



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

Date July 3, 2024 **Report No.** 2024-430
To Chair and Members
City of Brantford Committee of Adjustment
From Noor Hermiz
Intermediate Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

2.0 Topic

Application No. B27-2024
Agent/Applicant MHBC Planning (c/o Dave Aston)
Owner Losani Homes (c/o Daniel Borelli)
Location 463 Blackburn Drive

3.0 Recommendation

- A. THAT Consent application B27-2024 requesting to sever the subject lands municipally addressed as 463 Blackburn Drive, BE APPROVED, subject to the Conditions of Consent, attached to Report 2024-430 as Appendix A;
- B. THAT the reason(s) for approval of B27-2024 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;

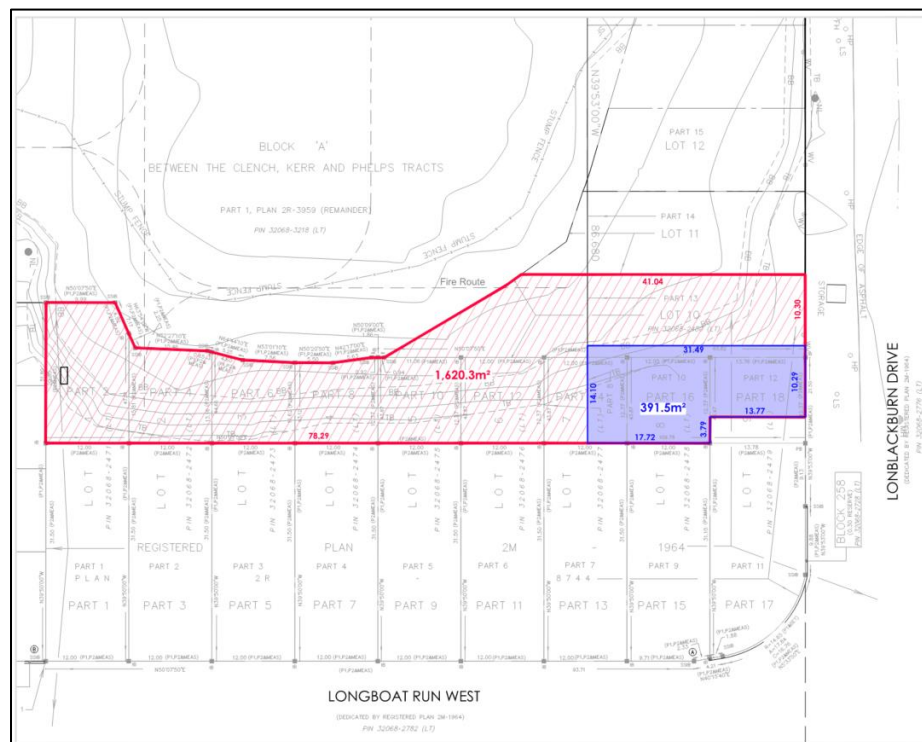
C. THAT pursuant to Section 53(17)-(18.2) of the Planning Act, R.S.O 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

- *“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. 2024-430.”*

4.0 Purpose and Description of Applications

A Consent application has been received for 463 Blackburn Drive. The purpose of the application is to sever and convey a 391.5 sq. m (4,214 sq. ft.) parcel of land for the development of a single detached dwelling, as shown on the applicant’s severance sketch in **Figure 1** below.

Figure 1 – Severance Sketch



The proposed severed and retained parcels meet the requirements of the Zoning By-law for lot area and lot width, as shown in **Table 1**.

The proposed lot dimensions are as follows:

Table 1 - Lot Dimensions

	Required	Severed Lot	Retained Lot
Lot Area (Minimum)	250 m ²	391.5 m ²	1,620.30 m ²
Lot Width (Minimum)	9.0 m	10.29 m	10.30 m

5.0 Site Features

The subject property is located at the northwest corner of the roundabout intersection at Blackburn Drive and Longboat Run West. The lands have recently been consolidated into one (1) parcel as a result of an application seeking Relief from Part Lot Control (File No. PLC-06-22) and a Consent application (File Nos. B31-2023 & A31-2023).

Figure 2 – Aerial Photography Map

AERIAL PHOTO MAP

Application: B27-2024
463 Blackburn Drive



The lands are currently vacant and located in an area that is being actively developed as part of a residential plan of subdivision (refer to **Figure 2**). The

subject parcel is primarily bounded by lands planned for residential uses in the Zoning By-law. The abutting property to the north, municipally addressed as 501 Shellard Lane, is a designated Open Space Block in the Draft Approved Plan of Subdivision (File No. 29T-16502). Planning applications for an Official Plan Amendment, Zoning By-law Amendment, and a Modification to the Draft Approved Plan of Subdivision have been received by the City for these lands with the intent to facilitate the development of block townhouses, including the re-alignment of lots fronting Blackburn Drive, for single detached dwellings. **Figures 3 and 4** below display the frontage of the proposed lands to be severed from Blackburn Drive and provide additional context of the surrounding area.



Figure 3 - View of the frontage of the subject property from Blackburn Drive.



Figure 4 – Looking west towards subject property from Blackburn Drive.

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies. The notable comments are summarized below:

Development Engineering requested conditions of consent. These conditions have been incorporated into the recommended conditions of approval.

Transportation noted that the proposed severed parcel was not planned or reviewed for development in the Draft Plan, therefore Transportation cannot comment on the appropriateness of a driveway in this location, or how existing on-street parking is affected by this proposal. Comments were also raised about the planned future access for the proposed townhouse condominium development. Planning Staff note that these concerns relate primarily to the future development of the abutting lands, which will need to be assessed further during the applicable *Planning Act* applications to develop those lands. As the proposed Consent will not modify the planned future access for 463 Blackburn Drive, concerns relating to access to this block will be assessed as part of a right-of-way permit.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on June 18, 2024 (55 notices) to property owners 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 are designated “Residential” in the Official Plan and zoned “Residential Type 1D Zone – Exception 6 (R1D-6)” in Zoning By-law 160-90, as shown in **Appendix B and Appendix C**, respectively. The proposed new lot conforms to the R1D-6 zoning requirements.

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 for approval. These criteria include: if the plan conforms to the Official Plan, the dimensions and shapes of the proposed lot, and the adequacy of utilities and municipal services. Section 9.3 (g – i) of the Official Plan lists criteria for the subdivision of land and stipulates when consents are appropriate, as listed in **Table 2**.

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 Official Plan encourages a wide range of housing types to accommodate anticipated population growth. Section 3.1(d) of the Official Plan promotes the supply of new affordable housing in a variety of locations, dwelling types and tenures.</p> <p>Section 9.3 (g – i) of the Official Plan outlines when consent should be granted. This includes when a Plan of Subdivision is deemed unnecessary; where the application conforms to the policies of the Official Plan; when no more than three new lots are being created; when all lots have frontage on a municipal road and do not require that municipal services be extended; and for the creation of easements, boundary adjustments, rights-of-way, lot additions and long-term leases.</p> <p>This application meets all of the above criteria.</p>
2. The dimensions and shapes of the proposed lot	<p>The lot width and lot area of both the severed and retained lots meet the requirements in the Zoning By-law, as shown in Table 1 above. The proposed severed lot is similar in both size and shape to existing lots in the neighbourhood, and conforms to the minimum lot size requirements in Zoning By-law 160-90. The proposed retained lands also meet the requirements of the ZBL.</p>
3. The adequacy of utilities and municipal services	<p>Both the severed and retained parcels will have frontage on a municipal roadway and have access to full municipal services and utilities.</p>

7.3 Conclusion

Site inspections were completed on June 7 and June 21, 2024. Upon completion of these visits and review of all applicable policies, Planning Staff is supportive of the requested severance regarding files B27-2024 subject to the conditions in **Appendix A**. The application would facilitate the severance of a new 391.5 sq. m (4,214 sq. ft.) residential lot for the development of a single detached dwelling and would cause no adverse impacts on the surrounding area. For the reasons discussed above, the consent application satisfies Section 51(24) of the *Planning Act*, and Staff recommends approval.

Noor Hermiz

Noor Hermiz
Intermediate Development Planner
Development Planning
Prepared: June 26, 2024



Jeff Medeiros, MCIP RPP
Senior Project Manager
Development Planning

APPENDIX A – B27-2024 CONDITIONS OF CONSENT

1. Receipt of a registered reference plan showing the severed and retained parcels.
2. Receipt of a draft 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.
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 from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
6. 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.
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 provide a Grading and Drainage Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate.
10. The Owner will be required to obtain a Right-of-Way Activity Permit prior to commencing any work within the City's Road right-of-way.
11. The Owner shall be responsible financial and otherwise, to construct and/or restore the City's Right of way across the frontage of the severed and retained parcel to the satisfaction of the Manager of Development Engineering.
12. Receipt of confirmation from the Manager of Development Engineering indicating that the aboveground and belowground services of the Brantwest Phase 1

Subdivision have final assumption by the City of Brantford.

13. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **July 4, 2026**, after which time the consent will lapse.

APPENDIX B – OFFICIAL PLAN DESIGNATION

OFFICIAL PLAN EXCERPT MAP

Application: B27-2024
463 Blackburn Drive



Legend

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



APPENDIX C – ZONING

