



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

Date June 5, 2024 **Report No.** 2024-354
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
Application for Consent

2.0 Topic

APPLICATION NO.: B21-2024
APPLICANT/AGENT: Veronica Sloan
OWNER: Don & Veronica Sloan (1 Blake Ave.)
Ian & Marja Benjamins (90 St. Paul Ave.)
LOCATION: 1 Blake Avenue and 90 St. Paul Avenue

3.0 Recommendation

- A. THAT Consent application B21-2024 requesting to sever a parcel of land having a lot area of approximately 3,274 m² from 1 Blake Avenue to be added to 90 St. Paul Avenue BE APPROVED subject to **Appendix A - Conditions of Consent**, attached to Report 2024-354;
- B. THAT the reasons for approval of B21-2024 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; and,

- 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 2024-354.”

4.0 Purpose and Description of Application

The applicant is seeking approval for a lot boundary adjustment to transfer approximately 3,274 m² of land from 1 Blake Avenue to 90 St. Paul Avenue. This adjustment would effectively shift the rear yard from the former to the latter, as illustrated in the Severance Plan in **Figure 1**.

Figure 1 - Severance Plan



The purpose of this application is to facilitate future residential development on the enlarged parcel at 90 St. Paul Avenue. This boundary adjustment would not create any zoning deficiencies. The existing and proposed lot dimensions are listed in **Table 1**.

Table 1 - Lot Dimensions

	1 Blake Ave Existing	1 Blake Ave Proposed	90 St. Paul Ave. Existing	90 St. Paul Ave Proposed	R4A-13 Requirement
Lot Width	~31 m	Unchanged	~36 m	Unchanged	30 m
Lot Depth	~110 m	~45 m	~37 m	~87 m	NA
Lot Area	~4,744 m ²	~1,470 m ²	~1,370 m ²	~4,644 m ²	400 m ² /unit

5.0 Site Features

The subject lands are designated “Residential” in the Official Plan and are zoned “Residential Medium Density Type B – Exception 13 (R4B-13) in Zoning By-law 160-90 as shown in **Appendix B** and **Appendix C**, respectively. The surrounding area is predominantly residential, characterized by a mix of single detached dwellings and several apartment buildings along St. Paul Avenue including an existing legal non-conforming apartment building at 90 St. Paul Avenue, partially shown in **Figure 2**.

Figure 2 - Existing apartment building at 90 St. Paul Avenue



The portion of land to be transferred does not contain any buildings, and consists of a grassed area, shrubs, and trees. This parcel also has approximately 6 m of frontage along Slater Street, as shown in **Figure 3. 1** Blake Avenue has a single detached dwelling and a rear yard accessory building, which are proposed to remain on the retained lands.

Figure 3 - West-facing view of the lands to be conveyed from 90 St. Paul Avenue



6.0 Input from Other Sources

6.1 Technical Comments

Staff circulated this application to all applicable departments and agencies on April 19, 2024. Several departments and agencies requested conditions as shown in **Appendix A – Conditions of Consent**. The notable comments are summarized below.

Development Engineering - Transportation Staff conducted a site visit to assess the upward slope for vehicles turning left (north) while exiting the 90 St. Paul Avenue site (shown in **Figure 4**). They determined that because the existing driveway has less than 70 m of unobstructed view, this may be a problematic

access for future development. They also note that an existing retaining wall makes visibility difficult and that it would be challenging to alter. Transportation Staff discussed these limitations with the property owners of 90 St. Paul Avenue. Planning Staff note that an alternative access point will exist where the land to be transferred to 90 St. Paul Avenue fronts onto Slater Street (6 m of frontage which is an adequate width for a driveway). With the property owner aware of this issue, and with a secondary access possible, Planning Staff are satisfied that the purpose of the boundary adjustment remains valid, and that access can be properly addressed with a future site plan control application, should this boundary adjustment be approved.

Building Department Staff requested Spatial Separation Calculations as per 9.10.14.4 of the Ontario Building Code, which are to be completed by a qualified designer for the existing detached garage in the rear yard of 1 Blake Avenue. Spatial Separation Calculations have been made a condition of approval and communicated to the property owner.

Figure 4 - Existing street view of benefiting lands



6.2 Public Comment

This application was circulated for public comment on May 16, 2024, to property owners within 60 m of the subject lands. At the time of writing this report, Staff have received two phone calls from nearby property owners who expressed concerns regarding future development of this site; specifically the loss of

pervious surface for drainage and increased traffic. One of these callers also provided a written comment, attached as **Appendix D**. Although these concerns are valid, it is important to recognize that future *Planning Act* approvals including an approved Zoning By-law Amendment and a Site Plan Application (if over ten units) would also be required to facilitate any future development plans, and that these concerns would be most appropriately considered then.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

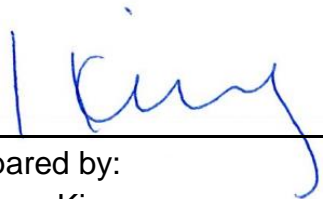
Table 2 - Criteria for Considering a Consent Application

Criteria for Considering a Consent Application	Discussion
1. That the plan conforms to the Official Plan	<p>The proposed consent application proposes a lot boundary adjustment between two residential properties that are designated “Residential” in the Official Plan. The Official Plan notes that the intent of the Residential designation is as follows:</p> <p><i>Section 5.2.1 (a) Lands within the Residential Designation may include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. It is recognized 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.</i></p> <p>Section 3.1 of the Official Plan contains policies, which promote housing opportunities consisting of a mix and range of market-based housing types, tenures and affordability characteristics to meet the needs of a growing and diverse population. The proposed boundary adjustment would facilitate residential development and positively contribute to the housing stock available in the community.</p>
2. The dimensions and shapes of the proposed lot	<p>The proposed reconfiguration of the two properties creates no new Zoning deficiencies. Both properties will continue to have (unchanged) lot frontage onto public roads and both properties would continue to meet the minimum lot area and setback provisions (see Table 1 – Lot Dimensions).</p> <p>The proposed lot area of 1 Blake Avenue is similar in size to nearby properties with frontage onto Blake Avenue and St. Paul Avenue. The proposed property dimensions for 90 St. Paul Avenue exceeds the nearby properties on St. Paul Avenue including the Equion Apartment Complex at 120 St. Paul Ave., which is approximately 80 m north of 90 St. Paul Avenue.</p>
3. The adequacy of utilities and municipal services	<p>The reconfigured properties will also both continue to have frontage (unchanged) onto a municipal roadway that has adequate utilities and municipal services. Future residential development at 90 St. Paul Avenue</p>

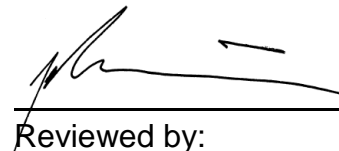
Criteria for Considering a Consent Application	Discussion
	which may require utilities/servicing upgrades would be reviewed and ensured during a subsequent site plan amendment application, should this application be approved.

7.2 Conclusion

After a thorough review of the file including a site inspection completed on May 13, 2024, Staff are supportive of the application. The proposed boundary adjustment would reconfigure two abutting properties such that residential development may occur on the transferred lands. Future residential development would be subject to Site Plan Approval and may also be subject to a Zoning By-law Amendment, should the property owner wish to extend the existing non-compliant use (apartment building). Staff are supportive of the boundary adjustment application B21-2024 and recommend its approval.



Prepared by:
Lindsay King
Development Planner
May 29, 2024



Reviewed by:
Jeff Medeiros, MCIP RPP
Senior Project Manager
May 29, 2024

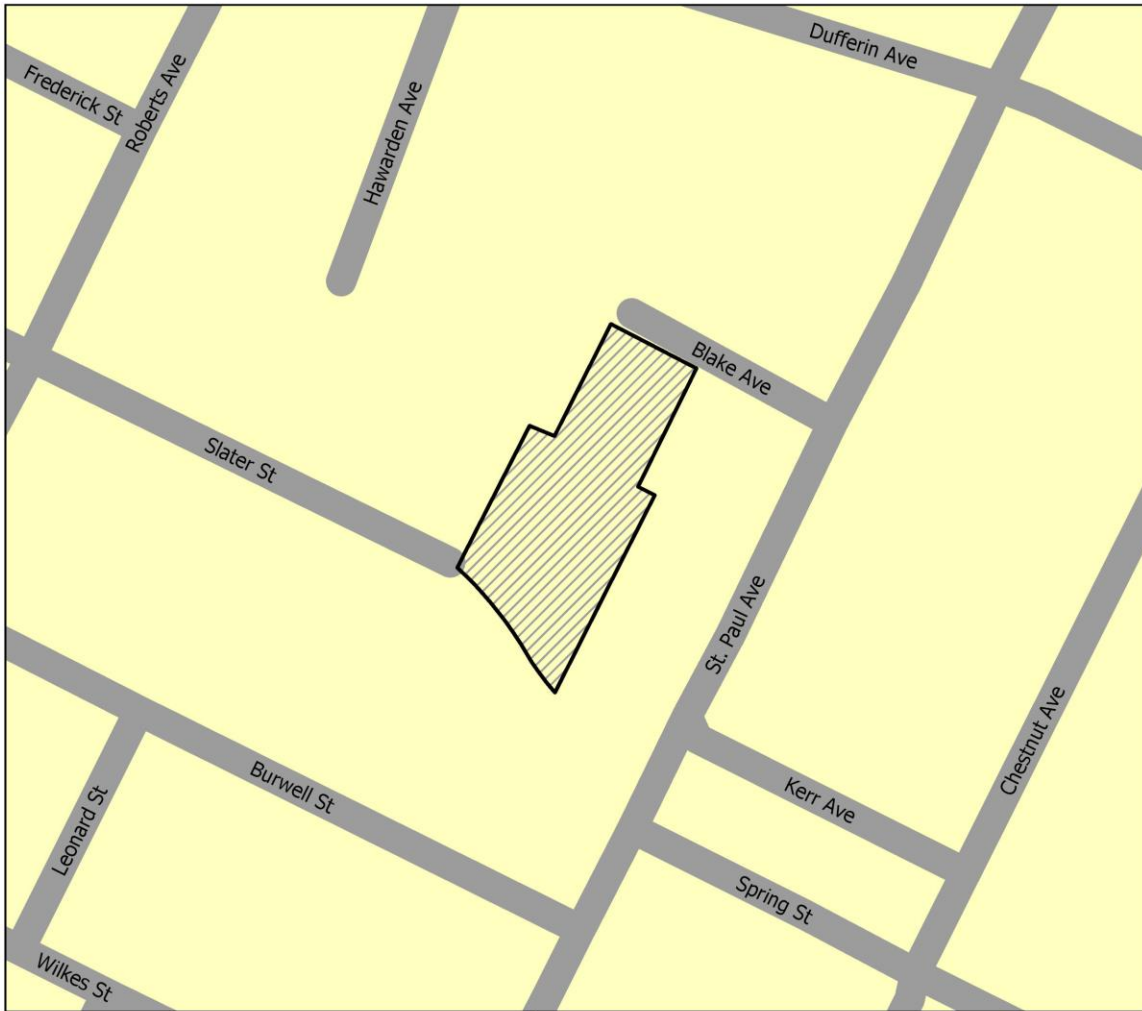
APPENDIX A: CONDITIONS OF APPROVAL

1. Receipt of a registered reference plan showing the severed and retained parcels to the satisfaction of the Manager of Development Planning or their designate.
2. Receipt of a draft of the Transfer deed for review (upon registration a final copy of the transfer deed shall be provided to the City), to the satisfaction of the Manager of Development Planning or their designate.
3. Receipt of confirmation from the Applicant's solicitor that Section 50(3) or 50(5) of the *Planning Act* shall apply to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent. Therefore, the Solicitor acting in the transfer will provide a letter of undertaking confirming that the severed lands will be merged in title with the property municipally addressed as 90 St. Paul Avenue; and,
4. Receipt of confirmation that all taxes are paid up to date, to the satisfaction of the Manager of Development Planning or their designate.
5. Receipt of confirmation that elevation drawings and calculations are provided to the Chief Building Official verifying that the spatial separation requirements of the Ontario Building Code are met relative to the severance line.
6. That the above conditions are fulfilled and the Certificate of Consent be issued on or before June 5, 2026, after which time the consent will lapse.

APPENDIX B - OFFICIAL PLAN AMENDMENT

OFFICIAL PLAN EXCERPT MAP

Application: B21-2014
1 Blake Avenue



Legend

- Agricultural Designation
- Core Natural Areas Designation
- Residential Designation
- Major Institutional Designation
- Parks and Open Space Designation
- Downtown Urban Growth Centre Designation
- Major Commercial Centre Designation
- Intensification Corridor Designation
- Prestige Employment Designation
- Commercial Mixed Use Corridor
- General Employment Designation
- Six Nations Territory
- VIA Station
- Transit Terminal
- Subject Land



0 40 80 Metres

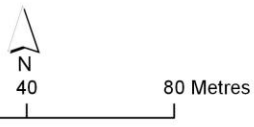
APPENDIX C – ZONING

ZONING MAP

Application: B21-2014
1 Blake Avenue



Legend
// Subject Land
□ Zoning



ZONING (Bylaw 160-90) and County of Brant(61-16)
R1B Residential Type 1B (15 metre)
R1B RESIDENTIAL Type 1B (15 metre)
R1C Residential Type 1C (12 metre)
R3 Residential Type 3
RC Residential Conversion
R4A Residential Medium Density Type A
R4B RESIDENTIAL MEDIUM DENSITY Type B
- # Exception Number

APPENDIX D – PUBLIC COMMENT

May 28, 2024

RE: Consent Application B21-2024

To: Lindsay King and Clerks Office

We reside at 38 Slater Street, and are both longterm residents. Our concern regarding the transfer of lands from 1 Blake Avenue to 90 St. Paul Avenue is that an application for high density zoning is very likely to follow. If such a proposal is made, and then approved, the desired conduit for traffic will be Slater Street. St. Paul access as it now exists is inadequate and unsafe, leaving Slater Street as the only viable option.

It is our opinion, one shared by neighbouring residents, that Slater Street cannot properly serve a high density development such as an apartment complex. The street does not have a proper turnaround at the dead end, forcing garbage and recycling trucks to enter the road in reverse, effectively closing the street to traffic while doing so. Snow plows are even more encumbered. Any service vehicle for that matter restricts traffic flow. School buses too must execute a difficult and prolonged turnaround at the street's end. The turnaround, such as it is, has a downward slope, a problematic feature that often reveals itself during icy conditions, leaving vehicles sliding, stuck or tires spinning.

The low density zoning of the surrounding area in regards to roadways, housing and schools, is ill-suited to any high density inclusion. Roberts Ave., for example, would be adversely impacted, a road that is already congested during the start and finish of each school day. Morrell Street would also be negatively impacted, and Burwell Street too. Access from Burwell to St. Paul is difficult enough now, and sure to worsen if a significant apartment building is constructed. Even more concerning is the threat increased traffic would pose to the large number of children walking adjacent streets to attend school at Lansdowne-Costain, École Dufferin and Christ the King.

Low density neighbourhoods such as ours were planned and constructed many years ago to accommodate light traffic. Examination of a location map makes it *appear* Slater Street is a quick fix for 90 St. Paul's traffic, but it isn't, it presents a whole new set of problems. Parking restrictions, for example, would have to be introduced, impacting almost every household since most have multiple cars. Realistically a proper turnaround would have to be constructed; any thought of a simple driveway access to Slater is unlikely to pass study. In consideration of these matters alone, and there are others unrelated to traffic, future development on 90 St. Paul should be restricted to low density.

Marilyn Pettitt
Arthur Kelly
38 Slater Street
Brantford, ON
519-770-0150