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**Date:** September 4, 2024

**To:** Committee of Adjustment

**From:** Dora Pripon  
Development Planner

**Re:** Change of Conditions – B35-2022, B36-2022 & A31-2022 –  
251 and 259 Memorial Drive

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## 1.0 Recommendation

- A. THAT the conditions of consent listed in **Appendix A2** in Report 2022-642 previously adopted on October 5, 2022, BE AMENDED to include the following new condition and the renumbering of condition 11 as such:
- “11. The Owner/Applicant shall provide confirmation from the mortgage lender that partial discharge of the mortgage on the 41 m<sup>2</sup> parcel from the frontage of 259 Memorial Drive proposed to be severed and transferred to 251 Memorial Drive, is acceptable.”, and,
- “12. That the above conditions be fulfilled and the Certificate of Consent be issued on or before September 4, 2026, after which time the consent will lapse.”.
- B. THAT the Change of Condition as herein granted be deemed minor requiring no further written notice pursuant to Section 53(26) of the *Planning Act*.

## 2.0 Purpose and Description

The purpose of this memo is to request the addition of a new condition of consent for a partial discharge of a mortgage for the lands municipally addressed as 251 Memorial Drive and 259 Memorial Drive. This condition was not previously identified as a requirement in **Appendix A2** in Report 2022-642.

For context, consents and minor variance applications were received and approved for the subject lands in 2022 (File No. B35-2022, B36-2022 and A31-2022). The applicant proposed to sever 496 m<sup>2</sup> from 251 Memorial Drive to create a new residential lot. To facilitate the new lot creation, a boundary adjustment was proposed to transfer 41 m<sup>2</sup> from the frontage of 259 Memorial Drive to 251 Memorial Drive and transfer 2 m<sup>2</sup> from the rear of 251 Memorial Drive to 259 Memorial Drive.

To facilitate the consent application, a minor variance was also approved to provide relief from the following sections of Zoning By-law 160-90 for the severed lot:

- Section 7.2.2.1.1 to permit a lot area of 535 m<sup>2</sup>, whereas a minimum of 550 m<sup>2</sup> is required; and,
- Section 7.2.2.1.2 to permit a lot width of 15.8 m, whereas a minimum of 18 m is required.

The 41 m<sup>2</sup> piece of land that was proposed to get transferred from 259 Memorial Drive to 251 Memorial Drive (File No. B36-2022) currently has a mortgage registered on title as a result of the mortgage currently placed on the 259 Memorial Drive property. In order to satisfy the conditions of consent approved by the City, a discharge of the mortgage is necessary to release the mortgage from this portion of the subject lands.

### 3.0 Conclusion

It is Planning Staff's opinion that the above request is necessary and reasonable to address external mortgage logistical requirements and has regard for Section 51 (24) of the *Planning Act* concerning the criteria for consent applications. Planning Staff support the requested change to the conditions of Consent.



Prepared by:

Dora Pripon

Development Planner



Sean House

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Reviewed by:  
Sean House, MCIP, RPP  
Senior Project Manager

#### Attachments

Staff Report 2022-642  
Preliminary Reference Plan