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**Date** December 2, 2020 **Report No.** 2020-558

**To** Chair and Members  
City of Brantford Committee of Adjustment

**From** Brynne O'Neill  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

## 2.0 Topic

**APPLICATION NO.** B18/2020

**AGENT** George Ziotek

**APPLICANT/OWNER** Polish Alliance of Canada Brantford Branch 10

**LOCATION** 118 & 126 Albion Street & 119 William Street

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## 3.0 Recommendation

- A. THAT Application B18/2020 to sever the parcel of land known municipally as 118 Albion Street, having a lot area of 432m<sup>2</sup> and retain a parcel of land municipally known as 126 Albion Street and 119 William Street, having a total lot area of 3,144m<sup>2</sup> BE APPROVED subject to the conditions attached as **Appendix A** to Report 2020-558;
- 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 application is 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 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. 2020-558.”*

#### 4.0 Purpose and Description of Application

A consent application has been received for the lands municipally addressed as 118 Albion Street, 126 Albion Street and 119 William Street. The subject lands have three separate municipal addresses as it was previously three lots that have merged in title. A location map and conceptual site plan are attached as **Appendices B, C and C1**. The portion of the property known as 118 Albion Street is the proposed severed lot, while 126 Albion Street and 119 William Street will be the retained lot. The proposed new lot dimensions are as follows:

	<b><i>Lands to be Severed</i></b> (118 Albion Street)	<b><i>Lands to be Retained</i></b> (126 Albion Street, 119 William Street)
<i>Width</i>	11.6 m	40 m
<i>Depth</i>	37.3 m	Approximately 75 m
<i>Area</i>	432 m <sup>2</sup>	3,144 m <sup>2</sup>

The subject lands are designated “Residential Area – Low Density” in the City’s Official Plan and 118 Albion Street & 119 William Street are zoned “Residential Conversion (RC) Zone”, and 126 Albion Street is zoned “Residential Conversion (RC-5) Special Exception Zone” which permits a “private club” in addition to the uses permitted in the “RC” Zone in Zoning By-law 160-90.

## 5.0 Site Features

The subject lands are located on the south side of Henrietta Street bounded by William Street to the west, and Albion Street to the east. The property currently has an area of 3,576 m<sup>2</sup>. The lands identified as 118 Albion Street currently contain an existing single detached dwelling, 126 Albion Street contains the Polish Alliance Hall and associated parking, and 119 William Street contains a single detached dwelling. South of the site are residential properties which front on to both William Street and Albion Street. Robert Moore Park is located across Albion Street to the east, with Victoria School directly south. The Hungarian Canadian Club is located along Albion Street to the south. 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

This application was circulated to all appropriate departments and agencies. No adverse comments or objections were received from the commenting agencies. The Building Department has requested spatial separation calculations, and the Engineering Department has requested Grading and Servicing Plans. These requests have all been included as Conditions for consent and are 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 (61 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 this Report, no comments had been received.

### 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.

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## **7.0 Planning Staff Comments and Conclusion**

### **7.1 Provincial Policy Context**

Application B18/2020 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 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 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 I**). The "Residential Area – Low Density" designation permits a variety of low density dwelling types including single detached, semi-detached, duplex and triplex dwellings. The existing single detached dwellings are consistent with the Official Plan. The private club is a permitted use pursuant to the Zoning By-law.

### **7.3 City of Brantford Zoning By-law 160-90**

The subject lands are zoned "Residential Conversion (RC-5) Special Exception Zone" (see **Appendix J**). The RC-5 Zone permits single detached, semi-detached, duplex, triplex and converted dwellings. The Site Specific Exception allows for 'private clubs' which permits the existing Polish Alliance Hall at 126 Albion Street. The existing uses are permitted under Zoning By-law 160-90 and the proposal conforms to all other zoning regulations in the By-law.

### **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 or improvement of municipal services are required and if the lot will have frontage on a public road.

The proposed severance will be recreating a lot that was previously in existence. Parking can be accommodated on site, as seen in **Appendix C1**. The construction of the parking area will be the only visual change to the site; the properties are already configured to function separately. Construction of the parking area will require a Site Alteration Permit, pursuant to By-law 28-2011, and this is also a condition of consent (see **Appendix A**, Condition 7). The proposed severed lot used to be a lot of record and has always contained the existing dwelling, which was built in the 1890's, and compatible with the neighbourhood. The lot is of similar area and frontage to other existing residential lots along Albion Street .

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 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 and therefore should be approved

## 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 application. The proposal is consistent with the applicable planning policy framework in the PPS and conforms to the Growth Plan, and the Official Plan.

Planning Staff recommend that application B18/2020 be approved, subject to the attached conditions in **Appendix A** of this Report.



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Prepared by: Brynne O'Neill, MCIP, RPP  
Development Planner  
Prepared on: November 26, 2020



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

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**APPENDIX A**  
**Conditions of Consent – B18/2020**

Subject to the following conditions:

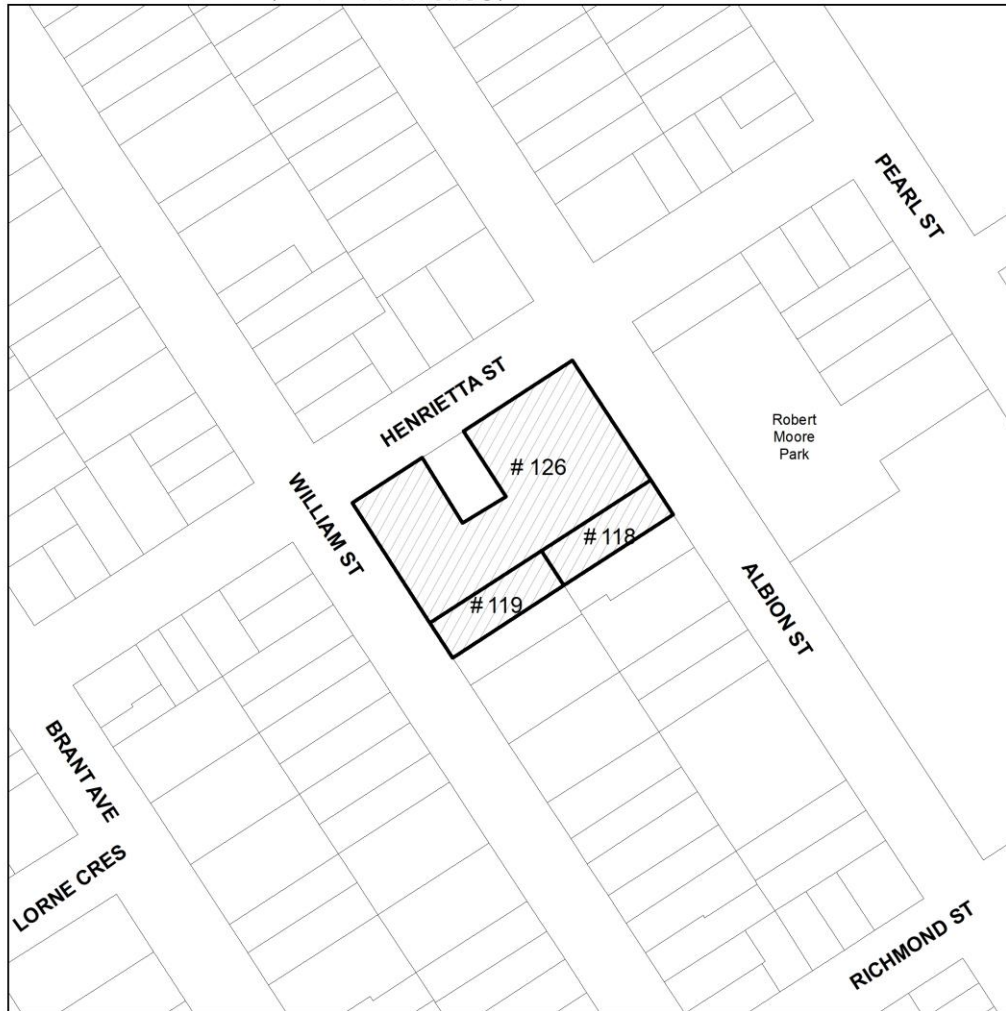
1. ☒ Receipt of a registered reference plan showing the subject parcels;
2. ☒ Receipt of confirmation that all taxes are paid up to date;
3. ☒ Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deeds for the severed lot for review (Upon registration a final copy of the Transfer deed shall be provided to the City);
4. ☒ Receipt of spatial separation calculations for the existing building on the severed parcel as it relates to the newly created property line, to the satisfaction of the Chief Building Official.
5. ☒ Receipt of 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.
6. ☒ Receipt of 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.
7. ☒ Receipt and approval of a Site Alteration Permit under Site Alteration By-law 28-2011 for the proposed parking area to the satisfaction of the Manager of Development Engineering or his/her designate.
8. ☒ 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: B18/2020

118-126 Albion Street, 119 William Street



#### Legend

 SUBJECT LANDS





APPENDIX C – Severance Sketch

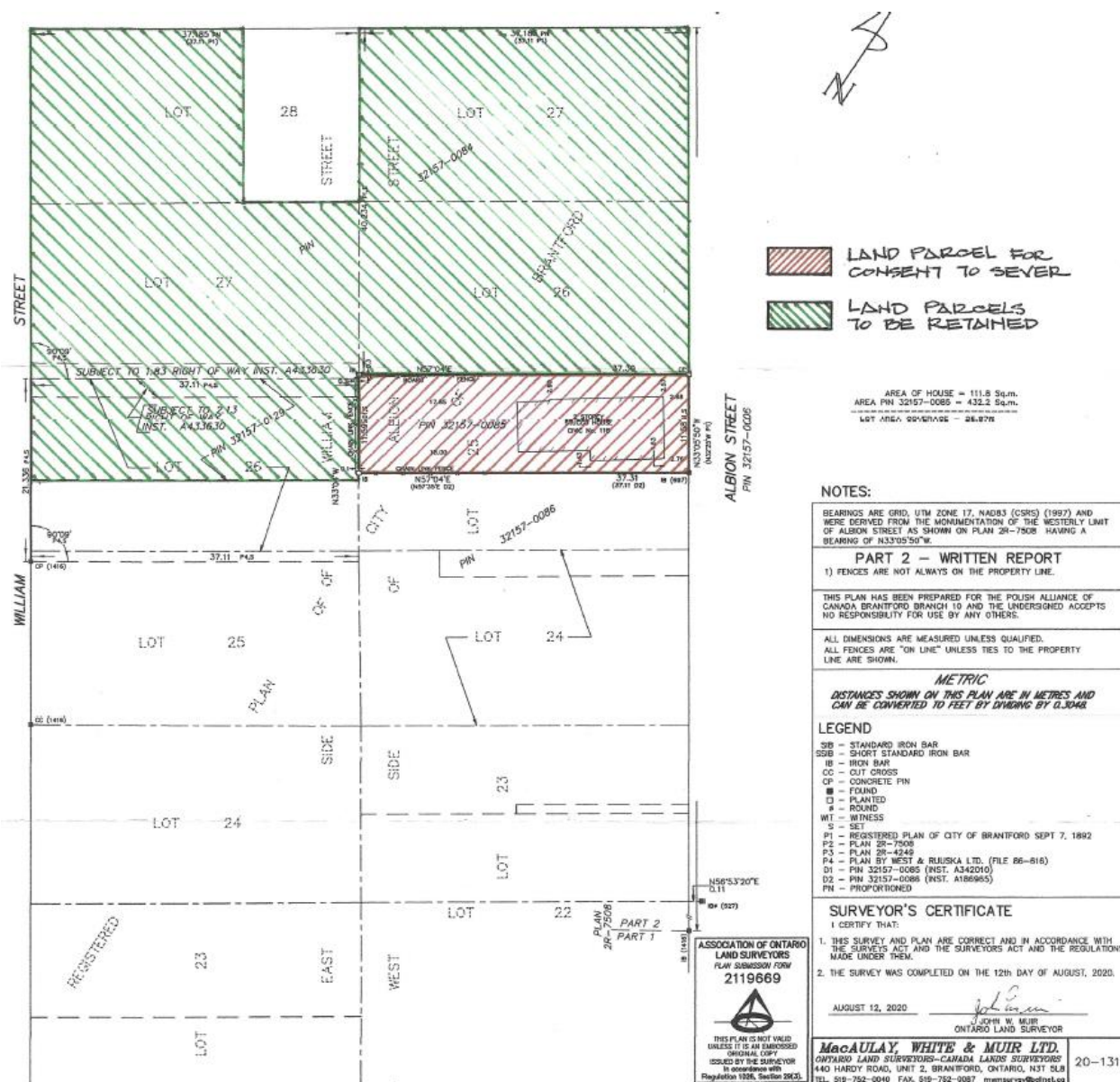


Figure 1: Severance Sketch

[illegible]

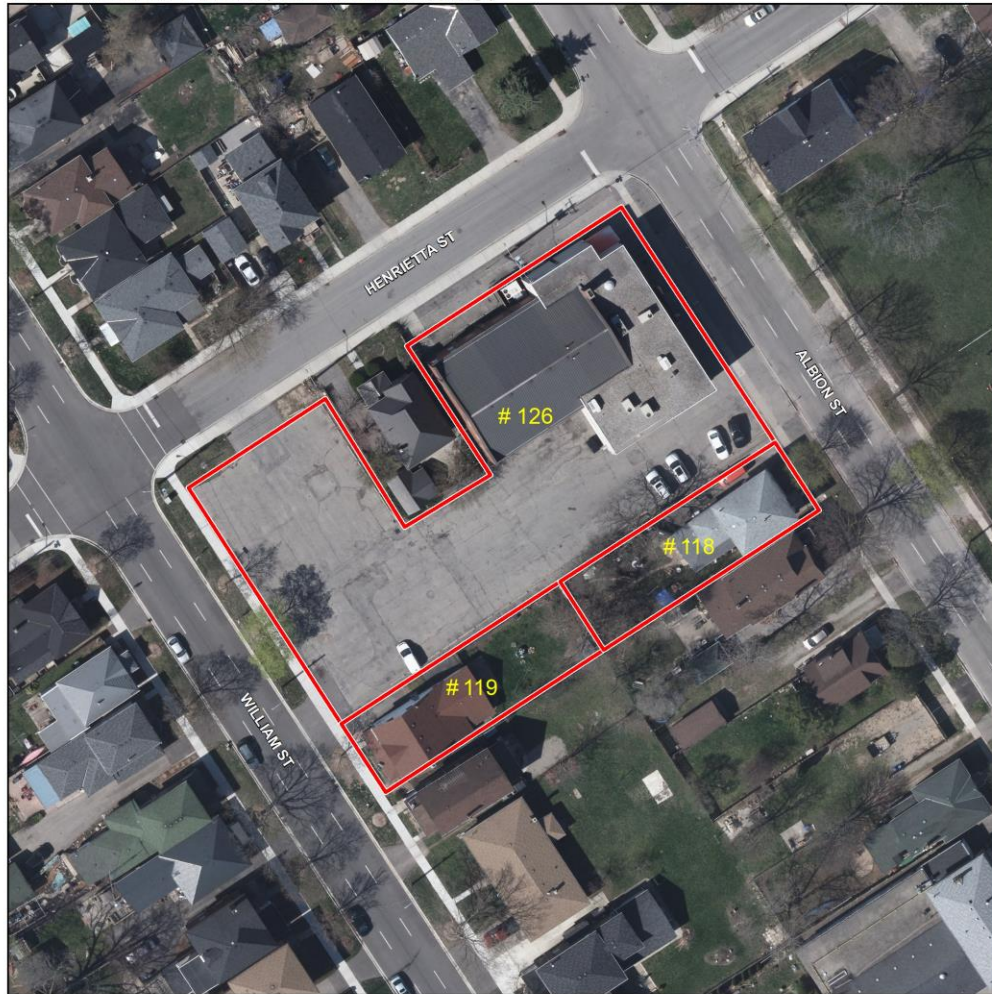
### Figure 2: Proposed Parking Plan

## APPENDIX D – Aerial Photograph

### AERIAL PHOTO

Application: B18/2020

118-126 Albion Street, 119 William Street



### Legend

 Subject Lands

Aerial Photo from Spring 2017





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## APPENDIX E – Site Photographs



Photo 1: 118 Albion Street (proposed severed lands)



Photo 1: 126 Albion Street and 119 William Street (proposed retained lands)

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## APPENDIX F – Building Department Comments

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### 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<sup>o</sup>.....B18/20

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**SITE:** 118 Albion St.  
**TO PERMIT:** Severance  
**APPLICANT:** Polish Alliance of Canadian Brantford Branch

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**COMMENTS:**

BYLAW: 160-90      ZONE: RC, RC-5

- Severed Parcel - Provide spatial separation calculations for the existing building as it relates to the newly created property line to Building Department for approval.
- Building permit is required for any proposed construction/ Change of use.

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Marta Schultz  
Senior Plans Examiner

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11/17/20

**APPENDIX G – Engineering Department Comments**



**CITY OF BRANTFORD  
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<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"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B18/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT		John Labinowicz	
AGENT		George Ziotek	
OWNER		Polish Alliance of Canada Brantford Branch	
ADDRESS		118 Albion Street	
TRANSPORTATION			

1. Conveyance of a daylight triangle at the corner of the retained parcel nearest the intersections of Albion St at Henrietta St and William St at Henrietta St would typically be obtained, however due to existing buildings and other infrastructure this will not be a requirement at this time.
2. Albion St right-of-way (ROW) is expected to be identified in the upcoming Official Plan (OP) as requiring an ultimate ROW width of 30.5m. While the current ROW width is less than 30.5m, due to existing buildings and other infrastructure, conveyance will not be required at this time.

Jacob McDonald, C.E.T.  
Transportation Technologist



**CITY OF BRANTFORD  
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<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"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B18/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT		John Labinowicz	
AGENT		George Ziotek	
OWNER		Polish Alliance of Canada Brantford Branch	
ADDRESS		118 Albion Street	
ENVIRONMENTAL SERVICES			

I reviewed the consent application and associated documents on behalf of Environmental Services and have no objections or concerns.

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



**CITY OF BRANTFORD  
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<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"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B18/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT		John Labinowicz	
AGENT		George Ziotek	
OWNER		Polish Alliance of Canada Brantford Branch	
ADDRESS		118 Albion Street	
<b>DEVELOPMENT ENGINEERING</b>			

**Conditions**

- 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 road.
- 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.

Tyler Wright, C.E.T.  
Development Engineering Reviewer

\*ADDITIONAL COMMENTS MAY BE 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: B18/2020

118-126 Albion Street, 119 William Street



**Legend**

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

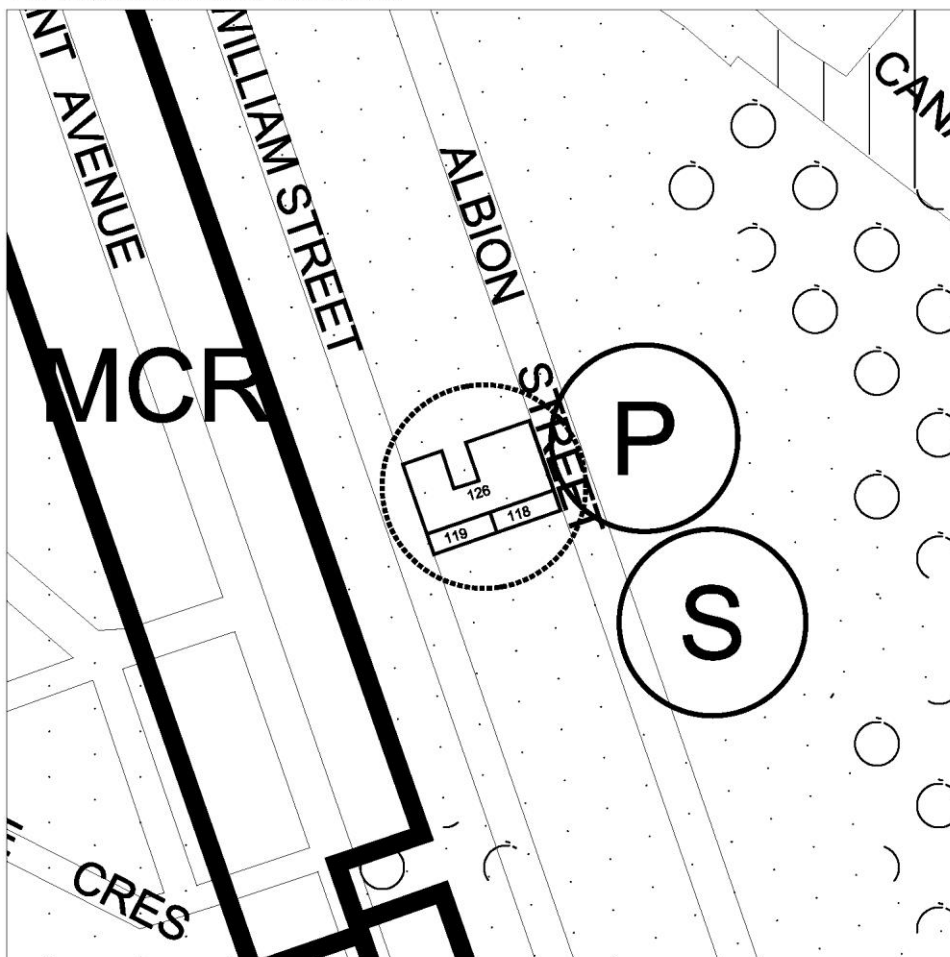


APPENDIX I – Official Plan

OFFICIAL PLAN

Application: B18/2020

118-126 Albion Street, 119 William Street



LEGEND

SUBJECT LANDS

- 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
- COMMUNITY CENTRE COMMERCIAL AREA
- GENERAL COMMERCIAL AREA
- MIXED COMMERCIAL RESIDENTIAL AREA
- DISTRICT CENTRE COMMERCIAL AREA
- NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HIGHWAY COMMERCIAL AREA
- NEW FORMAT COMMERCIAL AREA

- CEMETERY
- ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- SPECIALIZED PARK and OPEN SPACE
- COMMUNITY PARK and OPEN SPACE
- NEIGHBOURHOOD PARK and OPEN SPACE

## APPENDIX J - Zoning

### ZONING

Application: B18/2020

118-126 Albion Street, 119 William Street



#### Legend

- Subject Lands
- Zone Boundary

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

- RC Residential Conversion
- I2 Institutional School
- C4 Heritage Commercial Residential
- C7 Convenience Commercial
- OS1 Open Space Type 1
- # Exception Number

