



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

Date March 4, 2021 **Report No.** 2021-187

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 Applications for Consent and Minor Variance

2.0 Topic

APPLICATION NO.	B04/2021 & A12/2021
AGENT	J.H. Cohoon Engineering Ltd.
APPLICANT/OWNER	Carriageview Homes
LOCATION	9 Broad Street and 130 Terrace Hill Street

3.0 Recommendation

- A. THAT Application B04/2021 to sever parcel of land from the south portion of the lands municipally addressed as 9 Broad Street and 130 Terrace Hill Street, having a lot area of 605 m² and retain a parcel of land having a lot area of 589 m², BE APPROVED subject to the conditions attached as **Appendix A** to Report 2021-187; and
- 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. 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 within the City of Brantford and consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and

- C. THAT Application A12/2021 seeking relief from Section 6.4.1.1 to permit an exterior staircase to project a maximum of 3 m into a front yard, whereas an exterior staircase is not permitted to project into the front yard, BE APPROVED; and
- 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 Section 6.2 of Report No. 2021-187.”

4.0 Purpose and Description of Applications

Consent and minor variance applications have been received for the lands municipally addressed as 9 Broad Street and 130 Terrace Hill Street. A location map, severance plan, conceptual site plan and conceptual front elevation are attached as **Appendices B, C, D and D1**. The lands were merged on title due to them being in the same ownership. The applicant is proposing to sever the previously existing lot at 9 Broad Street to facilitate the construction of a semi-detached dwelling. The proposed lot dimensions will be as follows:

	<i>Land to be Severed</i>	<i>Lands to be Retained</i>
<i>Lot Frontage</i>	<i>18.74 m</i>	<i>17.37 m</i>
<i>Lot Area</i>	<i>605 m²</i>	<i>589 m²</i>

To facilitate the construction of the semi-detached dwelling, the applicant is seeking relief from the following Section of Zoning By-law 160-90 on the retained lands:

- Section 6.4.1.1 to permit an exterior staircase to project a maximum of 3 m into a front yard, whereas an exterior staircase is not permitted to project into the front yard.

5.0 Site Features

The subject lands are located on southeast corner of Terrace Hill Street and Broad Street, with a total lot area of 1,194 m². The lands are occupied by a single detached dwelling on the northern portion of the lands municipally known as 130 Terrace Hill Street. The southern portion of the subject lands are municipally known as 9 Broad Street and are currently vacant and slope away from Terrace Hill Street. The subject lands are surrounded by single detached dwellings in all directions. A low rise apartment building is located further to the southwest along Broad Street, and City View Park and the Brantford General Hospital are located further east. An aerial photo and photographs of the subject lands are attached as **Appendices E and F**.

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. Engineering Services have advised that they will be requiring the applicant to provide a satisfactory grading and drainage plan as a condition of consent (**Appendix A**). Further, if the grading and drainage plan determines that the height of the new retaining wall exceeds one metre, then the Owner must provide an engineering report, prepared by a qualified geotechnical engineer licensed in the province of Ontario. Engineering Services are also requesting that a 4.5 m daylight triangle be conveyed from the north-west corner of the property nearest the intersection of Terrace Hill Street and Broad Street. The applicant has been advised of these conditions. Engineering comments will be further reviewed and implemented through the Site Plan Control process. Detailed comments from the Building and Engineering Staff are attached as **Appendices G and H**.

6.2 Public Response

Notice of public hearing was issued by personal mail (36 notices) and by posting a sign on-site. Attached as **Appendix I** is a plan illustrating the notification area. At the date of the preparation of this Report, four letters from adjacent property owners have been received (see **Appendix I1**). Planning Staff also met on site with the Ward Councillors and some of the adjacent residents. The concerns expressed relate to soil stability, the proposed retaining walls, drainage, privacy, the construction process and existing vegetation and wildlife. The applicant has indicated that they are working with the adjacent property owners to address their concerns and come to an agreement.

With respect to soil stability, retaining walls and drainage, if the height of any proposed retaining wall exceeds one metre, the owner must provide an engineering report, prepared by a qualified geotechnical engineer licensed in the province of Ontario. Further, a building permit is also required for retaining walls that are higher than 1 m and adjacent to a building access, such as a driveway. The City's Property Standard's By-law requires that all retaining walls are to be kept in good repair and in a safe and structurally sound condition. There is no setback requirement for a retaining wall; however, the design will need to provide sufficient room for a swale and the backfilling of appropriate materials behind the wall. An agreement will need to be provided for any retaining wall that encroaches onto abutting property. If no agreement is provided, the retaining wall will be required to be contained on the subject lands. A drainage plan to the satisfaction of the Manager of Development Engineering is to be provided as a condition of severance as listed in **Appendix A**, Condition 8.

Regarding the construction process, adjacent property owners will need to provide permission to allow any construction equipment or work on their property. An arborist report will be a requirement of Site Plan Control to ensure there are no significant tree species to be removed. Regarding privacy, the applicant's proposal meets all minimum yard requirements in the Zoning By-law. Two of the letters received suggest making an engineering survey and study of their own properties as a condition of approval. Staff advise that if through the detailed review of the grading and drainage plans, as well as the retaining wall details it is determined that a pre-construction survey is necessary, it will be made a requirement through the Site Plan Control process prior to construction.

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 B04/2021 & A12/2021 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) (August 2020). 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 conform to the Growth Plan.

7.2 City of Brantford Official Plan

The subject lands are designated "Residential Area – Low Density" in the in the Official Plan (see **Appendix J**). The "Residential Area – Low Density" designation allows for a variety of residential uses including single detached, semi-detached, duplex and triplex dwellings. 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 Conversion Zone (RC)" in Zoning By-law 160-90 (see **Appendix K**). The RC Zone permits single detached, semi-detached, duplex, triplex and converted dwellings. The subject application requires relief to permit an exterior staircase to project into a front yard, which is discussed further in Section 7.4.2 of this Report. The proposed lot complies with all other requirements of Zoning By-law 160-90.

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 recreating a previously existing lot. The retained parcel can adequately accommodate the existing single detached dwelling. The applicant is proposing to develop a semi-detached dwelling on the severed lands, which meets all minimum lot dimension regulations of the RC Zone. The approval of minor variance application A12/2021 is not required to create the lot and as such has not been included as a condition of consent. There are properties of a similar width and area immediately adjacent to the subject lands. 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.

The Site Plan Control process will provide the City and the Ward Councillors with an opportunity to review the functionality of the site, the placement of building(s), the driveway location, protection of street trees and the overall design of the new dwelling to ensure its compatibility and integration within the neighbourhood. Staff will work to address several of the concerns raised by adjacent land owners and all other technical requirements of the City will be addressed at the Site Plan Control stage.

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 variance to permit an exterior staircase to project into the front yard is minor in nature. The variance will not result in adverse impacts or restrict development on any adjacent property. The minor variance is desirable for the appropriate development or use of the land as the exterior staircases are needed to provide access to the proposed building given the grading of the property. The proposed exterior staircase meets the general intent and purpose of Zoning By-law 160-90 and the Official Plan by facilitating the development of a semi-detached dwelling that will contribute to a diverse mix of housing in the neighbourhood.

Section 18.11.2 of the Official Plan lists criteria for minor variance applications, including if the adequate provision is made for vehicular access and off-street parking on the lot and that building coverage is not excessive so that adequate landscaping can be provided. The staircase will still allow for adequate landscaping to be provided. Planning Staff are satisfied that the general intent of the Official Plan is maintained as the proposed minor variance will not impede vehicular access or off-street parking on the lot, and will continue to meet the minimum lot coverage and landscaping requirements. Staff is 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 January 15, 2021. 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. The proposal will contribute to both economic and residential development on an underutilized lot in Brantford and 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. Planning Staff recommend that applications B04/2021 and A12/2021 be approved subject to the conditions attached as **Appendix A** to Report 2021-187.



Prepared by: Sean House,
Development Planner,
Prepared on: February 25, 2021



Reviewed by: Joe Muto, RPP, MCIP,
Manager of Development Planning
Community Development

Appendix A - Conditions of Consent – B04/2021

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 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).
5. ☒ 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 and the appropriate fee has been paid.
6. ☒ 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.
7. ☒ 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. The Grading and Drainage Plan shall delineate existing and proposed grades for both the severed and retained properties.
8. ☒ If the grading and drainage plan referenced in Condition 7 determines that the height of the new retaining wall exceeds one metre, receipt an engineering report, prepared by a qualified geotechnical engineer licensed in the province of Ontario, which indicates that the proposed retaining wall will have a minimum factor of safety of at least 1.5 against global instability to the satisfaction of the Manager of Development Engineering or his/her designate if the aforementioned grading and drainage plan, determines that the height of the new retaining wall exceeds one metre.
9. ☒ Receipt of confirmation that the daylight triangle, as required by the Engineering Department, has been conveyed to the City, at no cost to the municipality and free

and clear of any encumbrances, with any costs regarding the transfer being borne by the Applicant(s).

10. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before March 4, 2022, after which time the consent will lapse.

Appendix B – Location Map

LOCATION MAP

Application: B04-2021

9 Broad Street & 130 Terrace Hill Street

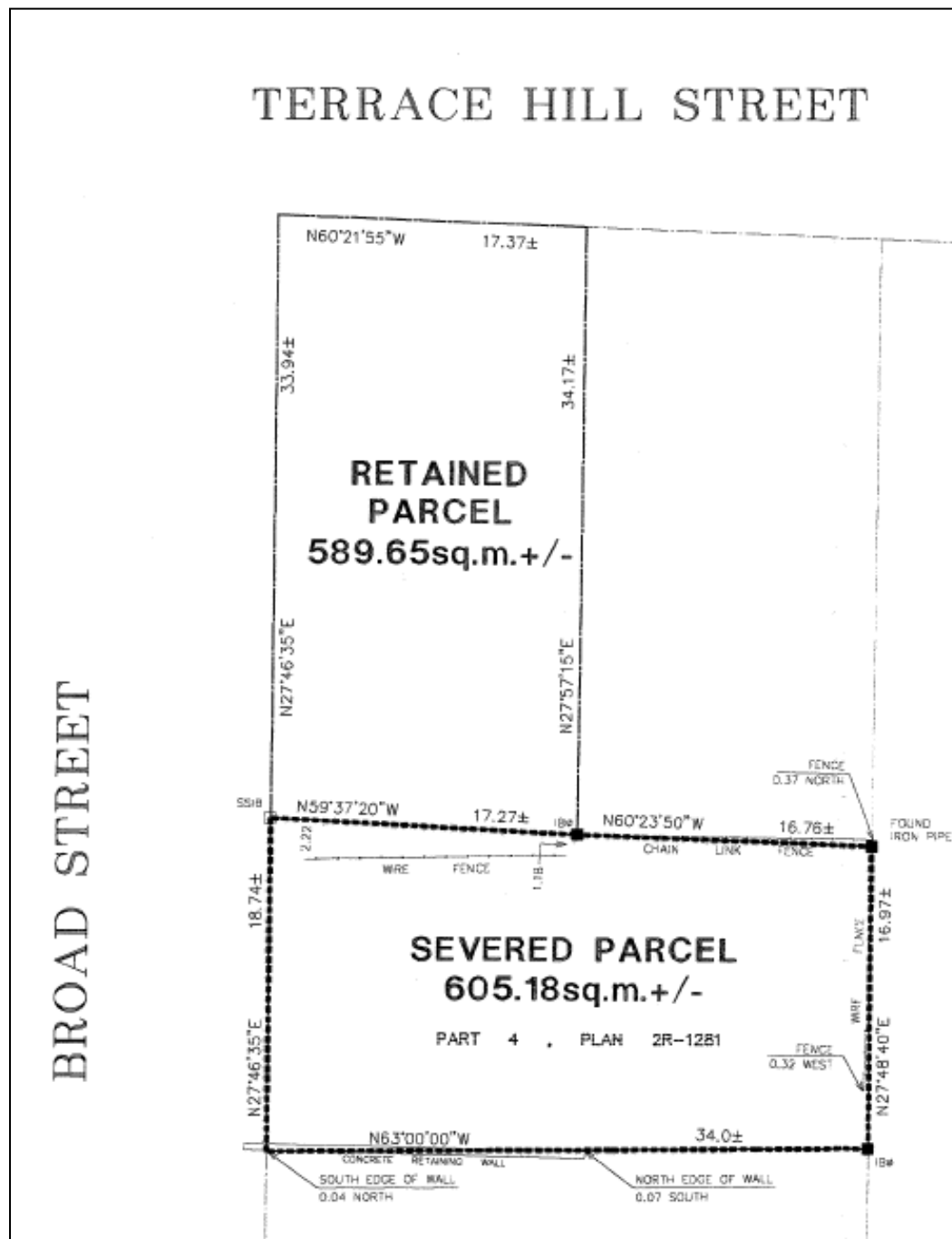


Legend

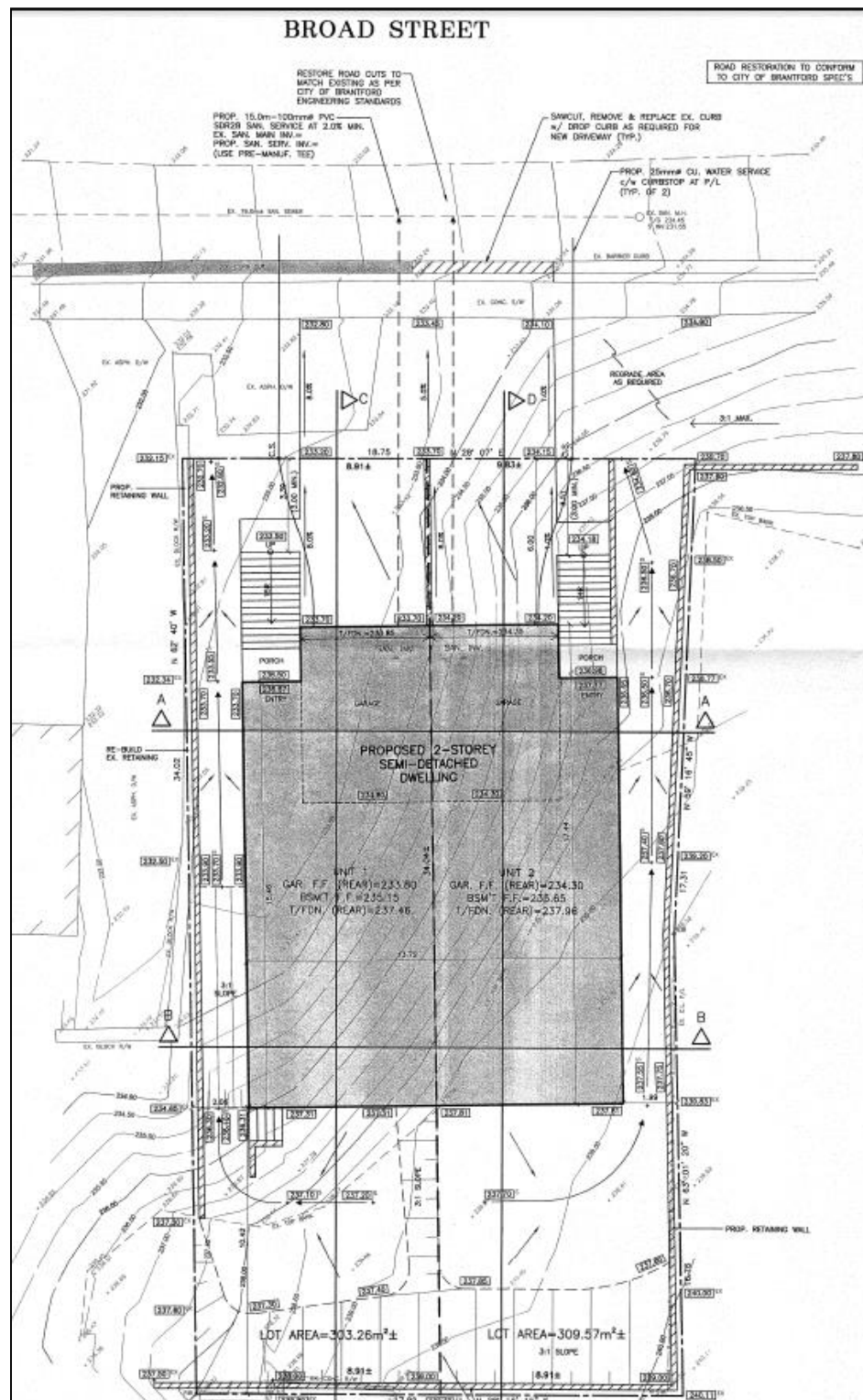
 SUBJECT LAND



Appendix C – Concept Severance Plan



Appendix D – Concept Site Development Plan



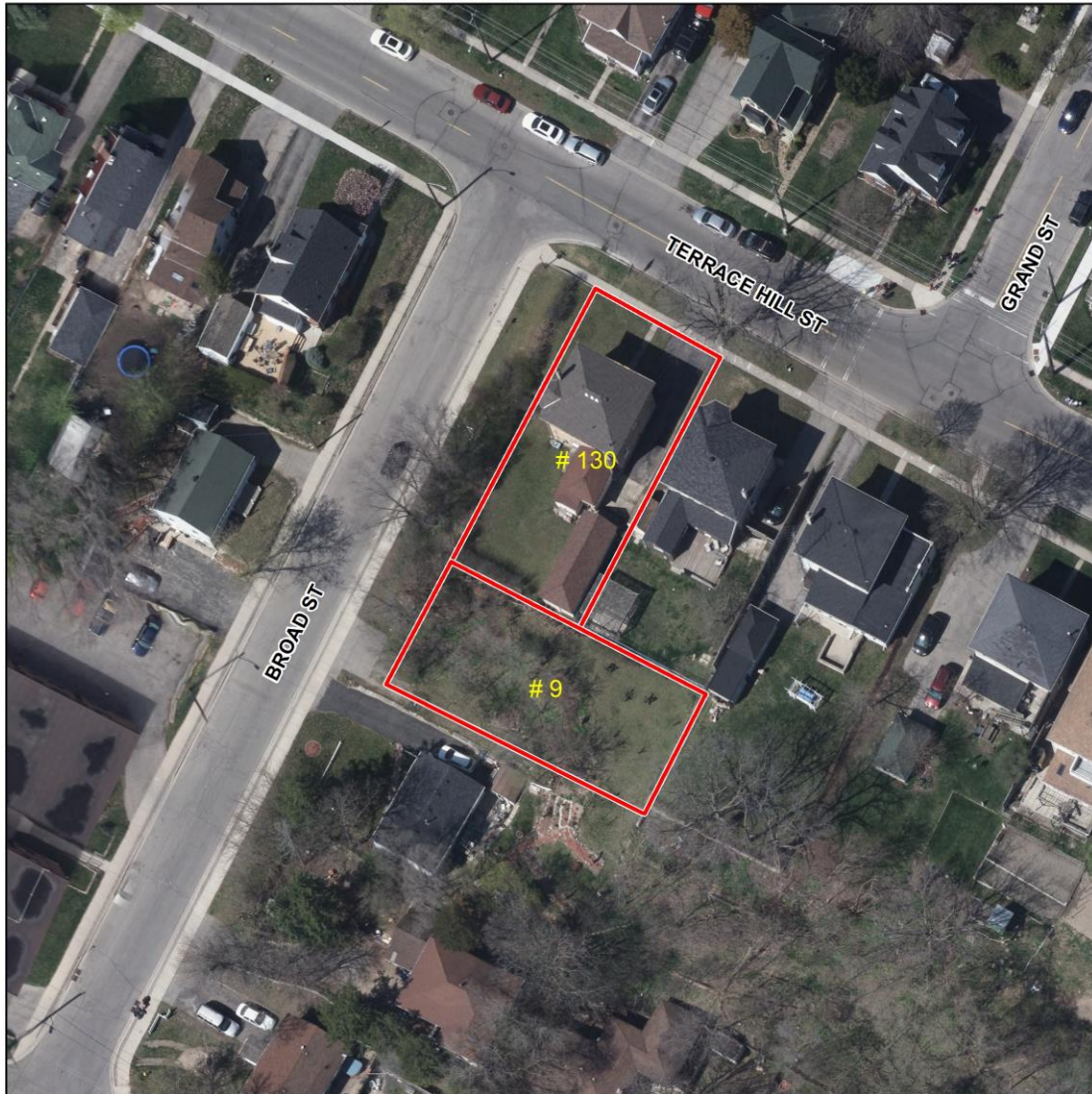
Appendix D – Conceptual Front Elevation




Appendix E – Aerial Photograph

AERIAL PHOTO

Application: B04-2021 & A12/2021
9 Broad Street & 130 Terrace Hill Street



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix F – Site Photographs



Photo 1: Subject lands (130 Terrace Hill St.)



Photo 2: Subject Lands (9 Broad Street).

Appendix G – 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° **B04/2021**

SITE: 9 Broad St & 130 Terrace Hill St.

APPLICANT: Carriage View Homes c/o Domenic Zavarella

COMMENTS:

BYLAW: 160-90 ZONE: RC

- Front exterior staircase is not permitted to project into a required front yard and project more than 1.5m into a required yard.
- A minimum of 50% of the front yard shall be maintained as landscaped open space.
- 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.

Marta Schultz
Senior Plan Examiner

12/22/20
Date

Appendix H – Engineering 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.:		B04/2021	
DATE DUE TO PLANNING		January 8, 2021	
APPLICANT		Carriageview Homes	
OWNER		Dorothy Jean Polilo	
AGENT		J.H. Cohoon Engineering Ltd.	
ADDRESS		130 Terrace Hill Street & 9 Broad Street	
TRANSPORTATION			

1. A daylight triangle should be conveyed from north-west corner of the property nearest the intersection of Terrace Hill St at Broad St. Dimensions of the daylight triangle should be as per the Site Plan Manual.
2. The severed parcel should be subject to the site plan control process in order to confirm adequate sightlines at any proposed driveway.

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.:		B04/2021	
DATE DUE TO PLANNING		January 8, 2021	
APPLICANT		Carriageview Homes	
OWNER		Dorothy Jean Polilo	
AGENT		J.H. Cohoon Engineering Ltd.	
ADDRESS		130 Terrace Hill Street & 9 Broad Street	
ENVIRONMENTAL SERVICES			

I reviewed the consent application and associated Site Plan—as prepared by J.H. Cohoon Engineering—on behalf of Environmental Services and have no objections regarding the proposed severance; however I'd like to offer the following water comments for consideration when applying for a Site Plan Control Application:

1. City records indicate that the served parcel is currently not serviced. However the property can be serviced by the 150 mm Cast Iron watermain in Broad Street;
2. Only one service will be permitted to the property; the minimum permitted service size is 25 mm;
3. Indicate the location of the water meter on the drawing. The water service must be brought to grade immediately after passing under the footing and the water meter placed in this location;
4. The Owner must obtain Water Service Connection Permits and pay all applicable fees prior to commencing any work to replace the water service. The City will complete the inspection of all water service connections;
5. The 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;
6. 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:

7. The property developer or owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy; and
8. The property developer or 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.

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 type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
FILE NO.:		B04/2021	
DATE DUE TO PLANNING		January 8, 2021	
APPLICANT		Carriageview Homes	
OWNER		Dorothy Jean Polilo	
AGENT		J.H. Cohoon Engineering Ltd.	
ADDRESS		130 Terrace Hill Street & 9 Broad Street	
DEVELOPMENT ENGINEERING			

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 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. The Grading and Drainage Plan shall delineate existing and proposed grades for both the severed and retained properties.
- If the aforementioned grading and drainage plan, determines that the height of the new retaining wall exceeds one metre, then the Owner(s) will provide an engineering report, prepared by a qualified geotechnical engineer licensed in the province of Ontario, which indicates that the proposed retaining wall will have a minimum factor of safety of at least 1.5 against global instability to the satisfaction of the Manager of Development Engineering or his/her designate.
- 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 and the appropriate fee has been paid.
- That the retained and severed lands be subject to site plan control, for any proposed new development, in accordance with the city of Brantford By-law 90-2018.


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.
- 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.

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

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

January 19, 2021
DATE


Gary Peever, P.Eng.,
Manager, Development Engineering

Appendix I – Area of Notification

AREA OF PUBLIC NOTIFICATION

Application: B04-2021 & A12/2021
9 Broad Street & 130 Terrace Hill Street



Legend

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



Appendix I1 – Letters from Public

Brantford City Clerk

Sept 7, 2020

Re: development of 9 Broad St.

I live at 11 Broad St and as I understand it, Zavarella Construction has purchased the vacant property next to me on the north side, which I would expect to be called 9 Broad St. This is an undeveloped lot with great disparity between elevations. Much higher at the East and North ends of the lot than it is at it's western frontage on Broad St.

While I understand this proposal has to the best of my knowledge yet to be submitted to City Hall for approval, I feel it necessary to share my concerns with you.

If this lot does in fact need to be developed, thankfully it has been purchased by a reputable, professional developer, as I expect it will be a very difficult lot to build on

Zavarella has explained to me that he has plans to decrease the disparity in elevations, lowering the east and north sides and raising the west. He then intends on building a set of 2 story semi detached homes of approximately 2000 sq ft for each of the 2 units.

Since I live next door, I expect some inconvenience and disruptions due to the development and I also expect that Zavarella and I will be able to come to some compromises and cooperations. Despite this, I do have some concerns regarding unforeseen circumstances that may cause damage or long term effect on the enjoyment of my home. After I met Mr Zavarella, I spoke to Mr. John Utley who subsequently visited my location. Mr Utley suggested that I should write this letter to voice my concerns.

My concerns both during and after construction are as follows but are not limited to;

Stability

--the lot is comprised mainly of sand,(formerly a sand pit) held together mainly by tree roots.

Once the trees are removed there is nothing holding it all together

Could erosion occur and land on my property

Could the garage for the house on corner of Broad and Terrace Hill become unstable and fall in

Could my yard which is also sand and a hill lose it's stability

Could the adjoining yards lose their stability

--We are close to the train station. Heavy freight trains going through do cause vibrations which could further exacerbate the stability. Will the developer be required to conduct stability tests?

--some of the tree roots have to extend into my yard.

Will my property be disrupted during construction or cause my yard to be less stable when the trees are removed.

--could the heavy equipment working on the lot destabilize the hill or could vibrations from this equipment cause damage to the foundation of my house, or cause the rockery that I have built in my yard to destabilize.

Drainage

--will the change of elevations and the development of the lot affect the drainage from snow and storms. Water runs downhill.

--with limited space at the front of the houses, could this cause the owners to have to make large piles of snow when shovelling their driveways. Would this then melt and runoff to my property or to the sidewalks and then refreeze to ice?

Privacy and fencing

--If soil is removed from the top eastern end, will I then have a pit next to me near that end that I could fall in to.

Will fencing be installed

--There will be the equivalent of a 30 foot tall wall (2 story house on elevated land) next to the north side of my driveway.

Will there be anything to prevent the owners from staring down at me as I am relaxing in my yard? God forbid that there should be a balcony off the back of the new houses. My yard currently is a very private spot and I'm very afraid of losing that.

Driveway

--Zavarella indicated that the cinder block retaining wall that runs along the north side of my driveway and separates the lots would need to be replaced.

Will I lose the use of my driveway for a period of time

Could this cause damage to my paved drive.

Retaining walls

--Will the retaining walls be subject to setback bylaws meaning they need to be a distance from the property line?

Assuming the retaining walls are not perfectly vertical, especially on the north side of the property, would reduce the area that the house could be built on, possibly affecting minimum width bylaws or not permitting access from the front of the house to the rear. What is the required set back distance?

Property Values

--Zavarella indicated that his development would affect the value of my house. Will this cause me to have to pay additional property taxes due to an increase in value? In my opinion having a house next to mine would detract from my value.

Parking

--Where will they park the heavy equipment during construction. Broad is a short street with limited parking spaces, and is on a steep hill.

Noise

--Being very close to my house, how much noise will I be expected to tolerate and for how long. Are there limited hours and limited days.

Flora and Fauna

--I truly enjoy the various birds, chipmunks, squirrels, and the lot to be developed offers protection and homes to some of these animals.

I fully appreciate the need for Zavarella to have spaces to develop and expect that he will attempt his normal professional ways, but this is an exceptional lot, far from a normal piece of land to be developed. I would appreciate being kept fully informed during the planning process and am concerned with what happens if something should go wrong. I would also appreciate if my concerns or a copy of this letter could be distributed to the various city departments that might be involved, When the development is submitted.

Regards

Dan Lazaros

11 Broad St

Brantford, ON

N3R 7E1

[Phone number redacted]

CC John Utlej

Helena Gunn
126 Terrace Hill Street
Brantford, Ontario
N3R 1G3
T: [REDACTED]

To: Sean House – Development Planner
City of Brantford
Committee of Adjustment
100 Wellington Square
Brantford, Ontario N3T 2M2
T. 519-759-4150 x 5761
shouse@brantford.ca

Cc: City Clerk
Councillor John Sless – Ward 2
johnsless@brantford.ca
Councillor John Utley – Ward 2
johnutley@brantford.ca

Re: Minor Variance Application – B04/2021 & A12/2021
9 Broad Street and 130 Terrace Hill Street

Mr. House,

Last year I was made aware that Mr. Domenic Zavarelli intends to purchase, pending approval, 9 Broad Street, which abuts my property via the rear lot line. We understand that Dorothy Polillo is still owner of both 9 Broad Street and 130 Terrace Hill Street, currently a single property.

I purchased my property largely because the view from the back of the house and the back garden is spectacular, and, having inquired, discovered from the neighbours, that the property behind 126 and 130 Terrace Hill Street belonged to Mr. and Mrs. Polillo.

Two other properties abut the site which will be affected, Mr. Zavarelli has had an initial meeting with the two owners of those properties and I. In that meeting Mr. Zavarelli answered some of our concerns and indicated he was willing to “fix” any problems that arose.

The rear portion of the property, which is the subject of the request for severance, has a significant drop in elevation from north to south, and an even greater drop in elevation from east to west. The development proposes an unimaginative cutting of the grade to allow for a simplistic rectangular floor plate with absolutely no regard for the change in grade throughout the site. The development requires enormous stacked-block retaining walls that require significant excavation on the adjoining properties, causing the loss of structures, plantings and fencing. The Developer has proposed making good on replacing such elements that would be affected, and has offered to upgrade the fence and plant additional trees.

One concern is that the treed slope that continues almost unbroken from City View Park down to West street will be severed again, and that the ecological damage from such a brutal approach to the site is the continuation of a trend started with the apartment building across the road at Usher Street and Broad Street, which has a truly lack luster retaining wall that is perhaps 50 years old, which has just had some significant repair work done. Storm and surface water run-off will impact the retaining wall, and may, with the cutting down of all of the trees on the property, affect the stability of the remnants - however small - of the slope. Much of the character of the neighbourhood is tied to the densely wooded areas between Terrace Hill Street and Usher Street/Buffalo Street, that significantly support the property values, which will be adversely affected by the development.

Has a survey of the wooded lot been conducted to determine if any of the trees are protected by the City of Brantford By-Law?

Another concern is with the choice of a cheap stacked-block retaining wall instead of a permanent poured concrete retaining wall, and the likelihood of a structural failure within only a few years after the developers warranty has expired. The site was an old sand pit and it is unclear how much of the site is fill, and how the proposed excavation will adversely affect the stability the three properties uphill of the development.

That stability is further brought into question during construction when heavy machinery will undoubtedly be needed to remove such a significant portion of the site. The houses on Terrace Hill Street were built in the 1860's, old enough to raise concerns about structural integrity during major construction project in such close proximity, to say nothing of construction equipment driving back and forth a few feet away from the side of my house, and over underground services that may not show their damage until after the developers warranty has expired.

I would ask that the Committee of Adjustment decline the application for severance of the lot into two parcels, and, decline the application for relief from the requirements of Section 6.4.1.1 of the Zoning By-Law 160-90 that does not permit a stair to project into the front yard setback.

If the Committee of Adjustment approves the application for severance, I would ask that the application for relief from the requirements of Section 6.4.1.1 of the Zoning By-Law be declined, and that as a condition of granting the application to sever the properties a condition is placed upon the Developer to be required to;

- a) pay in full for a third-party engineering survey and study, of my property, grounds, house, decks, trees, fences, and, where possible underground services (by remote camera) to determine structural, weatherproofing and general conditions of services and elements, prior to the commencement of construction activities. The survey and study is to be performed by a Professional Engineer Licensed in the Province of Ontario, of my choosing,
- b) pay for any and all damages to my property that result from the activities of the Developer, where the repair work may be performed by a third-party contractor of my choosing,
- c) construct the entirety of the retaining wall on the development property,
- d) prevent all excessive vibrations from construction activities, including but not limited to piling,
- e) provide a Warranty of the work of the retaining wall lasting no less than 30 years after the completion of the work.

In addition I would ask that the survey and study identified in a) is to be provided to directly to me, with an additional condition of granting the application for severance be that a Building Permit will not be issued until said survey and study is completed, and a copy of the 30 year warranty for the retaining wall is provided to the City Clerk to be kept on file for the duration of the warranty.

If the above conditions of granting the application to severance are not attached to the acceptance of the application, I may reserve the right to refuse access to my property and may have charges laid upon anyone trespassing. I understand that the cost implications of creating a retaining wall that rests entirely upon the lower level property may be significant and would imagine that meeting the above conditions would be preferable.

Sincerely,

Helena Gunn.

Tyler Korpi & Landon Bursey
124 Terrace Hill Street
Brantford, Ontario
N3R 1G3


To: Sean House – Development Planner
City of Brantford
Committee of Adjustment
100 Wellington Square
Brantford, Ontario, N3T 2M2
(519) 759-4150 X 5761
Shouse@brantford.ca

Cc: City Clerk
Councillor John Sless – Ward 2
Johnsless@brantford.ca
Councillor John Utley – Ward 2
johnutley@brantford.ca

Re: Minor Variance Application – B04/2021 & A12/2021
9 Broad street and 130 Terrace Hill Street

Mr. House,

I am writing to express our deep concern in regard to the proposed severance and development of 9 Broad Street, a property which abuts our property on the back West side of our backyard. The property that Mr. Zavarella and Company seek to sever and develop contains a dramatic change in elevation. The developer plans to build a semi-detached home, and intends to lower the current elevation significantly, which will require at least one or more retaining walls lining my property, as well as additional retaining walls abutting our neighbour's properties which also abut the proposed to be severed land.

My girlfriend Landon and I purchased the property at 124 Terrace Hill approximately a year ago and are thrilled to be back in the community that Landon was born and raised in, and to breathe new life into a part of what makes Brantford special. The historic homes on Terrace Hill, including our own at 135 years old, and others like it around the city are the types of properties that we searched for and saved up a down payment to acquire for many years. To have landed where we did, we are fortunate.

Regrettably, several of the factors that persuaded us to choose this home and are important to us have become uncertain and at risk. Our reservations and concerns extend

beyond our own property, and also pertain to our neighbours, our larger community, and what effects and footprint we are comfortable leaving behind. There are many unknowns and difficult to manage risks involved with this severance and development. Please allow me to detail some of our most foremost concerns:

- 1) Maintaining the current elevation and stability of our backyard has become uncertain. We will not consent or allow for our backyard elevation to be lowered to allow for shorter retaining walls for the proposed to be severed property's development innovative. Our current backyard and entire property is relatively flat, which for this area is both a factor of enjoyment for our property, as well as a differentiator in comparison to many properties in this area.
- 2) The preservation of 3 large and estimated to be approximately 75 year old walnut trees in our backyard is important for the enjoyment of our property, as well as for the enjoyment and aesthetic of our community. These magnificent and towering trees line the back portion of our property, and are in such a proximity to the planned excavation and retaining walls that there is a reasonable risk that the trees could be negatively affected by the chance of their roots being torn apart, damaged, or severed. We fully understand that one day, with or without our input, these trees will die. However, until that time comes, we will not allow these beautiful hardwoods to die from anything other than natural causes.
- 3) Lining two sides of our backyard we currently have our own aging retaining walls. There is one large retaining wall on the south side at the very back of our lot which is on the inside of our property by roughly 6 feet. We also have a smaller retaining wall (less than 1m high) that runs along the lot line of where our property meets the proposed to be severed property. In order for this development to take place, a new retaining wall will need to be built along where our property meets the proposed to be severed property to account for the drop in elevation that Zavaralla and Company are proposing. There are a variety of methods, technologies, and standards for constructing retaining walls, some of which superior to others, and some of which that will require the builder to tie back into our property on the high side. We are opposed to this, and cannot allow the excavation of our property due to risk to our structures, (House and very nearby garage), the aforementioned risk to the health of our Walnut tree's, as well as the preservation of the aforementioned aging retaining wall that lines the back of our property line. The excavation and the development of this unique property that Mr. Zavarella and Company seeks to engage in, risks damaging our back retaining wall which is an important aspect of what keeps our property level and stable.

- 4) Who will be responsible for the new retaining wall that is needed so that the proposed to severed property can be responsibly and sustainably developed? It will not be the owners of 124 Terrace hill, past, future, or present. We refuse to be responsible for a retaining wall that we do not consent to, or want. If City rules and regulations, or any type of legislation anywhere states that the property holder on the higher ground of the retaining wall will be responsible for its upkeep and maintenance, we will require a Warranty either from the Developer or the City of Brantford of no less than 99 years. In being 99 years in length, we can be assured that if we ever had to sell our home in the future, we could in clear conscience confirm to our buyers that they will not be liable for the retaining wall connecting the two properties. It should also be noted that if and when the proposed new retaining wall was to need repair, access to the site will be severely limited due to the low and dense nature of the proposed development.
- 5) Eliminating a greenspace in our community comes with substantial costs to flora and fauna. Have environmental and sustainability considerations been properly explored and addressed in regard to this development? Could the city mandate that this development be a LEED certified build, pioneering a path and leading by example for other developers and communities not just in Brantford, but across our region?

We at 124 Terrace Hill stand to repeat the conditions of our fellow concerned neighbour, Helena Gunn, in requesting that if the Committee of Adjustment approves the application for severance, we would ask that the application for relief from the requirements of Section 6.4.1.1 of the Zoning By-Law be declined, and that as a condition of granting the application to sever the properties a condition is placed upon the Developer to be required to:

- a) Pay in full for a third-party engineering survey and study, of my property, grounds, house, structures, trees, fences, retaining walls and, where possible underground services (by remote camera) to determine structural, weatherproofing, and general conditions of services and elements, prior to the commencement of construction activities. The survey and study is to be performed by a Professional Engineer licenced in the Province of Ontario, of my choosing.
- b) Pay for any and all damages to my property that result from the activity of the Developer, where the repair work may be performed by a third-party contractor of my choosing.
- c) Construct the entirety of the retaining wall on the development property.
- d) Prevent all excessive vibrations from construction activities, included but not limited to piling

- e) Provide a Warranty of the work of the retaining wall lasting no less than 99 years after the completion of the work.

In addition, I would ask that the survey and study identified in a) is to be provided directly to me, with an additional condition of granting the application for severance be that a Building Permit will not be issued until said survey and study is completed, and a copy of the 99 year warranty for the retaining wall is provided to the City Clerk to be kept on file for the duration of the warranty.

For the properties and residents directly affected, the community of Terrace Hill, the Ward, and the entire City of Brantford, It is unclear to me if there is anything that can be gained through this development. I can however clearly see risk, future uncertainties and issues, some known and some unknown, that will negatively affect the neighbouring properties and the community now and in the future.

Sincerely,

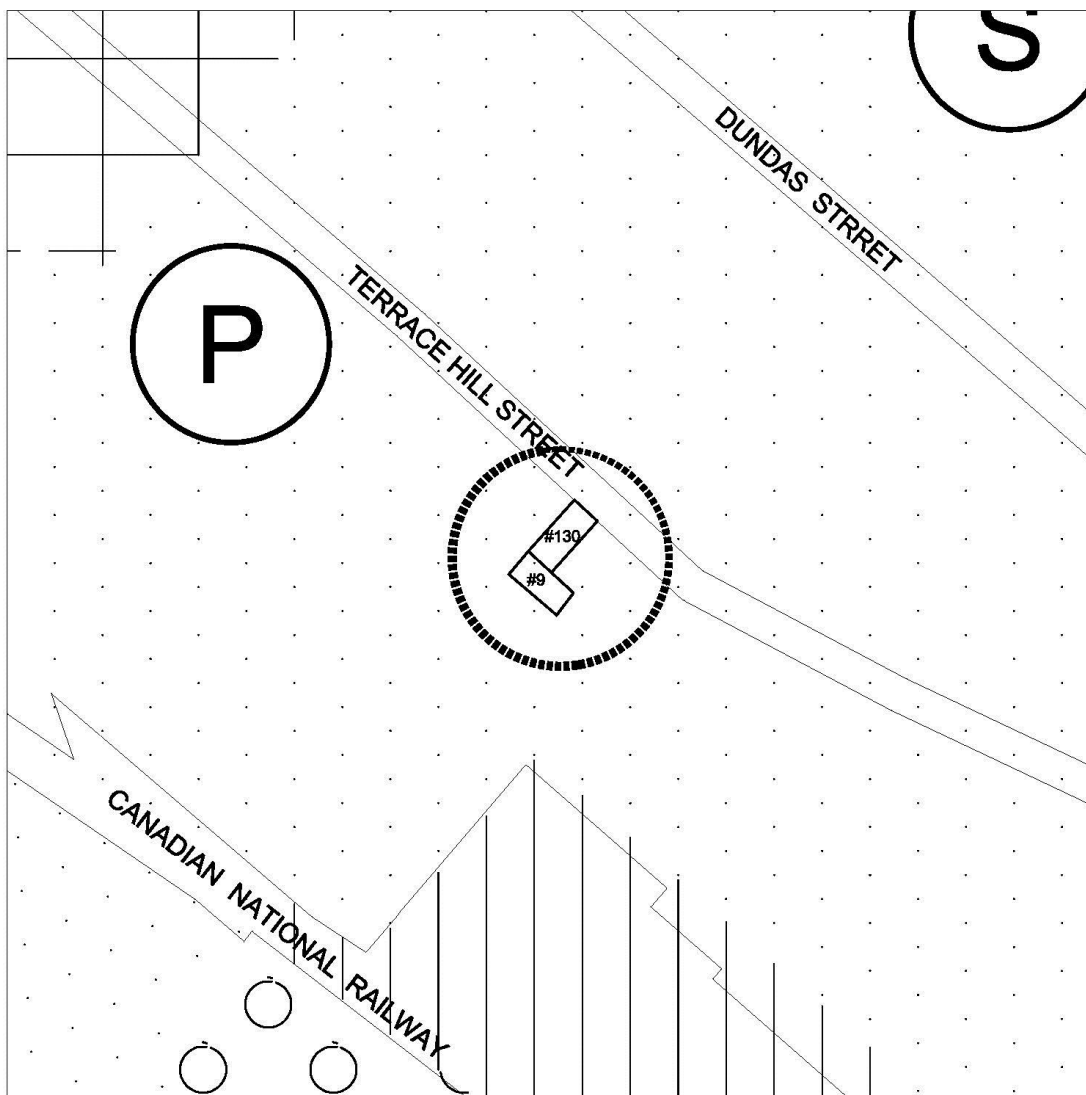
Tyler Korpi
Landon Bursey

Thank You. I am a little worried about the Broad Street side. The road way is starting to "slide down" the hill. We have noticed this in the last few years. I am concerned that the roadway will be further degraded with the construction. I will voice my concerns at the March 4th virtual meeting. We live at 140 terrace Hill

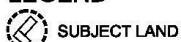
Appendix J – Official Plan

OFFICIAL PLAN

Application: B04-2021 & A12/2021
9 Broad Street & 130 Terrace Hill Street



LEGEND



- 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 K – Zoning

ZONING

Application: B04-2021 & A12/2021
9 Broad Street & 130 Terrace Hill Street



Legend

- Subject Land
- Zone Boundary

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

- RC Residential Conversion
- R4B Residential Medium Density Type B
- OS1 Open Space Type 1
- # Exception Number

