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Date August 7, 2024 **Report No.** 2024-474
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. B28 2024
Agent JH Cohoon Engineering Limited
Applicant/Owner Estate of Ken & Sylvia Lawrence
Location 64 & 64 ½ Cumberland Street (Ward 4)

3.0 Recommendation

- A. THAT Consent application B28-2024 requesting to sever a parcel of land with an area of 291.42 m² from the subject property municipally addressed as 64 & 64 ½ Cumberland Street, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-474 as **Appendix A**;
- B. THAT the reason(s) for approval of B28-2024 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 2024-474.”

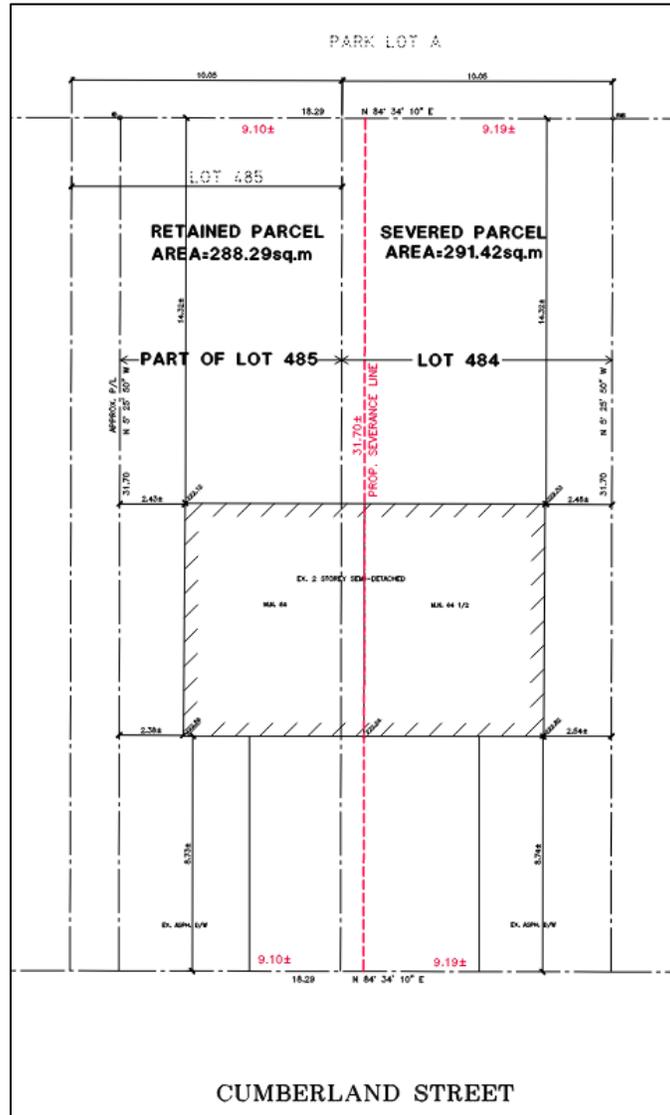
4.0 Purpose and Description of Applications

A Consent application for the property municipally described as 64 & 64 ½ Cumberland Street has been received. The dimensions of both the severed and retained lots are described in **Table 1**. The purpose of this application is to sever the existing semi-detached dwelling into two (2) separately conveyable units, as shown in **Figure 1**. The application maintains the existing driveway accesses from Cumberland Street for each lot.

Table 1 - Lot Dimensions

	Required (R2 Zone)	Retained Lot	Severed Lot
Lot Area (minimum)	275 m ² /unit	288.29m ² (Complies)	291.42 m ² (Complies)
Lot Width (minimum)	9 m/unit	9.10 m (Complies)	9.19 m (Complies)

Figure 1 - Severance Sketch (full plan attached as Appendix B)



5.0 Site Features

The subject property is approximately 600 m² (6,458 sq ft.) in area and contains the existing semi-detached dwelling, as shown in **Figure 2** and **Figure 3** below. The lands are legally described as Lot 484 and Part of Lot 485 on Plan 368. The proposed severed parcel will contain the easterly unit (64 ½ Cumberland Street) and will be approximately 291.42 m² (3,137 sq. ft.) in area. The retained parcel will be 288.29 m² (3,103 sq. ft.) in area and contain the westerly unit (64 Cumberland Street). The following is a description of the land use surrounding the subject lands.

North	Single detached dwellings, street townhouse dwellings
South	Single detached , semi-detached dwellings, triplex dwellings.
East	Single detached dwellings.
West	Single detached dwellings , semi detached dwellings

Figure 2 – Site Photo



Figure 3 – Aerial Photo



6.0 Input from Other Sources

This application was circulated to all applicable departments and agencies on June 25, 2024. Several departments provided conditions, as shown in **Appendix A**, and no objections were received.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

The subject lands are designated “Residential” in the Official Plan and zoned “Residential Type 2 Zone (R2)” in Zoning By-law 160-90, as shown in **Appendix C** and **Appendix D**, 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 **Table 2** 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	<p>The subject lands are designated “Residential” which permits a wide range of residential dwelling types including semi-detached dwellings.</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"> <i>g) 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> <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>The proposed severance application satisfies the general intent of the Official Plan regarding the division of land through a consent application.</p>

Criteria for Considering a Consent Application	Discussion
2. The dimensions and shapes of the proposed lot	The subject lands are zoned "Residential Type 2 (R2) Zone". The dimensions and lot area of the retained and severed lot satisfy the provisions in the R1A-2 Zone, as shown in Table 1 .
3. The adequacy of utilities and municipal services	Both the retained and severed parcels will have frontage on a municipal roadway and have access to municipal services and utilities.

7.2 Conclusion

A site inspection was completed on July 18, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested severance regarding File B28-2024 subject to the conditions in **Appendix A**. The supported consent application would separate ownership of an existing semi-detached dwelling and all associated yards and allow for the conveyance of each unit. The application is in keeping with the vision of the Official Plan and provisions in the Zoning By-law. For the reasons discussed above, the consent application satisfies Section 51(24) of the *Planning Act*, and Staff recommends approval.

Noor Hermiz

Prepared by: Noor Hermiz
Intermediate Development Planner, Development Planning
Prepared in: July 2024



Reviewed By: Sean House, MCIP RPP,
Senior Project Manager, Development Planning

Attachments:

Appendix A – Conditions of Consent

Appendix B – Severance Sketch

Appendix C – Official Plan

Appendix D – Zoning By-law