



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

Date November 14, 2019 **Report No.** 2019-706

To Chair and Members
City of Brantford Committee of Adjustment

From Sean House
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

2.0 Topic

APPLICATION NO.	B32/2019
APPLICANT/OWNER	Kevin & Michelle Ras
LOCATION	5 Lloyd Street

3.0 Recommendation

- A. THAT Application B32/2019 to sever a parcel of land from the western portion of the lands municipally addressed as 5 Lloyd Street, having a lot area of 816 m² and to retain a parcel of land having a lot area of 790 m² BE APPROVED, subject to the conditions attached as **Appendix A** in Report No. 2019-706;
- B. 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 18.9 (Official Plan) respecting the

creation of lots within the City of Brantford, conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement; and,

- 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. 2019-706.”

4.0 Purpose and Description of Application

A consent application has been received for the lands municipally addressed as 5 Lloyd Street. A location map and draft reference plan is attached as **Appendices B** and **C**. There is an existing semi-detached dwelling on the property and the applicant is proposing a severance to separate ownership of each unit and all associated yards. No external changes to the property are proposed. The proposed lot dimensions are detailed below:

	Severed Lands	Retained Lands
Width (m):	9.95	10.75
Depth (m):	80.59	78.83
Area (m ²)	816	790

5.0 Site Features

The site is situated on the south side of Lloyd Street. A semi-detached dwelling currently exists on the subject lands, and is neighboured by semi-detached dwellings directly to the east and west. Single detached dwellings are located to the north and south. The Grand River and a multi-use trail are located further south of the subject lands. The subject lands have a total area of 1606 m², a depth of approximately 80 m and a width of 20 m. The rear yard is heavily treed and slopes towards the south. An aerial and site photo is attached as **Appendices D** and **E**.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies and no objections were received. The Building Department requires that the party wall along the proposed property line meets Ontario Building Code requirements regarding fire resistance, and this has been made a condition of approval.

Environmental Services noted that City records indicate the proposed retained parcel is currently not serviced. In order to proceed with this severance, the unit on the proposed retained parcel must be serviced independently from the unit on the proposed severed parcel. Similarly, Development Engineering notes that lands to be severed and retained will need to be independently serviced for sanitary. The Owner will be required to provide a detailed servicing plan for review, comment and approval prior to commencing installations. Modifications to the internal plumbing required to separate the two units may require a Plumbing Permit from the Building Department.

These comments have been included as conditions of approval, and will need to be completed before final approval is granted. Detailed comments from the Building and Engineering Departments are attached as **Appendices F and G**.

6.2 Public Response

Notice of public hearing was issued by personal mail (28 notices) and by posting a sign on-site. A plan illustrating the notification is attached as **Appendix H**. No objections were received at the time of writing this Report.

6.3 Grand River Notification

Notice of the public meeting for the consent application 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

Application B32/2019 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (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 depend 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. Planning Staff is of the opinion that the proposed consent application is consistent with the direction set out in the PPS and conforms to the Growth Plan.

7.2 City of Brantford Official Plan

The subject lands are designated "Residential Area - Low Density" in the City's Official Plan (**Appendix H**). The "Residential Area - Low Density" designation permits a variety of low density dwelling types including single detached, semi-detached, duplex and triplex dwellings at a density range generally not exceeding 30 units per hectare.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "Residential Type 2 Zone (R2)" in Zoning By-law 160-90 as seen in **Appendix I**. Single detached, semi-detached, duplex and converted dwellings are permitted in the R2 Zone. Lots containing a semi-detached dwelling within this Zone are required to have a minimum lot area of 275 m² per unit, and a minimum lot width of 9 m per unit. The proposed severed and retained lots meet these requirements and all other regulations of the R2 Zone.

7.4 Planning Analysis

The *Planning Act* sets the standard to which provincial and local interests, policies and goals are implemented. Part VI of the *Planning Act* (Sections 50-57) regulates the subdivision of land, and Section 53 addresses consents specifically. Subsection 53 (12) refers back to Subsection 51

(24) which 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 lots and the adequacy of utilities and municipal services. Section 18.9.2 of the Official Plan also lists criteria for consent applications, including if the severance is for the purpose of infilling, if no extension of improvement of municipal services are required and if the lot will have frontage on a public road.

The consent application is for the purpose of creating a new residential lot and recognizing each dwelling unit of the existing semi-detached dwelling as having single ownership. The proposed lot areas and widths are consistent and compatible with existing lot areas and widths within the neighbourhood, and are almost identical to the westerly lots abutting the subject lands. Both the severed and retained lots will have frontage on a municipal roadway with available servicing and utilities. Each semi-detached dwelling unit will be situated on a lot that conforms to the minimum lot area and lot width requirements of the City's Zoning Bylaw. As previously mentioned in Section 6.1 of this Report, each lot is required to be separately serviced as a condition of final approval.

Planning Staff have given regard for Section 51 (24) of the *Planning Act* and are satisfied that the application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Planning Staff are of the opinion that the subject consent application is consistent with Section 51 (24) of the *Planning Act* and conforms to the Official Plan.

7.5 Conclusion

A site inspection was completed on September 24, 2019. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. 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. Planning Staff recommend that application B32/2019 be approved, subject to the attached conditions in **Appendix A** of this Report.



Prepared By: Sean House,
Development Planner
Prepared On: November 6, 2019



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

APPENDIX A

Conditions of Consent – B32/2019

Subject to the following conditions:

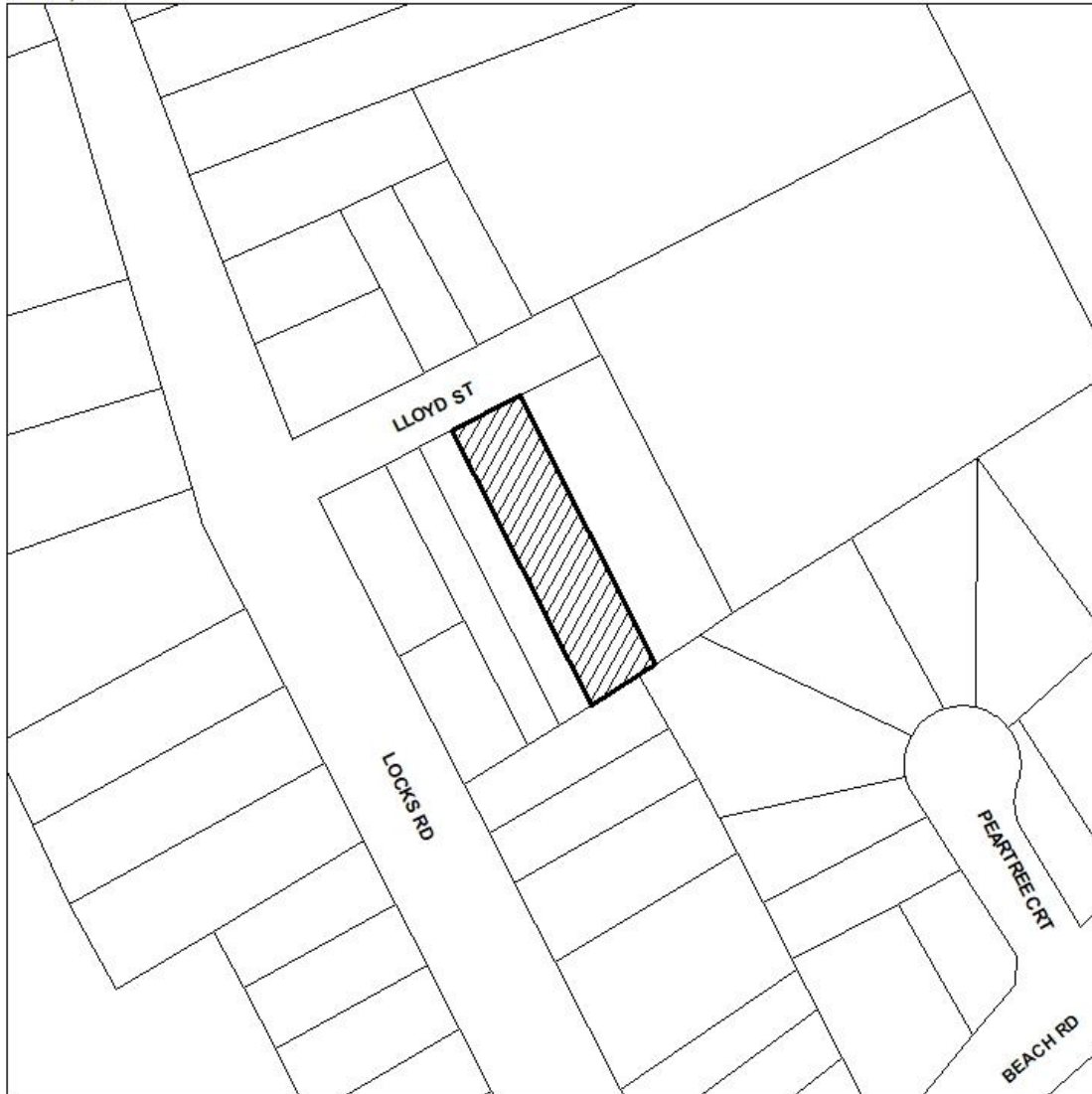
1. ☒ Receipt of a registered reference plan showing the severed and retained lands.
2. ☒ Receipt of confirmation that all taxes are paid up to date.
3. ☒ Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be provided to the City).
4. ☒ Receipt of verification that the party wall along the proposed property line is constructed as a fire separation having a 1 hour fire resistance rating and that it provides continuous protection from the top of the footings to the underside of the roof deck. This verification must be provided by a qualified designer and to the satisfaction of the Building Department. Any proposed construction required to upgrade the party wall so it is in compliance with OBC 9.10.11 will require that a building permit be applied for and issues through the Building Department. A completion certificate must be obtained prior to severance getting final approval.
5. ☒ Receipt of confirmation from the Engineering Department indicating that civic addresses have been assigned to the severed and retained parcels.
6. ☒ Receipt of confirmation that the lands to be severed and retained lots have been, independently serviced with water and sanitary sewer service by the owner, to the satisfaction of the General Manager of Engineering and Operational Services. The Owner, at their expense, will be required to provide a detailed servicing plan of the retained lot for review, comment and approval prior to commencing servicing installations. The Owner will be required to indicate the size, material and location of the proposed water and sanitary service on the servicing plan;
7. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before November 14, 2020, after which time the consent will lapse.

APPENDIX B


Location Map

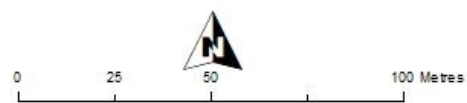
LOCATION MAP

Application: B32/2019
5 Lloyd Street



Legend

 SUBJECT LAND



LLOYD STREET

P.I.N. 32285-0067(LT)

(DEDICATED BY BYLAW-168-74 , INSTRUMENT A166195)

P.I.N. 32285-0186(LT) P.I.N. 32285-0067(LT)

PART 3 , PLAN 2R-193 PART 4 , PLAN 2R-193

N62°48'40"E 18.88 N62°48'40"E 19.75

9.82 3/8 (1416) 8.76 9.95 10.75

(A)

4.69 4.74 10.77 4.5

N27°10'20"W N27°23'50"W

TWO BRICK CIVIC STOREY BUILDING No. 5

FENCE ON LINE GATE FENCE 0.06 EAST

4.76 76.83 2.5

PART 1 PART 2

PLAN 2R-7481

FENCE 0.16 WEST FENCE 0.06 EAST

(LT) BOARD FENCE 0.78 EAST

32285 Part 1 Part 2

AREA= AREA=

816 Sq.m± 790 Sq.m±

P.I.N. 32285 - 0071(LT)

0.37 WEST SHED SHED

0.11 WEST SHED

FENCE ON LINE

(PARALLEL TO LORNS ROAD) 10.4 N27°04'10"W

N27°04'10"W N27°04'10"W N27°23'25"W

0.25 NORTH BOARD FENCE 0.25 EAST

9.77 10.41 4.19 6.03

1/8 (1416) 3/8 (1416) 5/8 (754) N57°55'35"E 14.60 N58°05'00"E

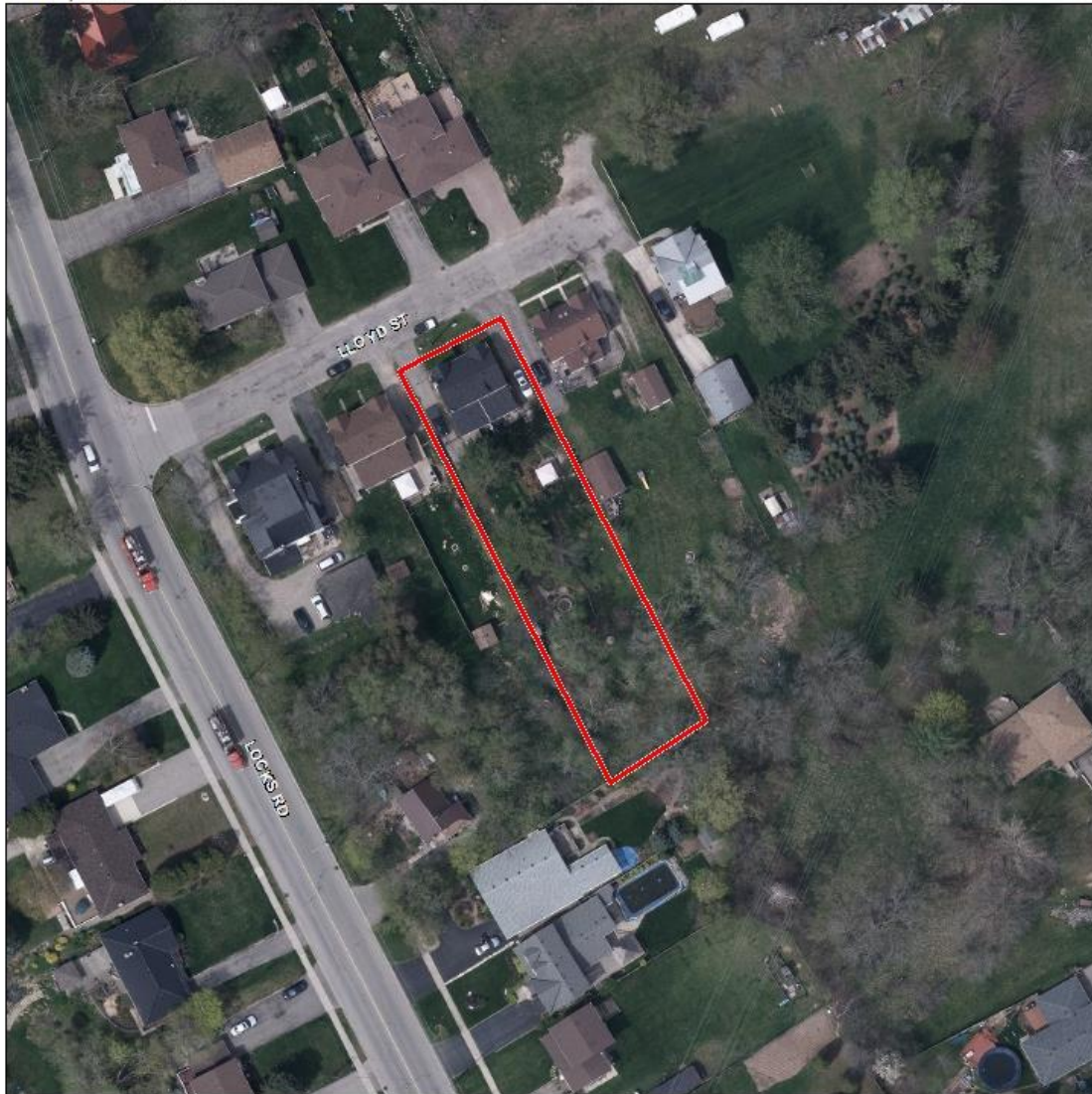
REFERRED PLAN

APPENDIX D


Aerial Photo

AERIAL PHOTO

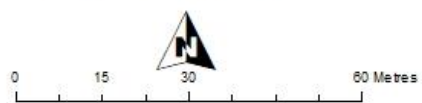
Application: B32/2019
5 Lloyd Street



Legend

 Subject Land

Aerial Photo from Spring 2017



APPENDIX E
Site Photo



APPENDIX F

Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<input 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 **B32**

SITE: **5 Lloyd Street**

APPLICANT: **Kevin Ras**

COMMENTS:

BYLAW: 160-90 ZONE: R2

1. Please provide a verification that the party wall along the proposed property line is constructed as a fire separation having a 1 hr fire resistance rating and that it provides continuous protection from the top of the footings to the underside of the roof deck. This verification must be provided by a qualified designer and to the satisfaction of the Building Department. Any proposed construction required to upgrade the party wall so it is in compliance with OBC 9.10.11 will require that a building permit be applied for and issued through this department. Completion certificate must be obtained prior to severance getting final approval.

A handwritten signature in black ink, appearing to read "Ross Thomson".

Ross Thomson, MAATQ, CBCQ, CPSQ
Chief Building Official

October 21, 2019
Date

Handwritten initials in blue ink, possibly "KR" or "RS".

APPENDIX G

Engineering Department Comments

No. B32/2019

COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: OCTOBER 17, 2019
NAME OF APPLICANT: Kevin Ras
OWNER: Kevin & Michelle Ras
ADDRESS: 5 Lloyd Street
NATURE OF APPLICATION: Consent Application

ENGINEERING DEPARTMENT REQUIREMENTS:

1.	Land required for road widening purposes	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.	Ingress and Egress satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3.	Off-street parking satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.	Sanitary sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5.	Storm sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6.	Water Service available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

COMMENTS OR REMARKS:

1. TRAFFIC/PARKING

➤ No comment.

T. KU, P.ENG., PTOE
MANAGER, TRANSPORTATION AND PARKING SERVICES

2. TRANSIT SERVICES

➤ No comment.

E. VANDERMADE
MANAGER OF TRANSIT

No. B32/2019

COMMITTEE OF ADJUSTMENT APPLICATION
ENGINEERING SERVICES STAFF REPORT

HEARING DATE: OCTOBER 17, 2019
NAME OF APPLICANT: Kevin Ras
OWNER: Kevin & Michelle Ras
ADDRESS: 5 Lloyd Street
NATURE OF APPLICATION: Consent Application

ENGINEERING DEPARTMENT REQUIREMENTS:

1.	Land required for road widening purposes	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.	Ingress and Egress satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3.	Off-street parking satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.	Sanitary sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5.	Storm sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6.	Water Service available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

COMMENTS OR REMARKS:

3. WATER

I reviewed the severance application and associated documents—as prepared by Kevin & Michelle Ras and West & Ruuska Ltd.—on behalf of Environmental Services and have the following water comments and conditions:

1. City records indicate the subject property is located within Water Intake Protection Zone #2 (IPZ2). The Applicant must complete and submit a Source Water Protection: Restricted Land Use Declaration Form to the City's Coordinator, Water Compliance;
2. City records indicate both units within the subject property are serviced by a single 19 mm copper lateral from the 150 mm Asbestos Cement watermain in Lloyd Street; this service appears to be located 1.5 m Right of the Right side of the existing dwelling and the curb stop 4.6 m Out from same—within the frontage of the proposed severed parcel (Part 1);
3. City records indicate the proposed retained parcel is currently not serviced. In order to proceed with this severance, the unit on the proposed retained parcel must be serviced independently from the unit on the proposed severed parcel;
4. The Owner will be required to provide a detailed servicing plan of the retained lot for review, comment and approval prior to commencing installations. The Owner will be required to indicate the size, material and location of the proposed water service on the servicing plan; ensure separations to sewers and sewer services are in accordance with MECP procedure F-6-1;
5. The proposed retained parcel must be serviced within its frontage from the 150 mm AC watermain in Lloyd Street. The minimum permitted service size is 25 mm. Only one (1) service will be permitted to each property. Modifications to the internal plumbing required to separate the two units may require a Plumbing Permit from the Building Department;
6. Any section of the 150 mm AC watermain in Lloyd Street exposed during construction, including all points where a service crosses or connects to the AC main, shall be replaced with Polyvinylchloride (PVC) pipe. Any section of watermain placed on fill shall have joints restrained for the full width of the fill area;
7. The Owner will be required to obtain a Street Excavation Permit prior to commencing any work within the City's road right-of-way;
8. The Owner will be required to obtain a Water Service Connection Permit and pay all applicable fees prior to commencing any work to connect the new water service; the City will complete the inspection of all connections to City watermains;
9. Development must be metered during construction and the Owner will be required to pay the current fee per cubic metre for the quantity of water used;
10. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code;

Continued...

No. B32/2019

COMMITTEE OF ADJUSTMENT APPLICATION
ENGINEERING SERVICES STAFF REPORT

HEARING DATE: OCTOBER 17, 2019

NAME OF APPLICANT: Kevin Ras

OWNER: Kevin & Michelle Ras

ADDRESS: 5 Lloyd Street

NATURE OF APPLICATION: Consent Application

ENGINEERING DEPARTMENT REQUIREMENTS:

- | | | | | | | |
|----|--|---|-----|--------------------------|----|--------------------------|
| 1. | Land required for road widening purposes | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 2. | Ingress and Egress satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 3. | Off-street parking satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4. | Sanitary sewers available and satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 5. | Storm sewers available and satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 6. | Water Service available and satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

COMMENTS OR REMARKS:

3. WATER con't

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

11. Under Bill 151, Waste Free Ontario (WFOA) and "Food and Organic Waste Framework in Ontario", Part B, Waste Policy Statement, new requirements have been established for the future management of food and organic waste materials for residential and commercial locations. The Owner shall comply with all future requirements of the Provincial Waste Policy Statement; and
12. The Owner is responsible for the management of all waste and recyclables materials during construction.


J. SPAGNUOLO, C.E.T.
SENIOR PROJECT MANAGER

4. DEVELOPMENT ENGINEERING

1. The Owner will be required to send in a letter to request a Municipal Number be assigned to the severed property(s).
2. 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.
3. Lands to be severed and retained have been, or will be, independently serviced with water and sanitary sewer service by the owner, to the satisfaction of the City of Brantford.
4. A Road Cut Permit will be required for any proposed excavation within the municipally owned road.
5. A Road Occupancy Permit will be required for any proposed work within the municipally owned road.
6. A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections.


G. PEEVER, P. ENG.,
MANAGER, DEVELOPMENT ENGINEERING

October 21, 2019
DATE

 Oct 25/19
I. HANS, P. ENG., PMP
DIRECTOR, ENGINEERING SERVICES
PUBLIC WORKS COMMISSION

APPENDIX H
Notification Area

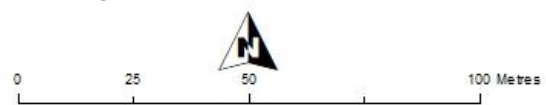
AREA OF PUBLIC NOTIFICATION

Application: B32/2019
5 Lloyd Street



Legend

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

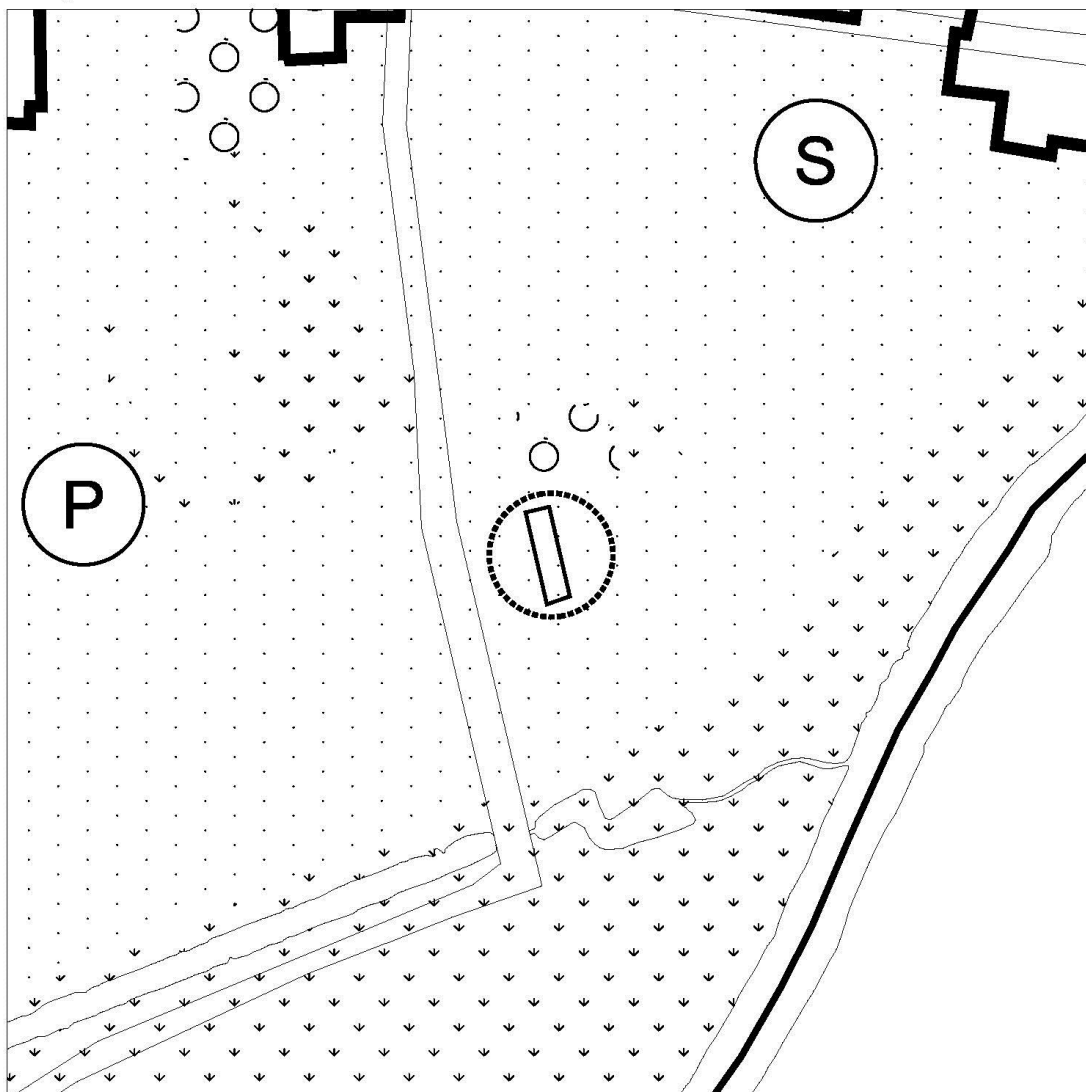


APPENDIX I

Official Plan

OFFICIAL PLAN

Application: B32/2019
5 Lloyd Street



LEGEND

SUBJECT LAND

- LOW DENSITY RESIDENTIAL AREA
- MEDIUM DENSITY RESIDENTIAL AREA
- HIGH DENSITY RESIDENTIAL AREA
- GENERAL INDUSTRIAL AREA
- MIXED INDUSTRIAL COMMERCIAL AREA
- BUSINESS PARK AREA
- MAJOR INSTITUTIONAL
- MAJOR OPEN SPACE

- CORE COMMERCIAL AREA
- CC COMMUNITY CENTRE COMMERCIAL AREA
- GC GENERAL COMMERCIAL AREA
- MCR MIXED COMMERCIAL RESIDENTIAL AREA
- DC DISTRICT CENTRE COMMERCIAL AREA
- NC NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HC HIGHWAY COMMERCIAL AREA
- NFC NEW FORMAT COMMERCIAL AREA

- (C) CEMETERY
- (S) ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- (SP) SPECIALIZED PARK and OPEN SPACE
- (CP) COMMUNITY PARK and OPEN SPACE
- (P) NEIGHBOURHOOD PARK and OPEN SPACE

APPENDIX J



Zoning

ZONING

Application: B32/2019
5 Lloyd Street



Legend

-  Subject Land
-  Zone Boundary

ZONING (Bylaw 160-90) and County of Brant(61-16)

- R1B Residential Type 1B (15 metre)
- R2 Residential Type 2
- R3 Residential Type 3
- R4A Residential Medium Density Type A
- 3 Exception Number

