



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

Date October 5, 2022 **Report No.** 2022-642
To Chair and Members
City of Brantford Committee of Adjustment
From Sarah Hague
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

APPLICATION NO. B35/2022, B36/2022 & A31/2022
AGENT Ennio Cupoli
APPLICANT/OWNER Ennio and Tamara Cupoli (251 Memorial Drive)
Kevin & Courtney Barnes (259 Memorial Drive)
LOCATION 251 and 259 Memorial Drive

3.0 Recommendation

- A. THAT Application B35/2022 to sever a parcel of land from the northwestern portion of the lands municipally addressed as 251 Memorial Drive, having a lot area of 496 m², and to retain a parcel of land having a lot area of 714 m², BE APPROVED, subject to the conditions attached is **Appendix A1** to Report 2022-642;
- B. THAT Application B36/2022 to sever a 41 m² parcel of land from the frontage of 259 Memorial Drive to be transferred to the neighbouring

proposed severed lot from 251 Memorial Drive, and to sever a 2 m² parcel of land from the rear of the proposed severed lot from 251 Memorial Drive to be transferred to neighbouring property 259 Memorial Drive for the purposes of a lot boundary adjustment BE APPROVED, subject to the conditions attached as **Appendix A2** to Report 2022-642;

- C. THAT the reason(s) for approval are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is 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 of the policies of the Official Plan and Zoning By-law, specifically Section 9.3 (g – i) of the Official Plan respecting consent applications within the City of Brantford and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement;
- D. THAT Application A31/2022 requesting relief from 7.2.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 535 m² for the proposed severed lot, whereas a minimum lot area of 550 m² is required, and Section 7.2.2.1.2 to permit a minimum lot width of 15.8 m for the proposed severed lot, whereas a minimum lot width of 18.0 m is required, BE APPROVED;
- E. THAT the reason(s) for approval are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and,
- F. THAT pursuant to Section 53(17) – (18.2) and Section 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 No. 2022-642”.

4.0 Purpose and Description of Applications

Consent and minor variance applications have been received for the properties municipally addressed as 251 and 259 Memorial Drive. A location map and severance sketch illustrating the applications are attached as **Appendices B** and **C**. The applicant is proposing to sever 496 m² from 251 Memorial Drive to create a new residential lot. To facilitate the new lot, a boundary adjustment to

add 39 m² of land from 259 Memorial Drive is also proposed. The proposed lot dimensions are detailed below:

	<i>251 Memorial (Part 1 on sketch)</i>	<i>Severed Lot (Parts 2 & 4 on sketch)</i>	<i>259 Memorial (Parts 3 & 5 on sketch)</i>
Lot Width	20.85 m	15.81 m	18.61 m
Lot Area	714 m ²	537 m ²	565 m ²

To facilitate the consent application, a minor variance is required 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 m², whereas a minimum of 550 m² 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 lands at 251 Memorial Drive were subject to previous consent and minor variance applications (B11/2017 and A08/2017) for a similar proposal which was ultimately refused. An analysis of those applications and how the proposal and policy have changed since 2017 is discussed further in Section 7.4.1 of this Report.

5.0 Site Features

The subject lands are located on the east side of Memorial Drive, north of Kensington Avenue and south of Skylark Road. 251 Memorial is currently occupied by a single detached dwelling and a detached accessory structure, and 259 Memorial contains a single detached dwelling. The surrounding lands are developed predominantly with single detached dwellings, which are located to the north, south, east and west of the subject lands. Also in close proximity to the subject property is Royal Oak Park. An aerial photo and site photographs and land use map are attached as **Appendices D and E**.

6.0 Input from Other Sources

6.1 Technical Comments

The applications were circulated to all appropriate departments and agencies: no objections were received. Detailed comments from the

Building, Development Engineering, and Environmental Services
Departments are attached in **Appendix F, G and H.**

6.2 Public Response

Notice of public hearing was issued by personal mail (36 notices) and by posting 2 signs on-site. A plan illustrating the notification area is attached as **Appendix I**. At the time of writing this Report, comments were received from one neighbour objecting to the applications due to the proposed size of the lot. The detailed comments are attached as **Appendix J**. A detailed analysis of the size of the proposed lot is further discussed in Section 7.4 of this Report.

6.3 Grand River Notification

Notice of the public meeting was issued to representatives of the Six Nations of the Grand River and the Mississaugas of the Credit First Nation, with no response received to date.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Applications B35/2022, B26/2022 & A31/2022 were reviewed in the context of Provincial Policy, including the Provincial Policy Statement (2020) (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario's long term prosperity, environmental health and social well-being depends on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. As the proposed infill development supports gentle intensification within an established neighbourhood, Planning Staff is of the opinion that the proposed consent and minor variance applications are consistent with the direction set out in the PPS and conforms to the Growth Plan.

7.2 City of Brantford Official Plan (Envisioning our City: 2051)

The subject lands are designated “Residential” on Schedule 3 of the Official Plan (see **Appendix K**). This designation permits a full range of residential dwelling types and accessory buildings, including single detached dwellings, as well as supporting land uses intended to serve local residents. Section 9.3 (g – i) of the Official Plan outlines when consent to sever should be granted, which includes when a Plan of Subdivision is deemed unnecessary and the application conforms to the policies of the Official Plan, no more than three (3) new lots are being created, and all lots have frontage on a municipal road and do not require municipal services to be extended.

Section 4.3 (c)(iii) of the Official Plan states that intensification in these areas “ may be limited, while those areas continue to evolve. Their contribution to the intensification target will be primarily compatible infill development on vacant lots and underutilized lands, the adaptive reuse or expansion of existing buildings, and the establishment of additional residential units in existing homes and accessory buildings”. The subject applications conform to the policies set out in the Official Plan, which is discussed further in Section 7.4 of this Report.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned “Residential Type 1 A (18 metre) Zone (R1A)” in Zoning By-law 160-90 (see **Appendix L**). The R1A Zone permits single detached, bed and breakfast establishments, day nurseries, home occupations, min-group homes, and accessory uses and buildings. Aside from the requested relief for lot area and lot width for the proposed lot, the proposed and retained lots will continue to satisfy all zoning requirements of the R1A Zone.

7.4 Planning Analysis

7.4.1 Previous Applications and new Policy Context

The lands at 251 Memorial Drive were subject to previous consent and minor variance applications (B11/2017 and A08/2017) for a similar proposal. The applicant was proposing the creation of a new lot with a lot area of 474 m² and a lot width of 13.5 m, with a retained parcel with a lot width of 20.8 m and lot area of 731.1 m². The consent and minor variances were

supported by Staff but refused by the Committee of Adjustment. The decision was then appealed by the owner to the Ontario Municipal Board (OMB) (OMB Case Number PL170751), now known as the Ontario Land Tribunal (OLT). The OMB ultimately dismissed the appeals, but stated that if the proposal was adjusted to be more in keeping with the zoning by-law and more similar to other parcels in the surrounding area (in terms of lot width and lot area), that granting provisional consent would be appropriate. The final decision to dismiss the appeals was due to the fact that the proposal was not in keeping with the purpose and intent of the Official Plan. While the OMB decision stated that the proposal did conform to the intensification policies, it failed to meet the Official Plan policies that required the size and shape of the proposed severed lot to conform to the Zoning By-law and be compatible with adjacent lots, so as not to create an undersized lot.

In August 2021, the new Official Plan (Envisioning our City: 2051) came into force and effect, which replaced the form Official Plan that was in place at the time of the original applications in 2017. The new Official Plan places much more focus on intensification and infill and does not include the specific policies that the original applications were deemed not to meet. Additionally, as a response to the Ontario housing crisis, the Province's newly formed Housing Affordability Task Force released a report in February 2022 which identified intensification within existing built-up areas of municipalities as one of the most important residential housing priorities. With this new focus on infill in mind, the applicant has reapplied for the consent but has amended their 2017 applications to include a boundary adjustment with 259 Memorial Drive which would result in a larger lot width and lot area if approved. As such, the necessary variances have been significantly reduced from the original proposal in 2017 (lot area deficiency of 13 m² compared to 74 m² and a lot width deficiency of 2.2 m compared to 4.5 m).

7.4.2 Site Plan Control

The current Site Plan Control By-law (By-law 90-2018) requires all lots created through consent be subject to Site Plan Control. For Committee's information, Planning Staff prepared an

Information Update for Members of Council on September 12, 2022 (PLSP2022-013, attached as **Appendix M**) which outlines the streamlining efforts underway as per the Streamlining the Development Approvals Process (DAP) Review. One such streamlining endeavor includes a recommendation to amend the Site Plan Control By-law to remove the requirement for all lots created through consent to be automatically subject to Site Plan Control. A formal Staff Report is expected to be presented to Council in December 2022. If approved, lots created through consent, including this application, will not be subject to Site Plan Control, unless otherwise identified.

7.4.3 Consents

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 also lists criteria for the subdivision of land and stipulates when consents are appropriate which includes when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan, no more than three new lots are being created and all lots have frontage on a municipal road and do not require that municipal services be extended, and for the creation easements, boundary adjustments, rights-of-way, lot additions and long-term leases.

The proposed consent applications are for the purpose of creating one new residential lot through a severance and boundary adjustment. Both the severed and retained parcels will have frontage on a municipal roadway, not require the extension of municipal services, and can adequately accommodate a single detached dwelling. The adjacent residential lands are already developed and the creation of this new lot will not restrict the development of any adjacent property. The size and shape of the lots will be of similar size and are comparable to those within the

surrounding neighbourhood. Any redevelopment of this site will be subject to all City requirements.

Planning Staff have given regard to Section 51(24) of the *Planning Act* and are satisfied that the applications are desirable and compatible with the surrounding area and will not result in any adverse impacts on surrounding properties. Planning Staff are of the opinion that the subject consent applications are consistent with Section 51 (24) of the *Planning Act* and conform to the Official Plan and therefore should be approved.

7.4.4 Minor Variance

The subject property is zoned “Residential Type 1A” (R1A) Zone in Zoning Bylaw 160-90. In regards to the consent applications, the Applicant is proposing to create a lot with a 15.8 m lot width and an area of 537 m². The retained lands on 251 Memorial will have a lot width of 20.85 m and a lot area of 714 m², and lands municipally known as 259 Memorial Drive will have a proposed lot width of 18.6 m and a lot area of 565 m². The retained lots as proposed conform to the minimum requirements of Zoning By-law 160-90, whereas the severed lot is deficient. As such, the applicant has applied for a minor variance to permit a reduction in the minimum lot area and minimum lot width for the proposed new lot.

The R1A zone requires a minimum lot area of 550 m² and minimum lot width of 18.0 m for single detached dwellings. As shown on **Appendix L**, the lands across the road and to the north are zoned R1B which only requires a minimum lot area of 450 m² and minimum lot width of 15.0 m for single detached dwellings. As such, there is a range and mix of lot widths and areas in the neighbourhood, with the smallest lot width being 15.24 m and the smallest lot area being 476.4 m², as shown on **Appendix N**. The severed lot proposes a lot width of 15.81 m and lot area of 537 m² which is in keeping with the lots in the vicinity, would meet the requirements of the R1B zone, and is only slightly deficient from the requirements of the R1A zone (lot area deficiency of 13 m² and a lot width deficiency of 2.2 m).

Minor variance applications must be evaluated in the context of Section 45(1) of the *Planning Act*. When evaluating the merits of

a minor variance application, the Committee of Adjustment must be satisfied that four tests have been met. In order to be recommended for approval, a minor variance must maintain the general intent and purpose of the Official Plan and Zoning By-law, be minor in nature, and desirable for the appropriate development and use of the land.

The surrounding neighbourhood contains a mix of single detached, which are situated on different size lots and configurations. The adjacent properties fronting onto Memorial Drive range in size and shape. Within the immediate area, the properties are zoned R1A and R1B. The R1B Zone requires a minimum lot area of 450 m² and a minimum lot width of 15.0 m. As illustrated in **Appendix N**, the proposed new lot will be of a similar size and even larger than some of the properties in the neighbourhood. The proposed new lot along Memorial Drive would not be out of character and would be consistent with the lot fabric in the surrounding neighbourhood.

It is the opinion of Planning Staff that the minor variances requested for a decreased lot area from 550 m² to 537 m² and a decreased lot width from 18.0 m to 15.8 m for the severed lot are minor in nature as the lot will still be able to accommodate adequate a single detached dwelling and the required setbacks, landscaping, amenity space, vehicle access and parking, and snow storage. Additionally, the proposed severed lot is of similar width and area to other lots in the neighbourhood. The minor variances are desirable for the appropriate development and use of the land, as it will not result in adverse impacts or restrict development of any adjacent property and will allow for the creation of an additional dwelling unit on underutilized land.

The minor variances meet the general intent and propose of Zoning By-law 160-90 and the Official Plan as the proposed single detached dwelling is a permitted use, meets all other provisions of the Zoning By-law and official Plan, and will contribute to gentle intensification of the neighbourhood. The proposed lot dimensions are similar to others found in the area so Staff is of the opinion that the proposal is consistent with the existing character of the neighbourhood. Based upon the

forgoing, Staff are of the opinion that the proposed minor variance meets the four tests of Section 45(1) of the *Planning Act*.

7.5 Conclusion

A site inspection was completed on July 23, 2022. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the applications. Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The proposal will contribute to a broad range of housing options in Brantford in accordance with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan.

It is Planning Staff's opinion that the variances satisfy the four tests as defined under the *Planning Act*. The application is minor in nature, appropriate for the development and use of the lands, and meets the intent of the Zoning By-law and Official Plan. Planning Staff recommend that applications B35/2022, B36/2022 and A28/2022 be approved, subject to the attached conditions.



Prepared by: Sarah Hague
Planner, Development Planning
Prepared on: September 27, 2022



Reviewed By: Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A1 – Conditions of Consent B35/2022

Subject to the following conditions:

1. Receipt of confirmation that Application A31/2022 receives final and binding approval and is in full force and effect.
2. Receipt of a registered reference plan showing the severed, retained and receiving lands;
3. Receipt of confirmation that all taxes are paid up to date;
4. 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);
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 Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
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. The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate, indicating that the severed and retained parcels have been independently serviced and that these services do not cross the proposed severance lines and are connected directly to City infrastructure.
9. The Owner/Applicant shall be responsible, financial and otherwise, to provide municipal service connections to 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.
10. The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.
11. Receipt of confirmation that the deck located on the retained parcel be demolished or otherwise removed to the satisfaction of the Chief Building Official;
12. Receipt of confirmation from the Chief Building Official or his/her designate, spatial separation calculations for the existing building faces adjacent to a proposed property line for both the existing dwellings at 251 and 259 Memorial Dr.

-
13. Receipt of confirmation from the Chief Building Official or his/her designate, that lot coverage calculations for the retained lots for 251 and 259 Memorial Drive have been received and are in keeping with the provisions of the Zoning By-law
 14. Receipt of payment for cash in lieu of parkland (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018);
 15. That the above conditions be fulfilled and the Certificate of Consent be issued on or before October 6, 2024, after which time the consent will lapse.

Appendix A2 – Conditions of Consent B36/2022

Subject to the following conditions:

1. Receipt of confirmation that Application A31/2022 receives final and binding approval and is in full force and effect
2. Receipt of a registered reference plan showing the severed, retained and receiving lands;
3. Receipt of confirmation that all taxes are paid up to date;
4. 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);
5. Receipt of acknowledgement that Section 50(3) or 50(5) of the *Planning Act* shall apply to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent;
6. Receipt of an Undertaking from the Solicitor acting in the transfer confirming that the 39 m² of severed lands from 259 Memorial Drive will be merged in title with the new severed lot, and 2 m² of severed land from the new severed lot will be merged in title with the property municipally addressed as 259 Memorial Drive;
7. 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.
8. The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering 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 be responsible, financial and otherwise, to provide sanitary and storm sewer connections to 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.
10. The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.
11. That the above conditions be fulfilled and the Certificate of Consent be issued on or before October 6, 2024, after which time the consent will lapse.

Appendix B – Location Map

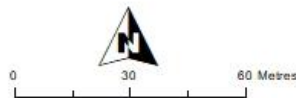
LOCATION MAP

Application: B35/2022, B36/2022 & A31/2022
251 & 259 Memorial Drive

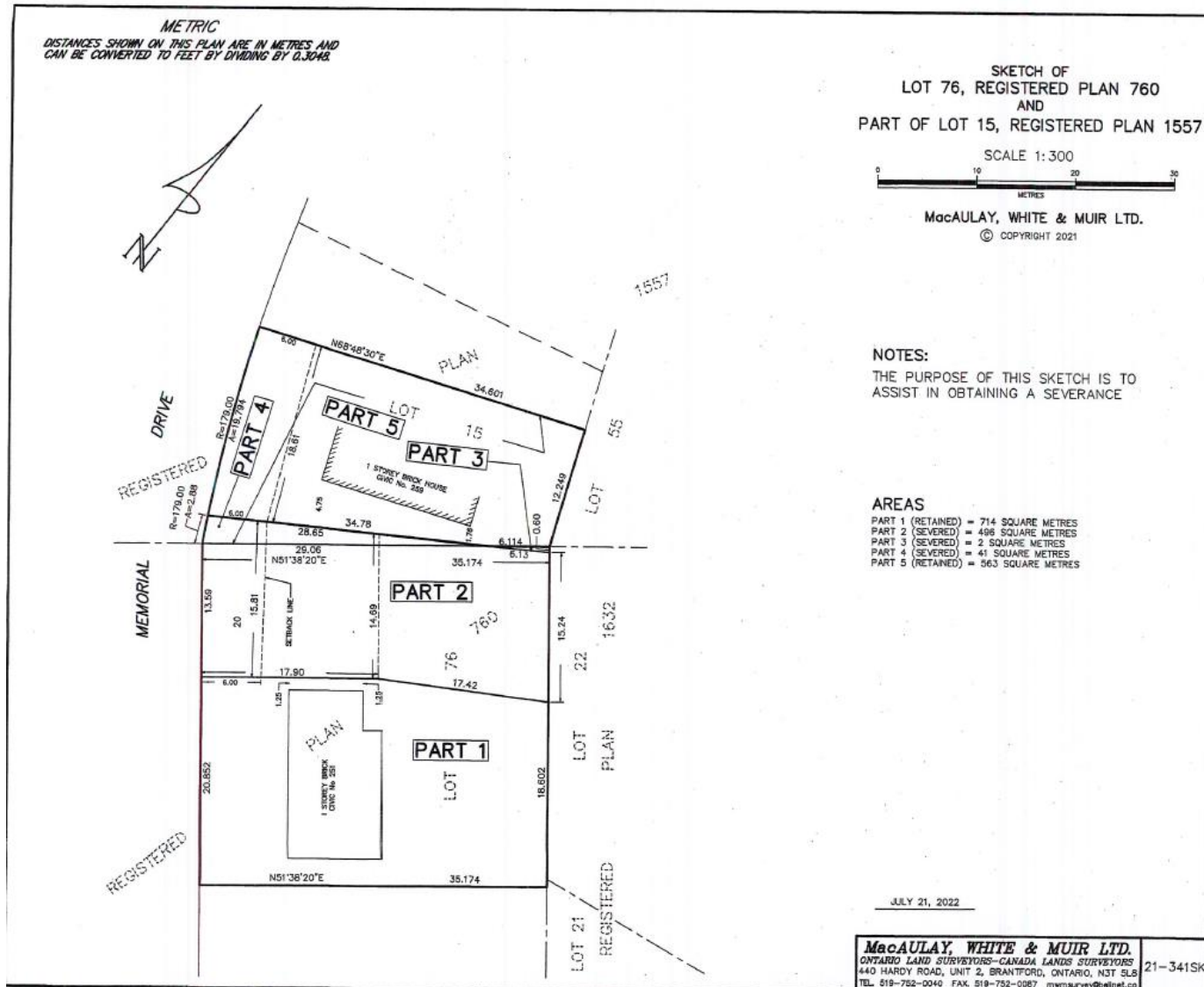


Legend

 SUBJECT LANDS



Appendix C – Consent Sketch




Appendix D – Aerial Photo

AERIAL PHOTO

Application: B35/2022, B36/2022 & A31/2022
251 & 259 Memorial Drive



Legend

 Subject Lands

Aerial Photo from spring 2021



Appendix E – Site Photos



Photo 1: View of the subject lands from Memorial Drive.



Photo 2: View of the proposed severed lot looking east.



Photo 3: View of the proposed boundary adjustment from 259 Memorial Drive to 251 Memorial Drive

Appendix F – Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/>	MINOR VARIANCE	<input checked="" type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/>	SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N^o A31-2022, B35-2022, B36-2022

ITE: **251 & 259 Memorial Dr**

APPLICANT: **Ennio Cupoli**

COMMENTS:

BYLAW: 160-90 **ZONE:** R1A

- Conditions of severance: Spatial separation calculations for the existing building faces adjacent to a proposed property line for both the existing dwellings at 251 and 259 Memorial Dr.
- Lot coverage calculations for the retained lots for 251 and 259 Memorial Drive required (maximum 35%).
- Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may be applicable to any new development.

Julie Facey-Crowther
Plan Examiner

1-Sept-2022
Date

Appendix G – Development Engineering Comments

Location: 251 & 259 Memorial Drive
App. #: B35/2022
Date: September, 2022
Reviewer: Priya Gita, C.Tech.

Committee of Adjustment

Development Engineering Severance Application Comments

Conditions

- 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.
- 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.
- 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.
- The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate, indicating that the severed and retained parcels have been independently serviced and that these services do not cross the proposed severance lines and are connected directly to City infrastructure.
- The Owner/Applicant shall be responsible, financial and otherwise, to provide municipal service connections to 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.
- The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.

General Information

- A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 28-2011. This Permit is administered by the Cities Development Engineering Department.
- A Right of Way Activity Permit will be required for any access/driveway activity, any proposed excavation activity within the Right of Way and any occupancy activity within the Right of Way. This Permit is administered by the Cities Operational Services Department.
- A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections. This Permit is administered by the Cities Development Engineering Department.

A Water Connection Permit will be required for any proposed water service connections. This Permit is administered by the Cities Environmental Services Department.

Location: 251 & 259 Memorial Drive
App. #: B36/2022
Date: September, 2022
Reviewer: Priya Gita, C.Tech.

Committee of Adjustment

Development Engineering Severance & Minor Variance Application Comments

Conditions

- 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.
- The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate, indicating that the severed and retained parcels have been independently serviced and that these services do not cross the proposed severance line and are connected directly to City infrastructure.
- The Owner/Applicant shall be responsible, financial and otherwise, to provide municipal service connections to 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.
- The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.

General Information

- A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 28-2011. This Permit is administered by the Cities Development Engineering Department.
- A Right of Way Activity Permit will be required for any access/driveway activity, any proposed excavation activity within the Right of Way and any occupancy activity within the Right of Way. This Permit is administered by the Cities Operational Services Department.
- A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections. This Permit is administered by the Cities Development Engineering Department.
- A Water Connection Permit will be required for any proposed water service connections. This Permit is administered by the Cities Environmental Services Department.

Location: 251 & 259 Memorial Drive
App. #: A31/2022
Date: September, 2022
Reviewer: Priya Gita, C.Tech.

|



Committee of Adjustment

Development Engineering Minor Variance Application Comments

Conditions

- No comments.

Appendix H – Environmental Services



August 25, 2022

Environmental Services

Attention: Sarah Hague, Planner

RE: B35-2022, B36-2022 and A31-2022— 251 & 259 Memorial Drive — Consent and Minor Variance Applications

I reviewed the subject noted applications and associated documents—as prepared by Ennio Cupoli—on behalf of Environmental Services and have no objections to the consent or minor variance applications; however, I would like to offer the following comments for Site Plan Control for the proposed severed lot development:

1. The City indicates that the proposed severed parcel is currently not serviced;
2. Only one (1) water service will be permitted to each property; the minimum permitted service size is 25 mm; the proposed building shall be serviced within the frontage of their respective property;
3. The Owner must provide a servicing plan of the severed lot for review, comment and approval prior to commencing any installations;
4. The Owner must obtain a Street Excavation Permit prior to commencing any work in the City's right-of-way;
5. The Owner must obtain a Water Service Connection Permit for each parcel and pay all applicable fees prior to commencing any work to connect water services to the City's main. The City will complete inspection of all connections to City watermains;
6. The City will complete the inspection of all watermains and appurtenances within each development; the Owner must pay the City's inspection time. The Owner will be required to pay a deposit for the inspections; once the final design is approved, the City will determine the estimated deposit;
7. The Development must be metered during construction; the Owner is responsible to pay the current fee per cubic metre for the quantity of water used;
8. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.

On behalf of Environmental Services—Solid Waste, I would like to offer the following solid waste management conditions:

9. The Owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy; and
10. The Owner is responsible for collection, haulage and disposal of all waste from the property until such time as the site is approved for collection services.

If you have any questions, please feel free to contact me directly.

Patricia McMullan, P.Eng
Environmental Services Technologist
PMcMullan@brantford.ca

Appendix I – Public Comments

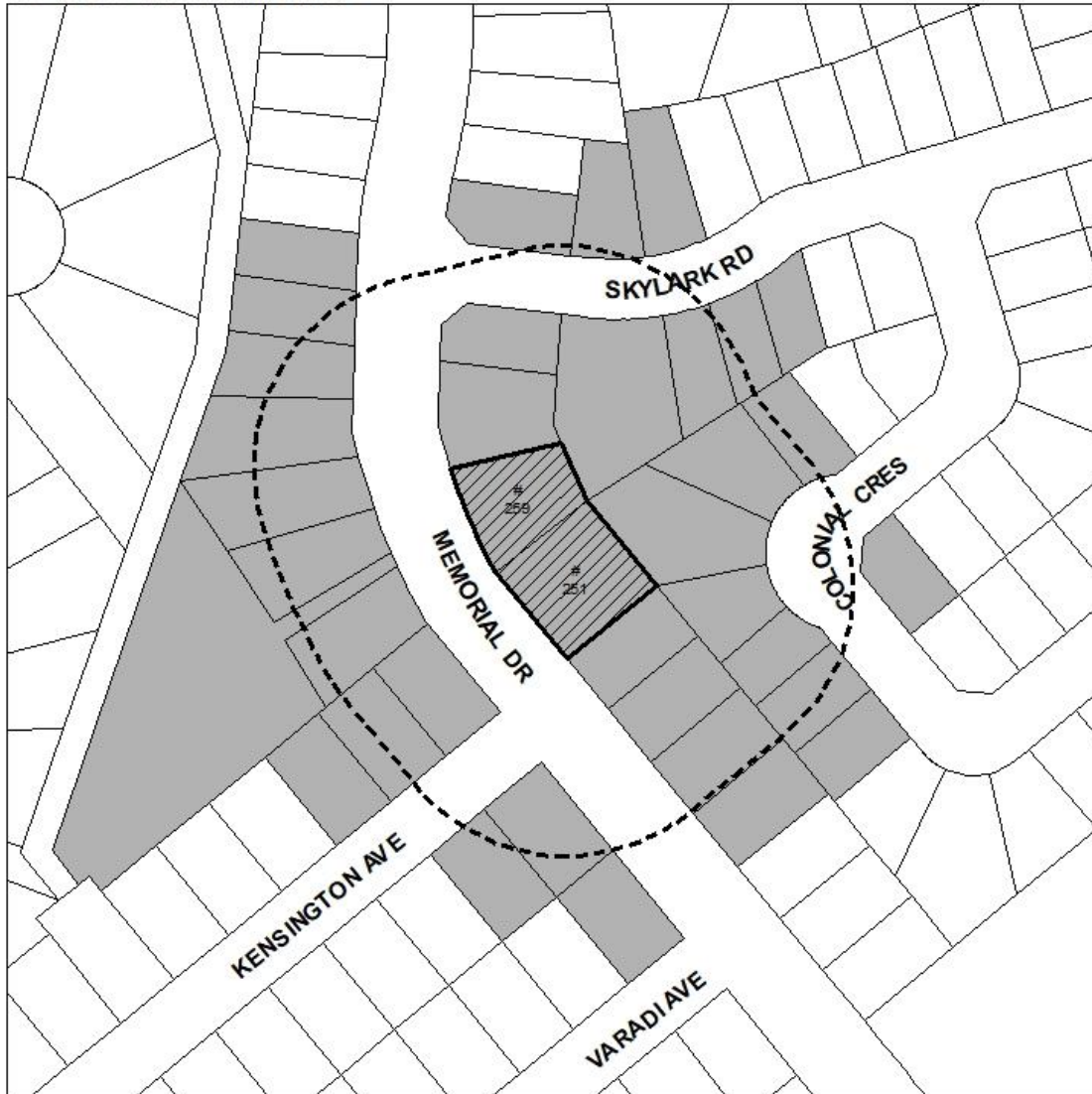
Good Morning, this email is in reference to a letter I received the other day, file number A31/2022, B35/2022 & B36/2022 . This application was sent to us a couple of years ago or longer and it was not passed then because people didn't want a house built at that time as it would have looked terrible on such a small lot. So what has changed? My husband and I strongly oppose this proposal and do not want this application to be accepted and do not want a house built on this property. We cannot attend the public hearing so this is our statement . I also wish to be notified of the final decision .

Thank you Frank and Susan Bieniek
50 Skylark Road Brantford.

Appendix J – Area of Public Notification

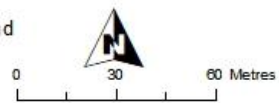
AREA OF PUBLIC NOTIFICATION

Application: B35/2022, B36/2022 & A31/2022
251 & 259 Memorial Drive



Legend

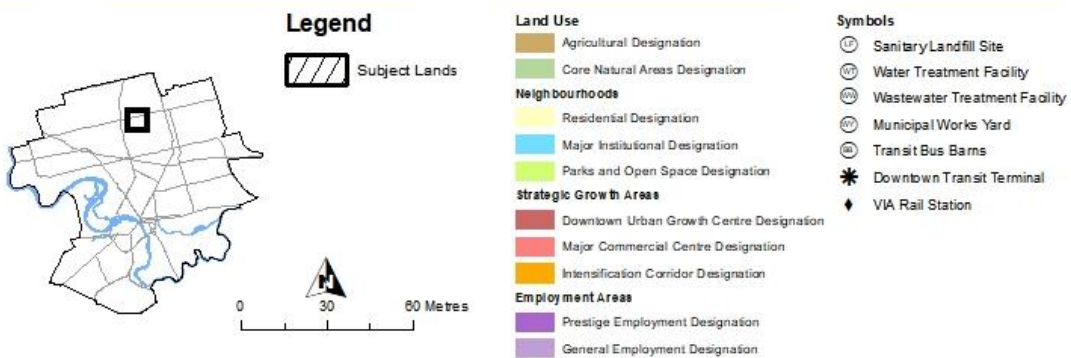
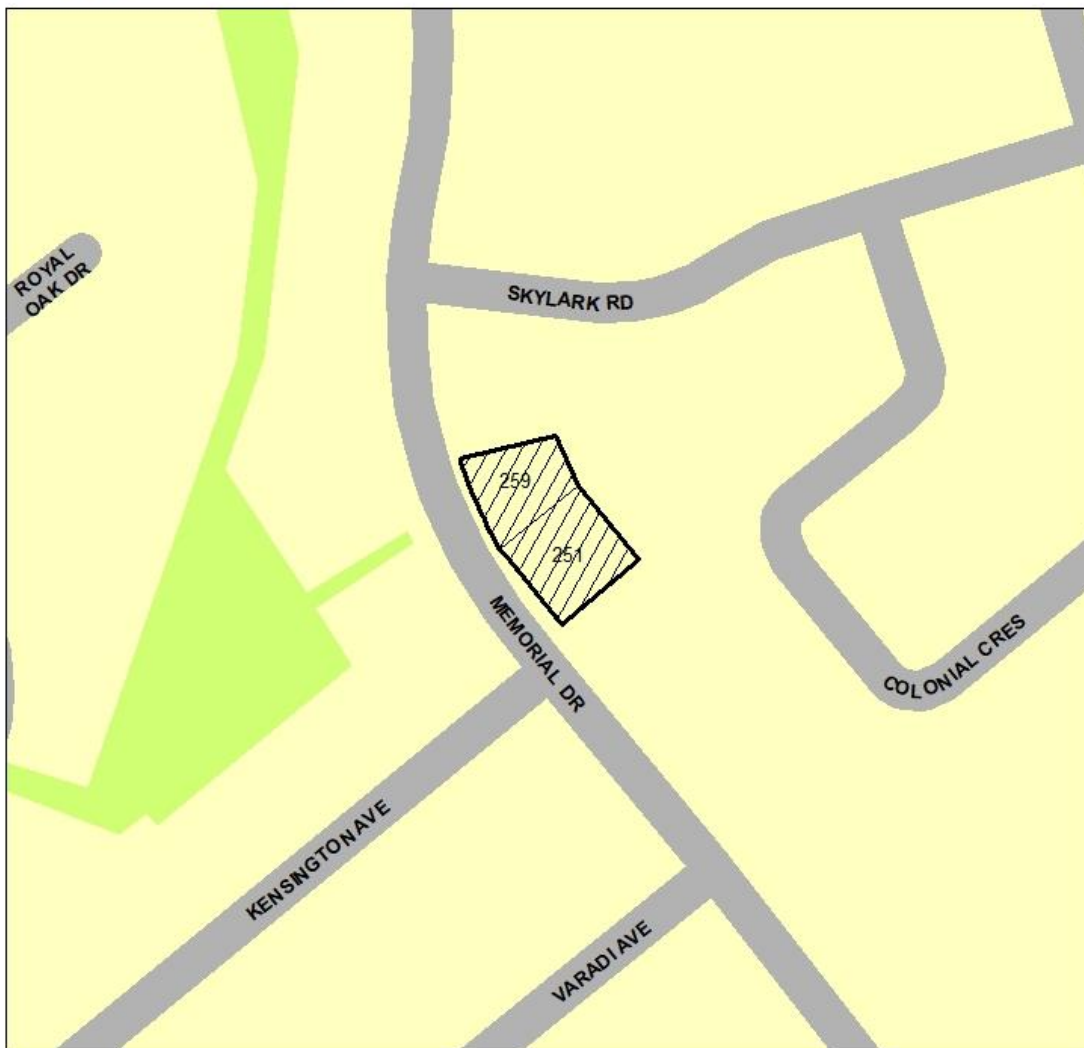
-  Subject Lands
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix K - Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B35/2022, B36/2022 & A31/2022
 251 & 259 Memorial Drive



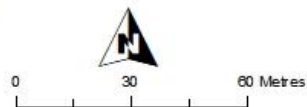
Appendix L – Zoning

ZONING

Application: B35/2022, B36/2022 & A31/2022
251 & 259 Memorial Drive



Legend
Subject Lands
Zone Boundary



ZONING (Bylaw 160-90) and County of Brant(61-16)
R1A Residential Type 1A (18 metre)
R1B Residential Type 1B (15 metre)
I2 Institutional School
OS1 Open Space Type 1
- # Exception Number

Appendix M – Information Update PLSP2022-013




Information Update

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

To Mayor Davis and Members of Council
Date September 12, 2022
From Heidi de Vries, General Manager, People, Legislated Services & Planning

Number: PLSP2022-013
Ward Affected: City - wide
Subject: Streamlining the Development Approvals Process (DAP) – Status Update



The purpose of this update is to provide Council with information on the status of the Streamlining the Development Approvals Process (DAP). Council established a Building Construction Process Review Task Force (Task Force). The mandate of the Task Force is to review the development, building, and construction processes and provide recommendations for improvements to Council. Since established by Council, the Task Force and staff have brought forward several improvements to streamline development approvals.

In 2021 Performance Concepts Inc. was retained by the City to conduct an analysis of the Development Approvals Process (DAP). This involved reviewing the development process from application pre-consultation to the final issuance of building permits. The final DAP report, builds on the previous work conducted by KPMG in 2020 and outlines detailed recommendations to improve service delivery based on the initial KPMG findings.

Performance Concepts presented the final DAP Review and Technology Modernization Report to the Building and Construction Task Force in November, 2021, which included a total of thirty seven (37) "Do Now", "Do Soon" and "Do Later" recommendations.

In January 2022, staff presented the Task Force with an implementation plan and road map to put into practice the twenty three (23) "Do Now" recommendations outlined in

the final DAP report, which has been the main focus of the city's efforts over the last year to improve processes across multiple departments that support development approvals.

Highlights of this work include;

- Corporate Restructuring – New Planning and Development Services Department which includes Development Planning, Long Range Planning and Development Engineering.
- Added 4 new staff in Planning and 8 new staff in Development Engineering to support development approvals.
- Enhanced Delegated of Authority – 5 standard processes delegated to staff;
 - Removal of a Holding Provision;
 - Relief from Part Lot Control;
 - Determining Major vs. Minor Amendments to Draft Approved Plans of Subdivision;
 - Extension of the lapsing period for Draft Approved Plans of Subdivision and Condominium; and,
 - Condominium Exemptions
- Site Plan, Site Alteration and Security Release Processes Review underway
- Meetings with Development Community, Stakeholders, including Homebuilders, BREAs, and The Chamber of Commerce

Then, on January 19, 2022 Premier Doug Ford and Steve Clark, Minister of Municipal Affairs and Housing held the Ontario - Municipal Housing Affordability Summit with big city mayors and regional chairs to discuss the Ontario housing crisis and coordinate efforts to increase the supply of homes across the province. Mayor Kevin Davis attended the Summit on behalf of the City.

During the summit, Premier Ford announced more than \$45 million for a new Streamline Development Approval Fund to help Ontario's 39 largest municipalities modernize, streamline and accelerate processes for managing and approving housing applications.

The Province of Ontario has approved financial support to the City of Brantford through the Streamline Development Approval Fund. Under this program, the City is eligible to receive up to \$1,750,000 in funding to support DAP implementation projects and initiatives.

In total, the City submitted 12 projects/initiatives totaling an estimated \$1.67m in project costs which was approved by the Province on June 6, 2022.

The following is a list of on-going initiatives to improve DAP. These projects and initiatives are all underway, and most notably staff plan to launch Cloudpermit in the Building Department and Planning and Development Services in Q1 2023.

Highlights of this work:

- Cloudpermit – online application portal and e-permitting tool – planned to launch Q1 2023
- New micro website- focused on “Developing in Brantford” – one window guide/ resource for developing in Brantford.
- New guidance documents establishing standards for construction.
- Cost Sharing Agreements – to facilitate servicing in the expansion lands
- New Zoning Bylaw – to update and modernize zoning provisions
- Planning Committee Pilot – intended to provide greater opportunity to consider more applications per meeting.
- Temporary staff to support these initiatives – i.e. new support staff to clerk the Planning Committee meetings.

Consultation is a big part of these process improvements. As a City we need to ensure that our process work best for the customer (mainly the development community) and the City. As such, City staff has held a series of consultation workshops over the last 6 months with the development community, the Brantford Homebuilders Association and Brantford Real Estate Association (BREAA), focused on reviewing industry standards and experiences regarding the Site Plan and Site Alteration and security release processes in the City of Brantford.

Based on the feedback we heard as part of the consultation process, staff have already implemented a new formula for the calculation of site plan securities, and had planned to bring forward several additional recommendations to the Building and Construction Task Force at their meeting scheduled on September 16, 2022. Recommendations included streamlining the site plan process and removing the requirement that all lots created through consent are subject to Site Plan Control. This will decrease the number of mandatory applications for site plan control, allowing staff and the development community to focus on applications where there is a clear need for this level of oversight. However, due to the lack of quorum the meeting was cancelled.

The Building and Construction Task Force reports through the Committee of the Whole – Planning and Administration and Council. Given that Council is nearing the end of scheduled meetings as a result of the upcoming municipal election, the cancellation of the Task Force meeting will likely post-pone the consideration of these improvements until December. Staff will continue to work with the Clerk to reschedule the Task Force

meeting; however given the notice requirements and lack of available meeting dates, this may not be possible. Staff also plans to bring forward proposed amendments to the site alteration by-law and recommendations for surety bonds in addition to letters of credit in December 2022.

Overall, with respect to housing development, which is a key focus of the Province and City Council, Brantford continues to see significant growth with a steady increase in housing units approved since 2019;

- Reviewing residential Plans of Subdivision registered and draft approved between 2019 – 2022 (July) and recently approved Site Plan Control Applications approx. 3,630 units have been approved.
- Reviewing Building Permit Data of the approx. 3,630 units, roughly 1,050 still remain without permits (units “to be built”)
- Reviewing formal planning applications (Official Plan and Zoning By-law Amendments) between 2021-2022, roughly 2,870 units have been proposed and are in the development pipeline.

In order to accommodate the provincial growth forecasts, our Official Plan background work forecasts approximately 900 units needed annually between 2021- 2031 to meet demand. Based on the number of units approved, the City has exceeded this average over the past 3 years. However, as noted above, of the 3,630 units approved, more than a 3rd are not yet constructed. There may be various reasons for this, such as developer financing and construction phasing, labor costs, supply chain shortages, rising land costs, and the on-going COVID pandemic etc. Keeping in mind the challenges associated with development, it will be important to continue the City’s effort to streamline the approvals process and improve service delivery.

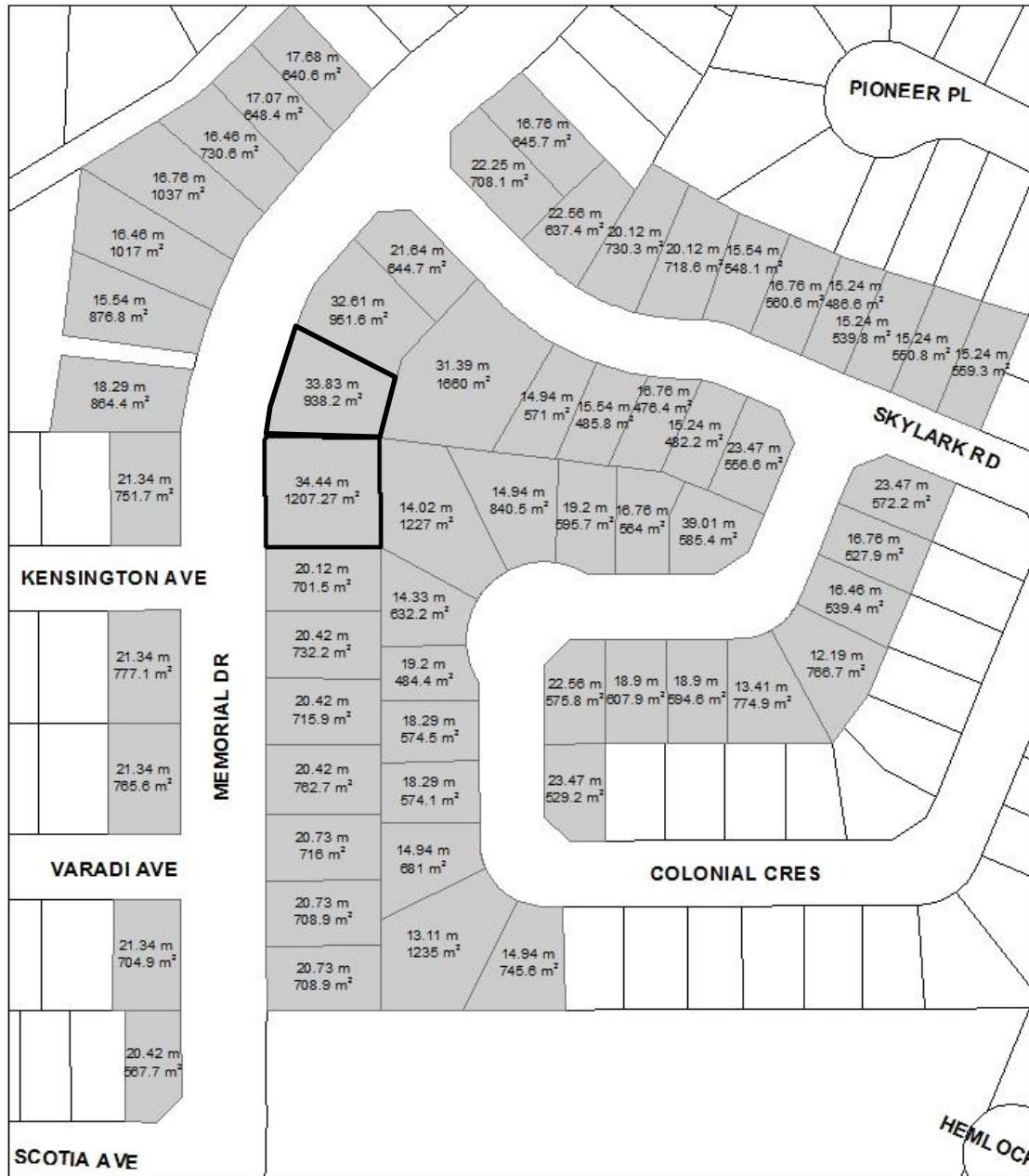
Copy to:

- B. Hutchings, Chief Administrative Officer
- M. Miranda, General Manager of Community Services and Social Development
- I. Hans, General Manager of Public Works Commission
- N. Wilmot, Chief Planner/Director of Planning and Development
- J. Daniels, City Treasurer, Director of Finance
- A. McMahon, Chief Building Official, Director of Building Services
- S. Hall, Director Information Technology Services
- N. Wilmot, Chief Planner, Director of Planning




T. Daniels, City Clerk, Director of Clerks Services
S. Munroe, Manager of Tourism
M. Visocchi, Director of Communications and Community Engagement
S. Hill Smith, Manager of Corporate Initiatives

Appendix N – Lot Area Analysis

LOT AREA ANALYSIS Committee of Adjustment



LEGEND

-  SUBJECT LAND
-  Lot Area Analysis
-  Property Parcel

