



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.** 2024-421
To Chair and Members
City of Brantford Committee of Adjustment
From Mila Masic
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

Application No. B26-2024, A28-2024
Agent/ Applicant Ruchika Angrish
Owner Brian Williams
Location 64 Sandra Street

3.0 Recommendation

- A. THAT application A28-2024 seeking relief from Section 7.2.2.1.1 of Zoning By-Law 160-90 to permit a lot area of 400.5 m² for the severed parcel, whereas a minimum of 550 m² is otherwise required, BE APPROVED;
- B. THAT application A28-2024 seeking relief from Section 7.2.2.1.6 of Zoning By-Law 160-90 to permit a rear yard setback of 5.38 m for the retained parcel, whereas a minimum of 7.5 m is otherwise required, BE APPROVED;

- C. THAT the reason(s) for approval of the minor variance are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- D. THAT Consent application B26-2024 requesting to sever a parcel of land from the subject property municipally addressed as 64 Sandra St, having a lot area of 400.5 m² and retain a parcel of land having a lot area of 550 m², BE APPROVED subject to the Conditions of Consent, attached to Report 2024-421 as Appendix A;
- E. THAT the reason(s) for approval of B26-2024 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; and
- F. THAT pursuant to Sections 53(17)-(18.2) and 45(8) – (8.2) 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 2024-421.”

4.0 Purpose and Description of Applications

Applications for consent and minor variance have been received for the lands municipally described as 64 Sandra Street. The applicant is proposing to sever a 400.5 m² parcel and retain a 678 m² parcel that includes an existing single detached dwelling. The dimensions of both the severed and retained lots are described in **Table 1 – Lot Dimensions** and illustrated in **Figure 1 – Severance Sketch** and **Figure 2 – Site Plan for Lands to be Severed**:

Table 1 – Lot Dimensions

	Required (Current R1A Zone)	Severed Lot	Retained Lot
Lot Area	550 m ²	400.5 m ² (Does not comply)	678 m ² (Complies)

Lot Width	18 m ²	18 m ² (Complies)	24.28 m ² (Existing and complies)
-----------	-------------------	---------------------------------	---

Figure 1 – Severance Sketch

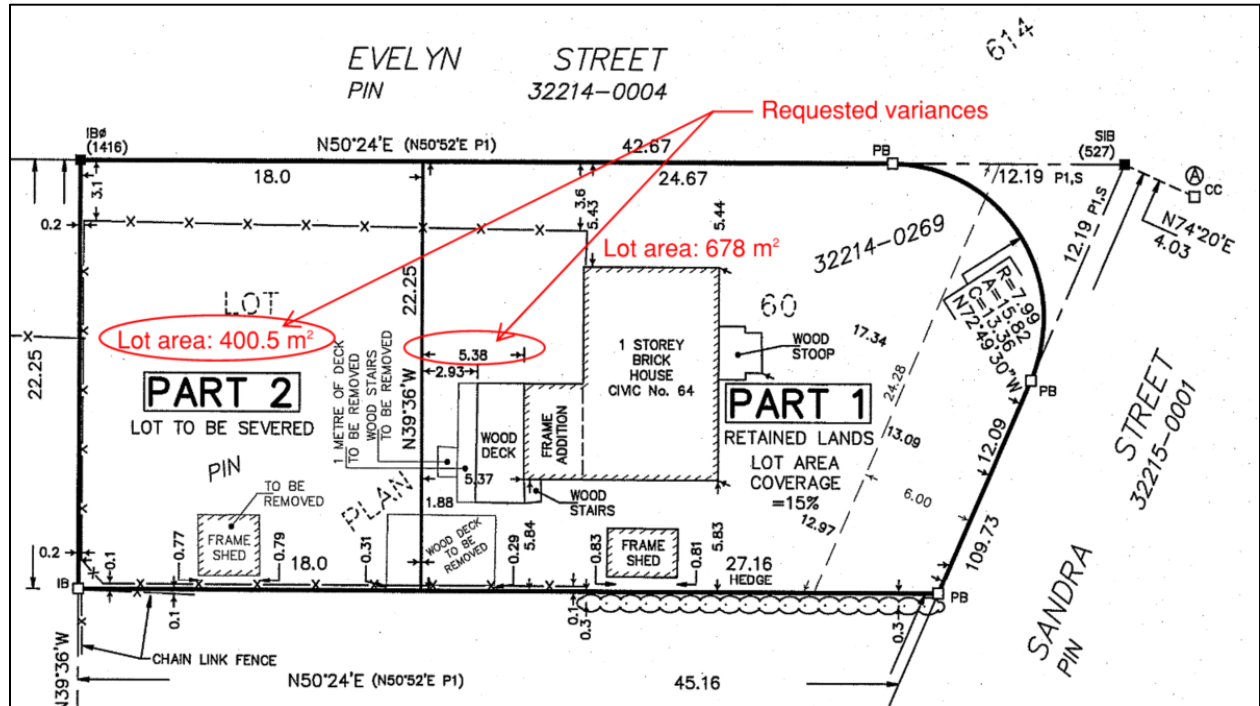
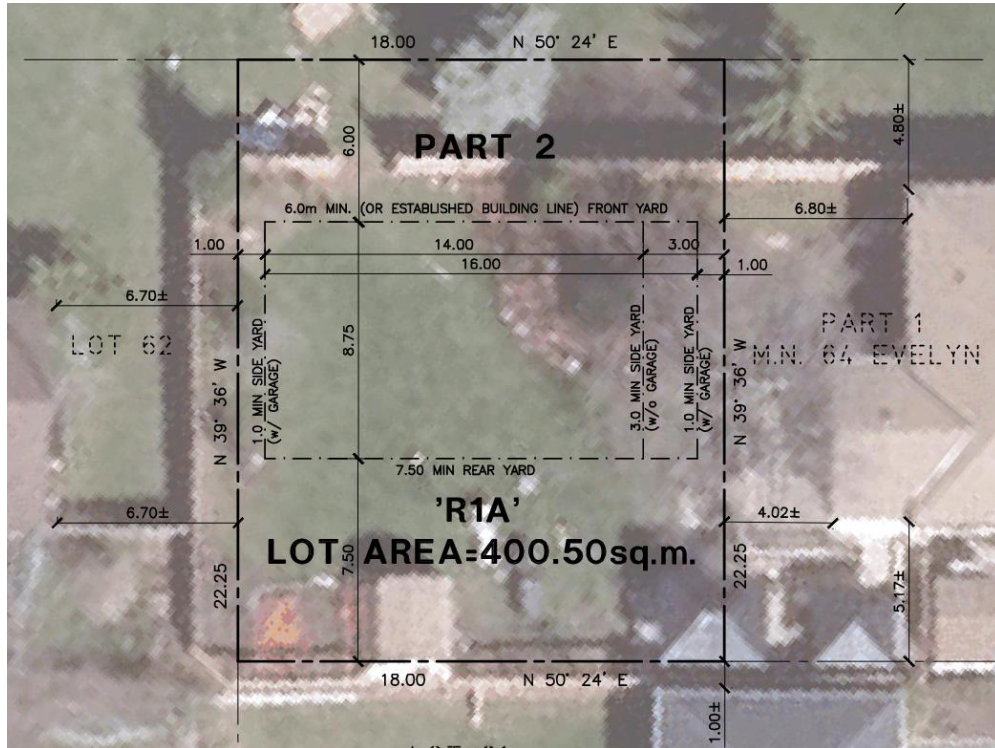


Figure 2 – Site Plan for Lands to be Severed



To facilitate the consent application, a minor variance application is required to permit a lot area of 400.5 m² whereas the required lot area is 550 m². The lands proposed to be retained will also require a variance to permit a rear yard setback of 5.38 m where 7.5 m is required as a result of the proposed severance line:

Table 2 - Minor Variance Relief Requested

Regulation	Bylaw Section	Required	Proposed	Relief Requested
Lot Area	Section 7.2.2.1.1	550 m ²	400.5 m ²	- 149.5 m ²
Rear Yard Setback	Section 7.2.2.1.6	7.5 m	5.38 m	- 2.12 m

Site Features

The subject lands are located south of Evelyn Street and west of Sandra Street.

Figure 2 - Photo of Subject Lands



The subject land is located on a corner lot and currently contains a single storey single detached dwelling. The property is surrounded by single detached dwellings in all directions. The lands marked on the Severance Sketch as “to be severed” are currently used as backyard space for the dwelling located within the “lands to be retained”.


Figure 3 – Aerial Photo of Subject Lands

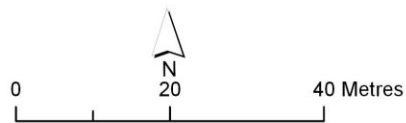
AERIAL PHOTO MAP

Application: B26-2024 & A28-2024
64 Sandra Street



Legend

 Subject Land
Aerial Photo from spring 2021



5.0 Input from Other Sources

5.1 Technical Comments

This application was circulated to all applicable departments and agencies on May 17, 2024. The following notable comments and conditions were received:

Building Staff had comments relating to zoning bylaw requirements to be met, such as ensuring building permits or demolition permits are obtained in order to alter or remove existing structures on the property, as well as construct any future dwelling on the lot to be severed. Staff also requested and were provided spatial separation drawings from the applicant.

Development Engineering, Landscaping Staff noted that the municipal boulevard off of Evelyn Street be restored back to the City Standards, and requested a survey showing the location of trees on the plan to confirm ownership of potential municipally owned trees along Evelyn Boulevard.

Other comments were received from external agencies and internal departments relating to documentation and procedural items for final approval. No objections were received as they relate to the requested variances or severance.

5.2 Public Comment

A Notice of Public Hearing was issued by personal mail (34 Notices) on June 18, 2024, 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.

6.0 Planning Staff Comments and Conclusion

6.1 Planning Background

The subject lands are designated “Residential” in the Official Plan and zoned “Residential Type 1A (R1A)” in Zoning By-law 160-90 as shown in **Appendix B** and **Appendix C**, respectively.

6.2 Consent Application

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 3 - Criteria for Considering a Consent Application

Criteria for Considering a Consent Application	Discussion
1. That the application conforms to the Official Plan	<p>The purpose of the proposed consent application is to create one new residential lot with the intent to construct a residential dwelling within an existing residential neighbourhood. The Official Plan encourages a wide range of housing types to accommodate the 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 criteria for the subdivision of land and stipulates when consents are appropriate which includes:</p> <ul style="list-style-type: none"> g. <i>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> h. <i>The maximum number of new lots approved by the City on one property through Consent shall be three (3), where appropriate.</i> <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	<p>The dimensions and lot area of the retained and severed lot satisfy the provisions in the R1A zone, except for the lot area of the severed lot. A more in depth analysis of the deficiency in lot area is outlined below in Table 4 - Minor Variance tests.</p>
3. The adequacy of utilities and municipal services	<p>The proposed retained and severed parcels will both have frontage on a municipal roadway and have access to municipal services and utilities. It is noted that several conditions of approval of this consent application have been identified by departmental staff including six (6) Development Engineering conditions and two (2) Transportation conditions as listed in Appendix A – Conditions of Consent.</p>

6.3 Minor Variance

When evaluating the merits of a minor variance application, the Committee of Adjustment must be satisfied that the four tests of Section

45(1) of the *Planning Act* have been met. To be approved, a minor variance must be minor in nature, desirable for the appropriate development and use of the land, and maintain the general intent and purpose of the Zoning By-law and Official Plan. These tests are discussed in the table below.

Table 4 - Minor Variance Tests

Four Tests	Discussion
<p>1. That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Residential” within the City’s Official Plan. The “Residential” Designation applies to the Neighbourhood residential areas of the City which are intended to support a full range of housing types and serve residents. Included among these housing types is a single detached residential dwelling. The requested minor variances would not conflict with the general intent and purpose of the Official Plan as the proposed variances maintain the existing low density single-detached residential use and nature on the subject property. It is the opinion of Staff that the application would maintain the general intent and purpose of the Official Plan.</p>
<p>2. That the intent and purpose of the Zoning By-law 160-90 is maintained</p>	<p>The subject lands are zoned “Residential Type 1A (18 metre)” (R1A) in the Zoning Bylaw. This residential zone permits single detached dwellings. The applicant is requesting relief of the lot area of the severed parcel and relief of the applicable rear yard setback of the retained parcel. These variances would permit the location of the existing single detached dwelling, and to permit the creation of one (1) additional residential lot.</p> <p>Variance 1:</p> <p>The lands to be severed have a proposed area of 400.5 m², whereas the Zoning Bylaw requires a lot area of 550 m² for the applicable zone. The general intent and purpose of lot area regulations is to ensure that a dwelling can fit on the lot with sufficient room to maintain all required setbacks and other provisions. Conformity with all required setbacks coupled with a sufficient lot frontage ensures that the new lot will be compatible with and avoid adverse impacts on the surrounding properties.</p> <p>The applicant’s submitted Site Plan indicates that the proposed lot size of 400.5 m² can accommodate a reasonably sized single detached dwelling while conforming with the setback and parking requirements of the R1A Zone. This demonstrates that the proposed minimum lot size reductions would not have a significant adverse impact on the surrounding properties and would allow for sufficient yard and dwelling space for the future occupants of both the severed and retained lots. For these reasons, staff are satisfied that the proposed lot size conforms with the general intent of the Zoning By-law.</p>

	<p>Variance 2: The lands to be retained have a proposed rear yard setback of 5.38 metres whereas 7.5 metres are required in the Zoning Bylaw for the applicable zone. The general intent and purpose of the Zoning By-law relating to rear yard setbacks is to maintain a rear yard amenity area and to ensure the property is not over-developed. The size of the rear yard amenity area will not be significantly impacted by the proposed severance line of the lands to be severed, as there will still be adequate room remaining for the enjoyment of the amenity area for the residents. The applicant has provided a site plan showing a reasonable building envelope within the lands to be severed, that will maintain the required setbacks. Given that the proposed area of the retained lands will meet the Zoning Bylaw requirements, and the lands to be severed are able to accommodate a dwelling that meets zoning requirements, the variance will not result in any appearance of over-development. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.</p>
<p>3. That the requested variance is minor in nature</p>	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>The proposed reduction to lot area would result in a property that is slightly smaller than those in the immediate vicinity. The applicant is proposing a lot area of 400.5 m² and seeking relief for 149.5 m². Staff is of the opinion that this relief is minor and still generally consistent with the existing neighbourhood surrounding Sandra Street. For example, a few properties opposing the subject lands on Sandra St, and at the intersection of Evelyn St and Marshall St have comparable lot sizes of around 440 m². All of these properties are located within 100 metres of the subject lands and have a single detached dwelling located on them. Further, the variance to permit a reduced rear yard setback will only impact the dwelling on the lands to be retained, as adequate separation can be provided on the lands to be severed. This variance was required due to the measurement being taken from a small addition to the rear of the existing dwelling, and would otherwise comply with the required rear setback if measured from the main siding of the dwelling.</p>
<p>4. That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<p>It is the opinion of Planning Staff that the proposal is desirable as it would facilitate the creation of a residential dwelling unit which is a permitted use in the Official Plan and Zoning By-law.</p>

6.4 Conclusion

A site inspection was completed on June 13, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the

requested severance regarding file B26-2024 and associated minor variances within application A28-2024 subject to the conditions in Appendix A. The supported severance would facilitate the creation of a residential lot in a residential neighbourhood. For the reasons discussed above, the consent application satisfies Section 51 (24) and the minor variance application satisfies Section 45 (1) of the *Planning Act*, and Staff recommends approval of both applications.

Mila Masic

Mila Masic,
Development Planner

Sean House

Sean House, MCIP RPP,
Senior Project Manager

Appendix A – Conditions of Consent

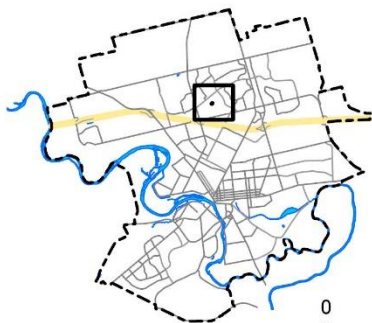
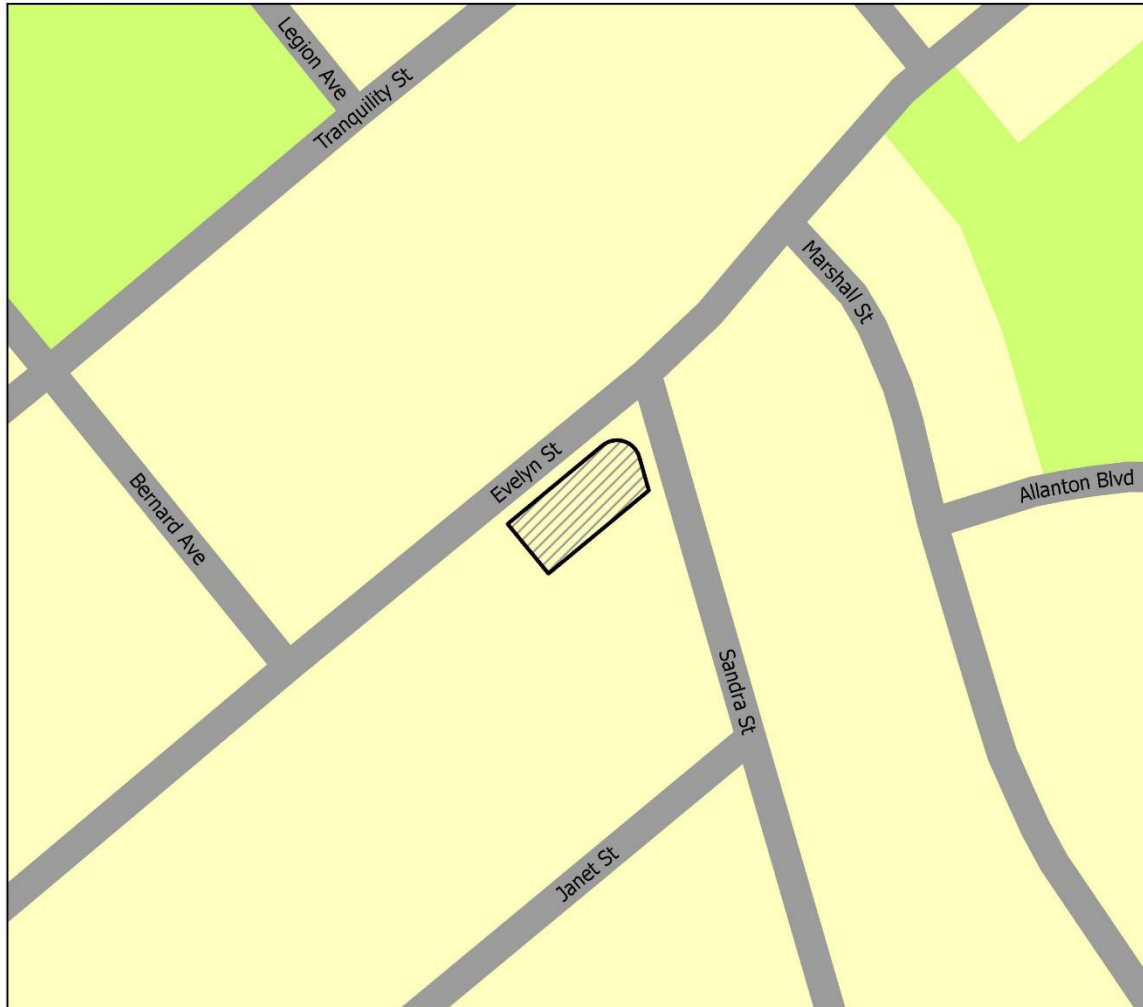
1. Receipt of a registered Reference Plan showing the severed and retained parcels.
2. Receipt and confirmation that Minor Variance Application A28-2024 receives final and binding approval and is in full force and effect;
3. Receipt of payment for cash-in-lieu of parkland (amount to be determined in accordance with City of Brantford By-law 139-2022).
4. Receipt of confirmation that all taxes are paid up to date.
5. 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).
6. 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.
7. 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.
8. 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.
9. The Owner/Applicant shall provide a Servicing 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. The Servicing Plan shall indicate that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection to a legal outlet and that these services do not cross the proposed severance line(s) and are connected directly to City infrastructure.
10. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to a legal outlet for each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.

-
11. 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.
 12. That the existing deck attached to the house on the lands to be retained be removed or altered to meet the requirements of the Zoning By-law.
 13. That the existing deck resting on the severance line be removed to meet the requirements of the Zoning By-law.
 14. That the existing shed on the severed lands be removed or relocated to the satisfaction of the Building Department.
 15. That the above conditions are fulfilled and the Certificate of Consent be issued on or before **July 3, 2026**, after which time the consent will lapse.

Appendix B – Official Plan Designation

OFFICIAL PLAN EXCERPT MAP

Application: B26-2024 & A28-2024
64 Sandra 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

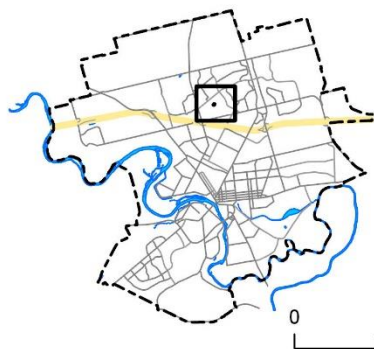


0 40 80 Metres

Appendix C – Zoning

ZONING MAP

Application: B26-2024 & A28-2024
64 Sandra Street



Zoning

- Subject Land
- Zoning

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

