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Date June 5, 2024 **Report No.** 2024-365
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.: B22-2024, A27-2024
AGENT: JH Cohoon c/o Bob Phillips
APPLICANT/OWNER: Tony Antonopoulos
LOCATION: 141 North Park Street

3.0 Recommendation

- A. THAT minor variance application A27-2024 seeking relief from Section 7.3.2.1.1 to permit a lot area of 449 m² for the severed lot, whereas 450 m² is otherwise required, BE APPROVED;
- B. THAT minor variance application A27-2024 seeking relief from Section 7.3.2.1.2 to permit a lot width of 12.19 m for the severed lot, whereas 15 m is otherwise required, BE APPROVED;
- C. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance is in keeping with the general intent and

purpose of the Zoning By-law and the Official Plan, and the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and,

- D. THAT consent application B22-2024 seeking to create a property with a lot area of 449 m² and a lot frontage of 12.19 m BE APPROVED subject to **Appendix A - Conditions of Consent**, attached to Report 2024-365;
- E. THAT the reasons for the approval of B22-2024 are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act* and Staff are satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning Bylaw; and,
- F. THAT pursuant to Section 45(8)-(8.2) and 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2024-365.”

4.0 Purpose and Description of Applications

The applicant is seeking approval for a consent and minor variance application for the lands municipally known as 141 North Park Street. The proposal is to sever a new parcel from the existing property, which currently has an aging single detached dwelling and an accessory building in the rear yard. A minor variance is necessary to address proposed deficiencies in lot width and lot area for the proposed severed lot, as detailed in **Table 1**.

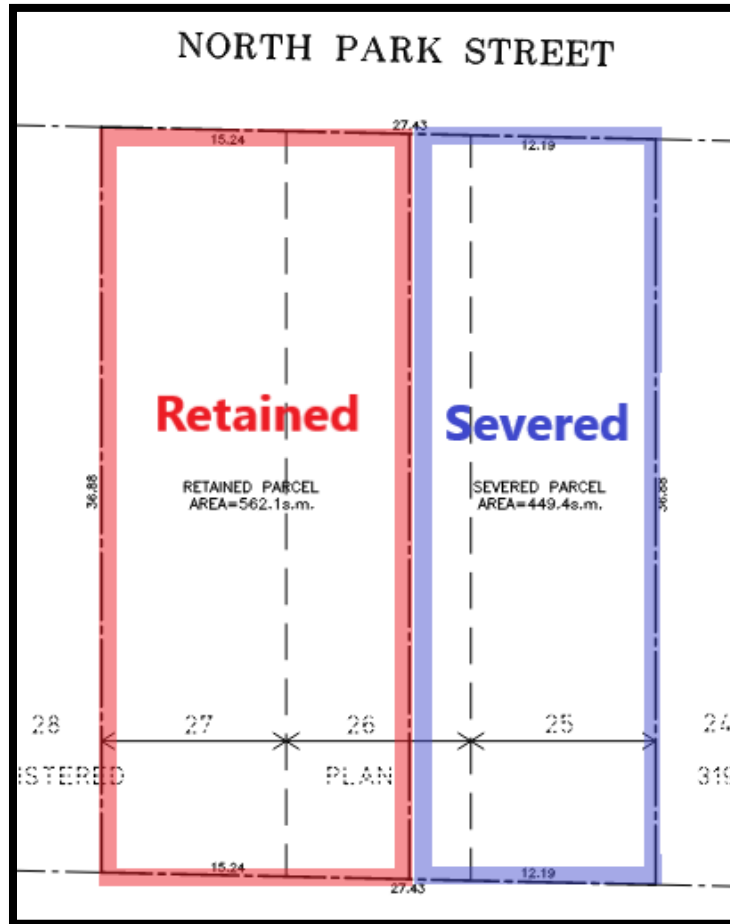
Table 1 - Minor Variance Requests

No.	Regulation	By-law Section	Required	Current Proposal
1.	Minimum Lot Area	7.3.2.1.1	450 m ²	449 m ²
2.	Minimum Lot Width	7.3.2.1.2	15 m	12.19 m

If the severance is approved, the applicant plans to demolish both existing structures and construct two separate residential dwellings. This is a recommended condition of approval since the existing buildings will be situated along the proposed property

boundary. This development would also require a new driveway for the proposed retained parcel, so this has also been recommended as a condition of approval.

Figure 1 - Severance Plan



5.0 Site Features

The subject lands are designated "Residential" in the Official Plan, and zoned "Residential Type 1B" (R1B) in the Zoning By-law. The property is located on North Park Street, approximately 100 m north of the intersection with Charing Cross Street. In this area, the east side of North Park Street is primarily residential, as shown in **Figure 2**

Figure 2 - Aerial photo of existing property



In contrast, the west side of the street includes various commercial, institutional, and residential establishments, such as restaurants, a recently built retirement home (Brantford Retirement Manor), and a townhouse condominium complex, which is immediately across North Park Street from the proposed severed lot.

Figure 3 - Existing property



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, and no objections were received.

Development Engineering Staff have identified several required permits to ensure that both the severed and retained parcels have private water and sanitary services. These have been made conditions of approval.

Operations Staff identified that work within the public right-of-way would require a Right-of-Way Permit.

Building Department Staff identified that the existing residential dwelling and accessory structure would need to be demolished or otherwise removed. A demolition permit has been made a condition of approval.

Transportation Staff identified that the owner/applicant would be responsible for ensuring an adequate driveway for both the retained and severed parcels. Obtaining a driveway permit(s) has been made a condition of approval.

6.2 Public Comments

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, no public comments on this application have been submitted.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

Table 2 - Consent Criteria

Criteria for Considering a Consent Application	Discussion
1. That the plan conforms to the Official Plan	<p>Section 9.3 (i) states that “consents may be permitted for the creation of up to three (3) new lots, easements, boundary adjustments, rights-of-way, lot additions and leases in accordance with the provisions of the Planning Act.”</p> <p>Section 5.1 (c) states that “Compatible development shall be considered in the evaluation of all development proposals throughout the City. The following shall be considered when evaluating the compatibility of development proposals:</p> <ul style="list-style-type: none"> i. The use, height, massing, orientation and landscape characteristics of nearby properties is properly considered and appropriate transitions between the built forms and uses shall be ensured; ii. On-site amenity space is provided and is reflective of, or enhances, the existing patterns of private and public amenity space in the vicinity; and, iii. Streetscape patterns, including block lengths, setbacks and building separations are generally maintained.” <p>The proposed severance would create a new property that is in keeping with the surrounding properties with regards to lot area and frontage.</p>
2. The dimensions and shapes of the proposed lot	<p>The proposed severance would create a new property that is in keeping with the surrounding properties with regards to lot area and frontage, requiring only minor relief from lot width and lot area. The proposed retained property would exceed the minimum lot width and lot area requirements.</p>
3. The adequacy of utilities and municipal services	<p>Both the proposed severed and retained lots will have frontage onto a fully-serviced public road, and therefore, servicing is considered adequate.</p>

Table 3 - 4 Minor Variance Tests

Four Tests	Discussion
<p>That the requested variance is minor in nature</p>	<p>“Minor” is determined by impact, not by the value of the variance being sought. The proposed relief of one square meter for minimum lot area, and 2.81 m in lot width are both considered minor since the proposed severed lot is in keeping with nearby properties, particularly those on the same side of North Park Street. Additionally, the proposed severed property is greater in terms of lot size and lot width than the two rear-abutting properties addressed 16 Hill Avenue and 18 Hill Avenue. In this context, staff are of the opinion that the requested relief is minor in nature.</p>
<p>That the general intent and purpose of the Zoning By-law is maintained</p>	<p>The purpose of minimum lot width and minimum lot area is to help control the density of development within a given zone. It also acts to ensure that each lot is of a sufficient size to ensure adequate servicing. This application proposes only one additional lot, and the proposed lot width can accommodate site servicing.</p> <p>All other zoning provisions (including minimum landscaped open space in the required front yard and setbacks) will be met. As such, staff are satisfied that the general intent and purpose of the Zoning By-law is maintained.</p>
<p>That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Residential”. Section 5.2.1(a) of the Official Plan notes that the intent of the Residential designation is as follows:</p> <p><i>“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 minor variance would facilitate an additional residential development and contribute to much needed housing in Brantford.</p>
<p>That the variance is desirable for the appropriate development and use of the land, building or structure.</p>	<p>Staff considers the proposed lot creation, and related lot area and lot width, desirable for the appropriate use of the lands. Staff are of the opinion that because this minor variance would facilitate the creation of a new residential lot that fits within the character of the neighbourhood, the requested variances are desirable for the appropriate use of the lands.</p>

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 consent would create a new residential lot that is in keeping with the character of the existing neighbourhood and will facilitate that creation of much needed housing to Brantford. Staff are supportive of applications B22-2024 and A27-2024 and recommend their approval.



Prepared by:
Lindsay King
Development Planning
May 29, 2024



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

APPENDIX A – CONDITIONS OF CONSENT

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 that all taxes are paid up to date, to the satisfaction of the Manager of Development Planning or their designate.
4. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
5. Receipt of confirmation that all existing buildings and structures located on the retained and severed parcels are demolished or otherwise removed to the satisfaction of the Chief Building Official or their designate.
6. Receipt of confirmation that a Wastewater Allocation Request Form has been approved by the Manager of Development Engineering or their designate.
7. Receipt of confirmation that a municipal address has been assigned to the severed property by the Manager of Development Engineering or their designate.
8. Receipt of confirmation that a Servicing Plan, prepared by a qualified Engineer licensed in the Province of Ontario, has been submitted and is to the satisfaction of the Manager of Development Engineering or their designate.
9. Receipt of confirmation that the severed and retained parcels are independently serviced with a sanitary and storm sewer connection to a legal outlet and that these services do not cross the proposed property lines and connect directly to City infrastructure, at the sole responsibility of the owner/applicant.
10. Receipt of confirmation that a Grading and Drainage Plan has been prepared by a qualified Engineer licensed in the Province of Ontario and is to the satisfaction of the Manager of Development Engineering or their designate.
11. Receipt of confirmation that a driveway permit has been obtained for the retained lands to the satisfaction of the Manager of Development Planning or their designate.
12. 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 DESIGNATION

OFFICIAL PLAN EXCERPT MAP

Application: B22-2014 and A27-2024
141 North Park Street



- 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



APPENDIX C – ZONING

ZONING MAP

Application: B22-2014 and A27-2024
 141 North Park Street



Zoning
 // // // // Subject Land
 □ Zoning

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

- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- R2 Residential Type
- R4A Residential Medium Density Type A
- I2 Institutional School
- C8 General Commercial
- OS1 Open Space Type 1
- # Exception Number



0 40 80 Metres