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Date December 2, 2020 **Report No.** 2020-569

To Chair and Members

City of Brantford Committee of Adjustment

From Brynne O'Neill

Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

APPLICATION NO. B17/2020 & A24/2020

APPLICANT/OWNER Lucas, Al & Faith Bonfini

LOCATION 10 Cecil Avenue

3.0 Recommendation

- A. THAT Application B17/2020 to sever a parcel of land from the west portion of the lands municipally addressed as 10 Cecil Avenue, having a lot area of 425 m² and retain a parcel of land having a lot area of 438 m², BE APPROVED subject to the conditions attached as **Appendix A** to Report 2020-569;
- 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 consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The applications are in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90, specifically

Section 18.9 of the Official Plan respecting consent applications including boundary adjustments within the City of Brantford and consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement;

- C. THAT Application A24/2020 seeking relief from Section 7.2.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 425 m², whereas a minimum lot area of 550 m² is required for the severed lot; Section 7.2.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 438 m², whereas a minimum lot area of 550 m² is required for the retained lot; Section 7.2.2.1.5.1 to recognize an existing front yard of 4.7 m for the retained lot, whereas a minimum front yard of 6 m or the established front building line is required; and Section 7.2.2.1.6 to permit a minimum rear yard of 6 m for the severed parcel, whereas a minimum rear yard of 7.5 m is required, BE APPROVED;
- D. THAT the reason(s) for approval are as follows: the proposed variance is 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 land; and,
- E. 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 Sections 6.2 of Report No. 2020-569."

4.0 Purpose and Description of Applications

A consent application has been received for the lands municipally addressed as 10 Cecil Avenue. A location map and a conceptual site plan are attached as **Appendices B and C.** The applicant is proposing to sever a new lot on the west side of the property with an area of 425 m² and retain 438 m² and the existing dwelling. The proposed new lot dimensions will be as follows:

	Lands to be Severed	Lands to be Retained
Frontage	23 m	19 m
Depth	18.9 m	19.2 m
Area	425 m ²	438 m ²

To facilitate the development as proposed, the applicant is requesting minor variances from the following Sections of Zoning By-law 160-90:

- Section 7.2.2.1.1 to permit a minimum lot area of 425 m² for the severed parcel, whereas a minimum lot area of 550 m² is required;
- Section 7.2.2.1.1 to permit a minimum lot area of 438 m² for the retained parcel, whereas a minimum lot area of 550 m² is required;
- Section 7.2.2.1.5.1 to recognize an existing front yard of 4.7 m for the retained parcel, whereas a minimum front yard of 6 m or the established front building line is required; and,
- Section 7.2.2.1.6 to permit a minimum rear yard of 6 m for the severed parcel, whereas a minimum rear yard of 7.5 m is required.

The subject lands are designated "Low Density Residential" in the Official Plan and zoned "Residential Area Type 1A (R1A) Zone" in Zoning By-law 160-90.

5.0 Site Features

The subject lands are located on the southwest corner of Cecil Avenue and Wayne Drive, with a total lot area of 863 m². The lands are occupied by a single detached dwelling and a detached garage. The subject lands are surrounded by single detached dwellings. King George Road is located west of the subject property, where various commercial uses are located. An aerial photo and photographs of the subject lands are attached as **Appendices D and E**.

6.0 Input from Other Sources

6.1 Technical Comments

These applications were circulated to all applicable departments and agencies. No adverse comments were received. The Building Department requested that the existing detached garage be demolished. Development Engineering Staff has requested Grading and Servicing Plans, and a daylight triangle be dedicated to the City. These requests have been included as Conditions of Consent found in **Appendix A**. 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 (26 notices) and by posting a sign on-site. Attached as **Appendix H** is a plan illustrating the notification area. At the date of the preparation of the Report, no comments had been received.

6.3 Grand River Notification

Notice of 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

Applications B17/2020 & A24/2020 were 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 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. 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

The subject lands are designated "Residential Area – Low Density" in the Official Plan (see **Appendix J**). This designation allows for a variety of residential uses including single detached, semi-detached, duplex and triplex dwellings. The proposed 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 1A Zone (R1A)" in Zoning By-law 160-90 (see **Appendix K**). The R1A Zone permits single detached dwellings and accessory buildings. The subject application requires relief from Sections 7.2.2.1.1, 7.2.2.1.5.1, and 7.2.2.1.6 of the Zoning By-law, which is discussed further in Section 7.4.2 of this Report. If approved, the retained and severed parcels would conform to all other regulations of the Zoning By-law.

7.4 Planning Analysis

7.4.1 Consent

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 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 or 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 within an existing residential neighbourhood. Both the severed and retained parcels will have frontage on a municipal roadway and have lot areas that are similar to existing lots in the area. If approved, both lots can accommodate a dwelling while still providing space for parking and amenity area. The existing detached garage will be demolished as a Condition of consent (see **Appendix A**, Condition 10). The proposed severance will result in one new lot that maintains the character of the established residential neighbourhood as the severed and retained lots are similar to other lots in the neighbourhood when viewed from the street. Staff is of the opinion that if approved, there will be no negative impact to the streetscape along Cecil Avenue or Wayne Drive, or any of the abutting properties. The creation of this new lot will not restrict the development of any

adjacent property. Any redevelopment of this site will be subject to all City requirements, including Site Plan Control.

Planning Staff have given regard to 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 any adverse impacts on surrounding properties.

7.4.2 Minor Variance

The Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met when evaluating the merits of a minor variance application. 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.

It is the opinion of Planning Staff that the minor variances requested for reduced lot area from 550 m² to 425 m² and 438 m² are minor in nature and appropriate for the development of the lands as the new lot will be able to accommodate an adequate building width and area, and the retained lot accommodates the existing dwelling with appropriate side and rear yards. Both lots also provide adequate outdoor amenity space, vehicle access, landscaping and snow storage, while contributing to a mix of housing options within the neighbourhood.. A proposed variance to recognize the existing 4.7 m front yard, whereas a 6 m is also required. This is also considered minor as the front yard for the retained lands already exists and therefore there will be no visual changes resulting from the variance, if approved. Finally, the variance to allow for a rear yard of 6 m, whereas 7.5 m is required is also minor. A rear yard of 6 m still provides adequate outdoor amenity space for the proposed new dwelling. There are many examples of 6 metre rear yards within the City that are appropriate and provide for sufficient amenity space. For examples there a few pie shaped lots that have smaller rear yards along Wayne Drive and Evelyn Street, which do not have any impacts on adjacent properties. Additionally, the proposed severed lot backs on to the rear yard of a neighbouring property and it is Staff's opinion that it does not present any privacy

concerns, nor has Staff been contacted by any of the neighbouring residents.

The minor variances meet the general intent and purpose of Zoning By-law 160-90 and the Official Plan by resulting in a lot that will appropriately accommodate a single detached dwelling which is consistent with the existing character of the neighbourhood. The severed lot is subject to Site Plan Control. This will provide the City and the Ward Councillors with an opportunity to review the functionality of the site, the placement of building(s), the new driveway location, protection of street trees and the overall design of the new dwelling to ensure its compatibility and integration within the neighbourhood. All other technical requirements of the City will be addressed at the site plan control stage. There are a variety of lot shapes and sizes in this neighbourhood. This neighbourhood is diverse due to the differing zoning categories which results in a varied streetscape and built form. It is also Staff's opinion that the proposed decrease in rear yard from 7.5 m to 6 m has no visual impact on the neighbourhood, while still providing adequate outdoor amenity for the severed lot. The variance to recognize the existing front yard on the retained lot is technical in nature and does not result in any changes to the building or property. Staff is of the opinion that the proposed minor variances meets the four tests of Section 45 (1) of the Planning Act.

7.5 Conclusion

A site inspection was completed on November 18, 2020. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the applications. The proposed severance is an appropriate location for minor infill as the proposed severed parcel is currently underutilized. 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. The application is also consistent with the consent policies of Section 18.9.2 of the 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. Through the Site Plan Control process, Staff, in consultation with the Ward Councillors will review the proposed development in further detail to ensure that it is compatible with the surrounding neighbourhood. Planning Staff recommend that applications B17/2020 and A24/2020 be approved.

8.0

Prepared by: Brynne O'Neill, MCIP, RPP

Development Planner

Prepared on: November 26, 2020

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

APPENDIX A Conditions of Consent – B17/2020

Subject to the following conditions:

- 1. Receipt of confirmation that Application A24/2020 receives final and binding approval and is in full force and effect.
- 2. Receipt of a registered reference plan showing the severed and retained 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 a municipal address will be assigned to the severed parcel after the severance has been finalized and the deposited Reference Plan has been received.
- 6. Receipt of a daylight triangle, as shown on the plan, conveyed to the public roadway, to the satisfaction of the Manager of Development Engineering or his/her designate.
- 7. 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 can have their own independent sanitary sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner/applicant will be required to relocate or construct new services from the city sewers at his/her own costs.
- 8. 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 Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, for the overall development. The Grading and Drainage Plan shall delineate existing and proposed grades for both the severed and retained properties.
- 9. 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).
- 10. Receipt of confirmation that the existing detached garage on the severed property has been demolished or otherwise removed through the appropriate

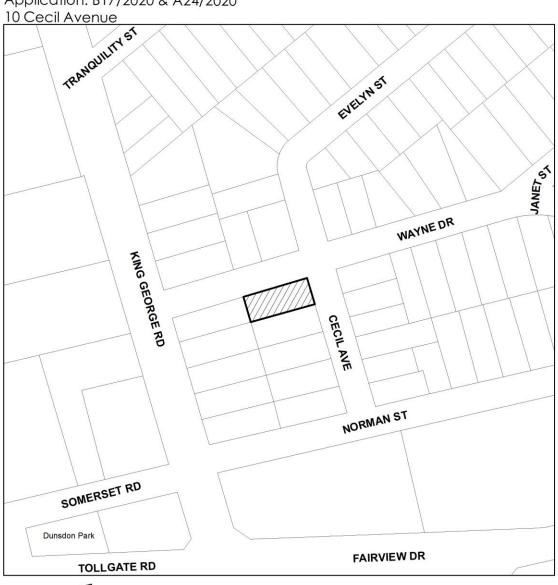
permits from the Building Department to the satisfaction of the Chief Building Official.

11. That the above conditions be fulfilled and the Certificate of Consent be issued on or before December 2, 2021, after which time the consent will lapse.

APPENDIX B - Location Map

LOCATION MAP

Application: B17/2020 & A24/2020



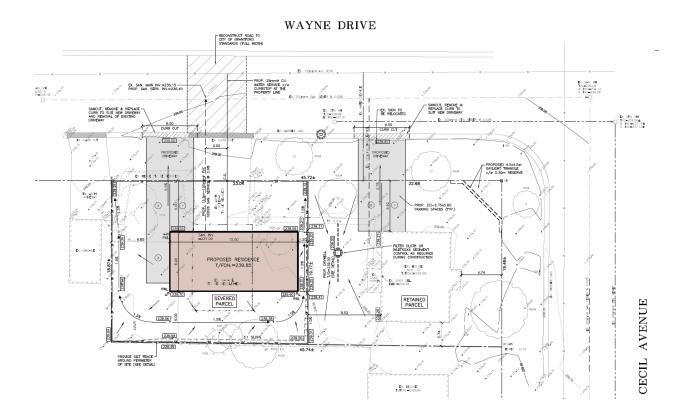


Legend

///// SUBJECT LAND



APPENDIX C – Conceptual Site Plan



APPENDIX D – Aerial Photograph

AERIAL PHOTO

Application: B17/2020 & A24/2020

10 Cecil Avenue





Legend



Aerial Photo from Spring 2017



APPENDIX E – Site Photographs



Figure 1: Subject property from Wayne Drive



Figure 2: Existing Dwelling to remain

APPENDIX F – Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

X MINOR VARIANCE DRAFT PLAN OF SUBDIVISION OFFICIAL PLAN AMENDMENT RENTAL HOUSING PROTECTION ACT				X	SEVERANCE ZONING BYLAW AMENDMENT DRAFT PLAN OF CONDOMINIUM SITE PLAN CONTROL APPROVAL	
APPLICA	APPLICATION / SUBMISSION N°. B17-2020 & $A24$ -2020					
SITE:		10 Cecil Ave				
TO PERMIT:		Severed residential lot				
APPLICANT: Snodgrass Consulting		onsulting				
COMMENTS:						
BYLAW: 160-90 ZONE: R1A						

A demolition of the detached garage is required prior to the severance. A demolition permit is required from the City of Brantford Building Department.

The Building Department has no objections to the proposed severance.

There are no further concerns with this application.

Rob Porteous Senior Plans Examiner

Oct 20, 2020

APPENDIX G – Engineering Department Comments



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

	DRAFT PLAN OF SUBDIVISION			ZONING BYLAW AMENDMENT	
	OFFICIAL PLAN AMENDMENT			DRAFT PLAN OF CONDOMINIUM	
	SITE PLAN APPROVAL		⊠	MINOR VARIANCE	
×	CONSENT APPLICATION			SEVERANCE	
	OTHER-				
FILE NO.: B17/2020 &		17/2020 & A24/2020			
DATE DUE TO PLANNING November 6		ember 6, 2020			
AGENT Snodgrass C		s Consulting			
APPLICANT / OWNER Lucas, Al & F		Faith Bonfini			
ADDRESS 10 Cecil Ave		nue			
TRA	TRANSPORTATION				

1. A daylight triangle, as shown on the plan, should be conveyed to the public roadway.

Jacob McDonald, C.E.T. Transportation Technologist



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

	DRAFT PLAN OF SUBDIVISION			ZONING BYLAW AMENDMENT	
	OFFICIAL PLAN AMENDMENT			DRAFT PLAN OF CONDOMINIUM	
	SITE PLAN APPROVAL		\boxtimes	MINOR VARIANCE	
\boxtimes	CONSENT APPLICATION			SEVERANCE	
OTHER-					
FILE NO.: B17/2020 & A		0 & A24/2020			
DATE DUE TO PLANNING November 6,		er 6, 2020			
AGENT Snodgrass Co		grass Consulting			
APPLICANT / OWNER Lucas, Al & Fa		aith Bonfini			
ADDRESS 10 Cecil Aven		nue			
ENVIRONMENTAL SERVICES					

I reviewed the subject noted applications and associated documents—as prepared by Howard Snodgrass Consulting Services Inc. and J.H. Cohoon Ltd.—on behalf of Environmental Services and have no objections to the zoning bylaw amendment, minor variance or consent applications; however, I would like to offer the following comments for Site Plan Control:

- City records indicate the retained parcel is serviced by a 19 mm copper lateral from the 150 mm Asbestos
 Cement (AC) watermain in Wayne Drive; this service appears to be located 2.6 m Right of the Back side of
 the existing building and the curb stop 5.9 m Out to Wayne Drive from same;
- City records indicate the severed parcel is currently not serviced; however, water service is available to the severed parcel from the 150 mm AC watermain in Wayne Drive;
- The Owner will be required to provide a detailed servicing plan of the severed lot for review, comment and approval prior to commencing any installations;
- 4. If the existing water service to the retained parcel is found to be within the severed parcel, the owner will be required to remove the 19 mm service from the main in Wayne Drive and install a new 25 mm copper service to the dwelling:
- If applicable, the Owner will be required to submit a deposit for removal of the existing water service; the
 deposit will be based on the current Corporation approved rate. The Owner can apply to the City's
 Customer Service Department to have the deposit returned once the water service has been removed and
 inspected to the satisfaction of the City;
- Any section of the AC watermain exposed during construction, including all points where a service crosses
 or connects to the AC main, shall be replaced with Polyvinyl Chloride pipe. Any section of watermain placed
 on fill shall have joints restrained for the full width of the fill area;
- 7. Absolutely no deflection of the AC watermain will be permitted;
- The City will complete the inspection of all watermain and appurtenance work associated with the
 development, including reconstruction of the AC main. The Owner will be required to pay the City's
 inspection time. The Owner will be required to pay a deposit for the inspections. The estimated deposit will
 be determined once the final design has been approved;
- The Owner will be required to obtain a Street Excavation Permit prior to commencing any work within the City's road right-of-way;
- 10. 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 water service connections and meter installations;
- 11. Development on the severed parcel 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; and
- All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.

Jennifer Elliott, LET, C.E.T. Senior Project Manager, Environmental Services



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

	DRAFT PLAN OF SUBDIVISION			ZONING BYLAW AMENDMENT
	OFFICIAL PLAN AMENDMENT			DRAFT PLAN OF CONDOMINIUM
	SITE PLAN APPROVAL		×	MINOR VARIANCE
⊠	CONSENT APPLICATION			SEVERANCE
	OTHER -			
FILE NO.: B17/2020 & A2		20 & A24/2020		
DATE DUE TO PLANNING November 6, 2		, 2020		
AGENT Snodgrass Co		onsulting		
APPLICANT / OWNER Lucas, Al & Fa		ith Bonfini		
ADDRESS 10 Cecil Avenu		ue		
DEVELOPMENT ENGINEERING				

Conditions (A24/2020)

No comments

Conditions (B17/2020)

- Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating
 that a municipal address will be assigned to the severed parcel after the severance has been finalized
 and the deposited Reference Plan 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 can have their own independent sanitary sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner/applicant will be required to relocate or construct new services from the city sewers at his/her own costs.
- 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 Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, for the overall development. The Grading and Drainage Plan shall delineate existing and proposed grades for both the severed and retained properties.

General Comments

- 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.
- An application for Wastewater Allocation may be required for any proposed additional wastewater generation as per City of Brantford Wastewater Allocation Policy.
- A Driveway Permit will be required for any new proposed driveways.
- A Road Excavation Permit will be required for any proposed excavation within the municipally owned
- A Road Occupancy Permit will be required for any proposed work within the municipally owned road.
- A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections.

Adam Quibell, P.Eng., C.Tech. Development Engineering Reviewer

*ADDITIONAL COMMENTS MAY BY ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED *

November 16, 2020

DATE

Gary Peever, P.Eng.,

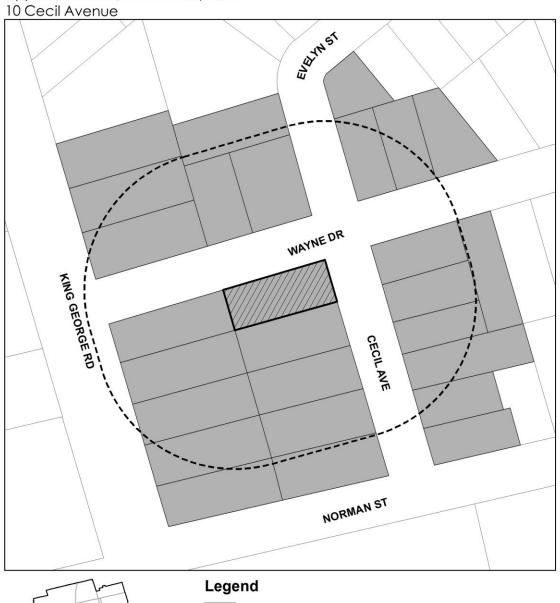
Manager, Development Engineering

APPENDIX H - Notification Area

AREA OF PUBLIC NOTIFICATION

Application: B17/2020 & A24/2020







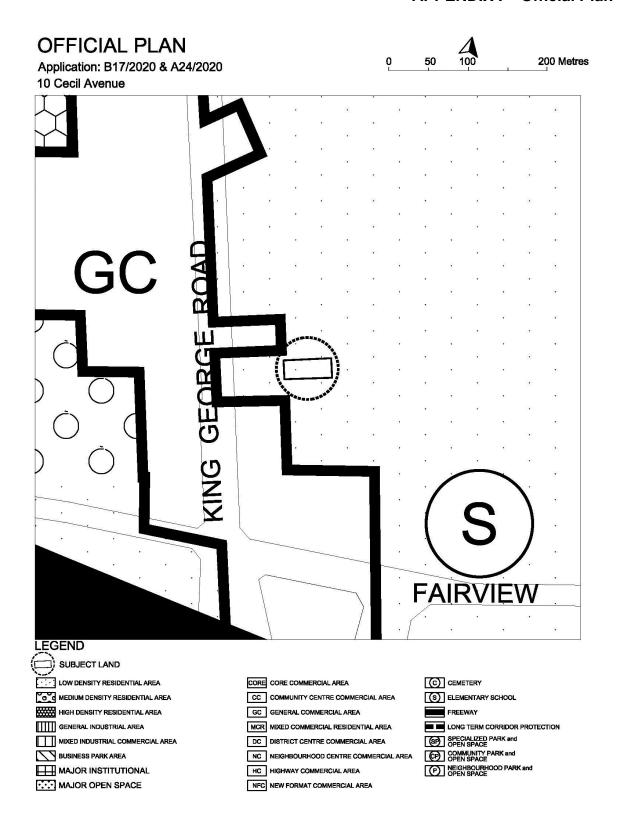
Subject Land

NotifiedProperties

60 m Buffer from Subject Land



APPENDIX I - Official Plan



APPENDIX J – Zoning

ZONING

Application: B17/2020 & A24/2020

10 Cecil Avenue

