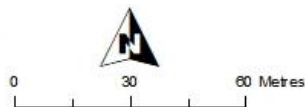
**ZONING**

Application: B20-2024  
 33 Hampton Street & 848 Colborne Street



**Legend**

-  Subject Land
-  Zone Boundary



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

- R1B Residential Type 1B (15 metre)
- R2 Residential Type 2
- R3 Residential Type 3
- R4A Residential Medium Density Type A
- I2 Institutional School
- C8 General Commercial
- M2 General Industrial
- OS3 Open Space Restricted
- # Exception Number