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**Date** October 6, 2021 **Report No.** 2021-637

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

**From** Sean House, MCIP, RPP  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

## 2.0 Topic

<b>APPLICATION NO.</b>	B19/2021
<b>APPLICANT/OWNER</b>	Andrew Evans and Janis Vajnagi
<b>LOCATION</b>	30 Grandview Street

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## 3.0 Recommendation

- A. THAT Application B19/2021 to sever a 370 m<sup>2</sup> parcel of land from 30 Grandview and retain a parcel of land having a lot area of 480 m<sup>2</sup> BE APPROVED, subject to the conditions attached as **Appendix A** to Report 2021-637;
- B. THAT reasons for approval are as follows: having regard for matters under Section 51(24) of the *Planning Act*, Staff is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law, conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement; and,

- C. THAT pursuant to Section 53 (17) – (18.2) of the *Planning Act*, R.S.O 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decisions:

*“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. 2021-637.”*

#### 4.0 Purpose and Description of Application

A consent application has been received for the lands municipally addressed as 30 Grandview Street. A location map and draft reference plan are attached as **Appendices B and C**. While there is one municipal address for this property, it is actually comprised of three whole lots in a registered plan of subdivision - Lot 14, Lot 15 and Lot 16 of Plan 206, as shown in **Appendix C**. As each lot is described in accordance with and is within a registered plan of subdivision, a consent application would not be required to convey each lot as per Section 50 (3) (a) of the *Planning Act*. The applicant has indicated that Lot 14 will be conveyed prior to this Committee of Adjustment Meeting. Because the boundary between Lot 15 and Lot 16 currently abuts the existing detached dwelling on Lot 16, however, the applicant has applied for consent that would provide for a 1.2 m setback on the west side of the existing dwelling. The consent application proposes to create an 11 m wide lot (Part 2 on the attached Draft Reference Plan, **Appendix B**) and retain a 14.7 m wide lot (Part 1 on the attached Draft Reference Plan, **Appendix B**). This differs from what was described in the original plan of subdivision, hence the need for the consent application. The proposed lot dimensions will be as follows:

	<b><i>Severed</i></b>	<b><i>Retained</i></b>
Lot Frontage	11.0 m	14.7 m
Lot Area	370 m <sup>2</sup>	480 m <sup>2</sup>

#### 5.0 Site Features

The subject lands are located on the north side of Grandview Street, east of Burnley Avenue, and have a total lot area of 1,250 m<sup>2</sup>. The property is defined

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as a through-lot as per Figure 2.2 of Zoning By-law 160-90 with frontage on both Grandview Street and Huff Avenue. The lands are occupied by a single detached dwelling and accessory building on the eastern portion of the site. The subject lands are located in an established neighbourhood and surrounded by single detached dwellings to the north and west, a semi-detached dwelling to the east and Burnley Park 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 applicable departments and agencies and no objections were received. Detailed comments from Building and Engineering Departments are attached as **Appendices F and G**. The Building Department has indicated that Huff Avenue is considered the rear property line and that a minimum rear yard of 7.5 m is required in accordance with Section 7.8.2.1.6 of Zoning By-law 160-90. This comment arose because in preparation of the draft reference plan (**Appendix B**), the applicant assumed that the property boundary abutting Huff Avenue was the front lot line and illustrated a conceptual building envelope with a 6 m setback (the minimum dimension for a front yard) from the Huff Avenue lot line. This was an inadvertent error due to the property being a through-lot and a minor variance to the rear yard was not applied for as the applicant intends to develop in accordance with the provisions of the Zoning By-law. The applicant is advised through this Report that the lot line abutting Grandview Street is considered the front lot line for the purposes of development regulations in this Zone, and a 7.5 m rear yard is required.

### 6.2 Public Response

Notice of public hearing was issued by personal mail (38 notices) and by posting a sign on-site. A plan illustrating the notification area is attached as **Appendix H**. At the time of writing of this Report no public comments have been received.

### 6.3 Grand River Notification

Notice of 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 B19/2021 was 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 application is consistent with the direction set out in the PPS and conforms to the Growth Plan.

### 7.2 City of Brantford Official Plan (Envisioning Our City: 2051)

The subject lands are designated "Residential" on Schedule 3 of the City of Brantford's Official Plan (**Appendix I**). The "Residential" designation permits a full range of residential dwelling types, including the existing and proposed single detached dwelling. The subject application conforms 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 J**). The R1A Zone permits single detached, semi-detached, duplex, triplex and converted dwellings. Aside from the inadvertent drafting error illustrating a deficient rear yard as explained in Section 6.1 of this Report, the proposed consent application complies with all requirements of Zoning By-law 160-90.

### 7.4 Planning Analysis

The *Planning Act* sets the standard to which provincial and local interests, policies and goals are implemented. Section 51 (24) of the *Planning Act* lists the criteria that the Committee of Adjustment must have regard for when considering a consent application for approval. These criteria

include: if the plan conforms to the Official Plan, the dimensions and shapes of the proposed lot, and the adequacy of utilities and municipal services. Section 9.3 of the Official Plan also lists criteria for consent applications, including if no extension or improvement of municipal services are required and if the lot will have frontage on a public road.

While two lots of record currently exist at this location, the proposed consent will result in a lot that provides a more appropriate setback for the existing single detached dwelling. The severed lands can adequately accommodate a single detached dwelling, and each property will meet the zoning requirements of the RC Zone and have direct access to Grandview Street. There are properties of a similar width and area immediately adjacent to the severed lands, and the creation of the subject lots will not restrict the development of any adjacent property.

Site Plan approval will be required for the severed lands. 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. For example, Staff will ensure that the proposed dwelling on the severed lands will be oriented towards Burnley Park.

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.

## 7.5 Conclusion

A site inspection was completed on September 24, 2021. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. 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.

Planning Staff recommend that application B19/2021 be approved, subject to the conditions attached as **Appendix A** to Report 2021-637.



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Prepared by: Sean House MCIP, RPP  
Development Planner  
Prepared on: September 29, 2021



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

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## **Appendix A - Conditions of Consent – B19/2021**

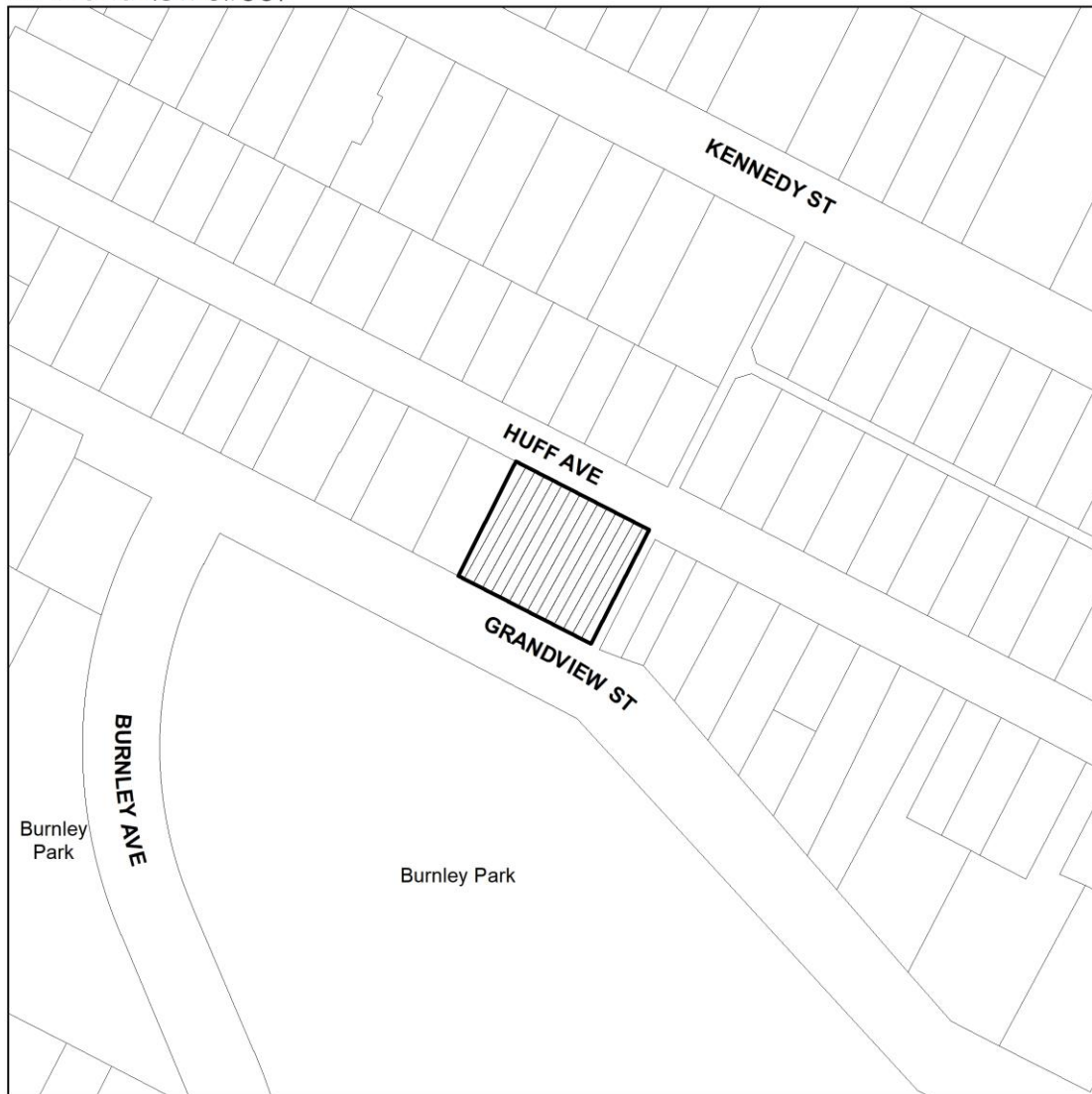
Subject to the following conditions:

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 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.
5. ☒ That 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; and,
6. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before October 6, 2022, after which time the consent will lapse.

## Appendix B – Location Map

### LOCATION MAP

Application: B19/2021  
30 Grandview Street



#### Legend

 SUBJECT LAND





[illegible]


## Appendix D – Aerial Photograph

### AERIAL PHOTO

Application: B19/2021  
30 Grandview Street



#### Legend

 Subject Land

Aerial Photo from Spring 2017



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## Appendix E – Site Photographs



Photo 1: Subject lands



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## Appendix F – Building Department Comments



### BUILDING DEPARTMENT

#### PRELIMINARY REPORT TO PLANNING

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

APPLICATION / SUBMISSION N° ..... B19/2021

SITE: 30 Grandview Street

APPLICANT:

COMMENTS:

BYLAW: 160-90      ZONE: RC

- A minimum rear yard (Huff Ave.) of 7.5m is required, whereas 6m is provided.
- 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.

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Marta Schultz  
Senior Plan Examiner

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8/10/21  
Date

## Appendix G – Engineering Services 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.:		B19/2021	
DATE DUE TO PLANNING		September 10, 2021	
APPLICANT /OWNER		Andrew Evans and Janis Vajnagi	
ADDRESS		30 Grandview Street	
TRANSPORTATION			

➤ No comments.

Sivana Younan  
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.:		B19/2021	
DATE DUE TO PLANNING		September 10, 2021	
APPLICANT /OWNER		Andrew Evans and Janis Vajnagi	
ADDRESS		30 Grandview Street	
<b>ENVIRONMENTAL SERVICES</b>			

I reviewed the consent application and associated Plan of Survey—as prepared by MacAulay, White & Muir Ltd.—on behalf of Environmental Services and have no objections regarding the proposed severance; however I'd like to offer the following comments for consideration when applying for a Site Plan Control Application:

1. City records indicate the subject properties are serviced as follows:

26 Grandview Street

- a. Inactive – 25 mm lateral from a 150 mm Polyvinyl Chloride (PVC) main; this service lateral appears to be located 12.0m Left of the Left side of 30 Grandview Street and the curb stop 7.5m Out from same.

30 Grandview Street

- a. Active – 25 mm (street) x 19 mm (private) copper lateral from a 150 mm Polyvinyl Chloride (PVC) main; this service lateral appears to be located 0.8m Left of the Left side of the existing building and the curb stop 7.5m Out from same.

2. Only one service will be permitted to each property; the minimum permitted service size is 25 mm; each proposed building shall be serviced within the frontage of their respective property;
3. If applicable, the Owner will be required to remove all existing water services and curb stops that will not be used. The services must be removed from the main to preserve water quality and prevent leaks and the curb stops removed to avoid confusion;
4. If applicable, the Owner will be required to submit deposits for removal of the water services; the deposits will be based on the current Corporation approved rate. The Owner can apply to the City's Water Customer Service Department to have the deposits returned once the water service removals are inspected to the satisfaction of the City;
5. Provide detailed site servicing plans for review, comment and approval;
6. 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;
7. 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;
8. 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;
9. 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:

10. The property developer or owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy; and
11. 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"/> OFFICIAL PLAN AMENDMENT <input type="checkbox"/> SITE PLAN APPROVAL <input checked="" type="checkbox"/> CONSENT APPLICATION <input type="checkbox"/> OTHER -	<input type="checkbox"/> ZONING BYLAW AMENDMENT <input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM <input type="checkbox"/> MINOR VARIANCE <input type="checkbox"/> SEVERANCE										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">FILE NO.:</td> <td>B19/2021</td> </tr> <tr> <td>DATE DUE TO PLANNING</td> <td>September 10, 2021</td> </tr> <tr> <td>APPLICANT /OWNER</td> <td>Andrew Evans and Janis Vajnagi</td> </tr> <tr> <td>ADDRESS</td> <td>30 Grandview Street</td> </tr> <tr> <td colspan="2" style="background-color: #cccccc;">DEVELOPMENT ENGINEERING</td> </tr> </table>		FILE NO.:	B19/2021	DATE DUE TO PLANNING	September 10, 2021	APPLICANT /OWNER	Andrew Evans and Janis Vajnagi	ADDRESS	30 Grandview Street	DEVELOPMENT ENGINEERING	
FILE NO.:	B19/2021										
DATE DUE TO PLANNING	September 10, 2021										
APPLICANT /OWNER	Andrew Evans and Janis Vajnagi										
ADDRESS	30 Grandview 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.
- Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
- Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted and the appropriate fee has been paid.
- 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 Engineer licensed in the Province of Ontario or Ontario Land Surveyor.
- 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 factor of safety of at least 1.5 against global instability to the satisfaction of the Manager of Development Engineering or his/her designate. Further, any retaining wall that exceeds one metre in height must be designed and certified by a qualified Professional Engineer, licensed in the Province of Ontario.

### General Information

- A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 28-2011.
- 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.

Continued...



**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
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ADDRESS		30 Grandview Street	
DEVELOPMENT ENGINEERING con't			

- 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.

Nathan Xuereb, C. Tech.  
Development Engineering Reviewer

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

September 14, 2021  
DATE

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



## Appendix H – Area of Notification

### AREA OF PUBLIC NOTIFICATION

Application: B19/2021  
30 Grandview Street



#### Legend

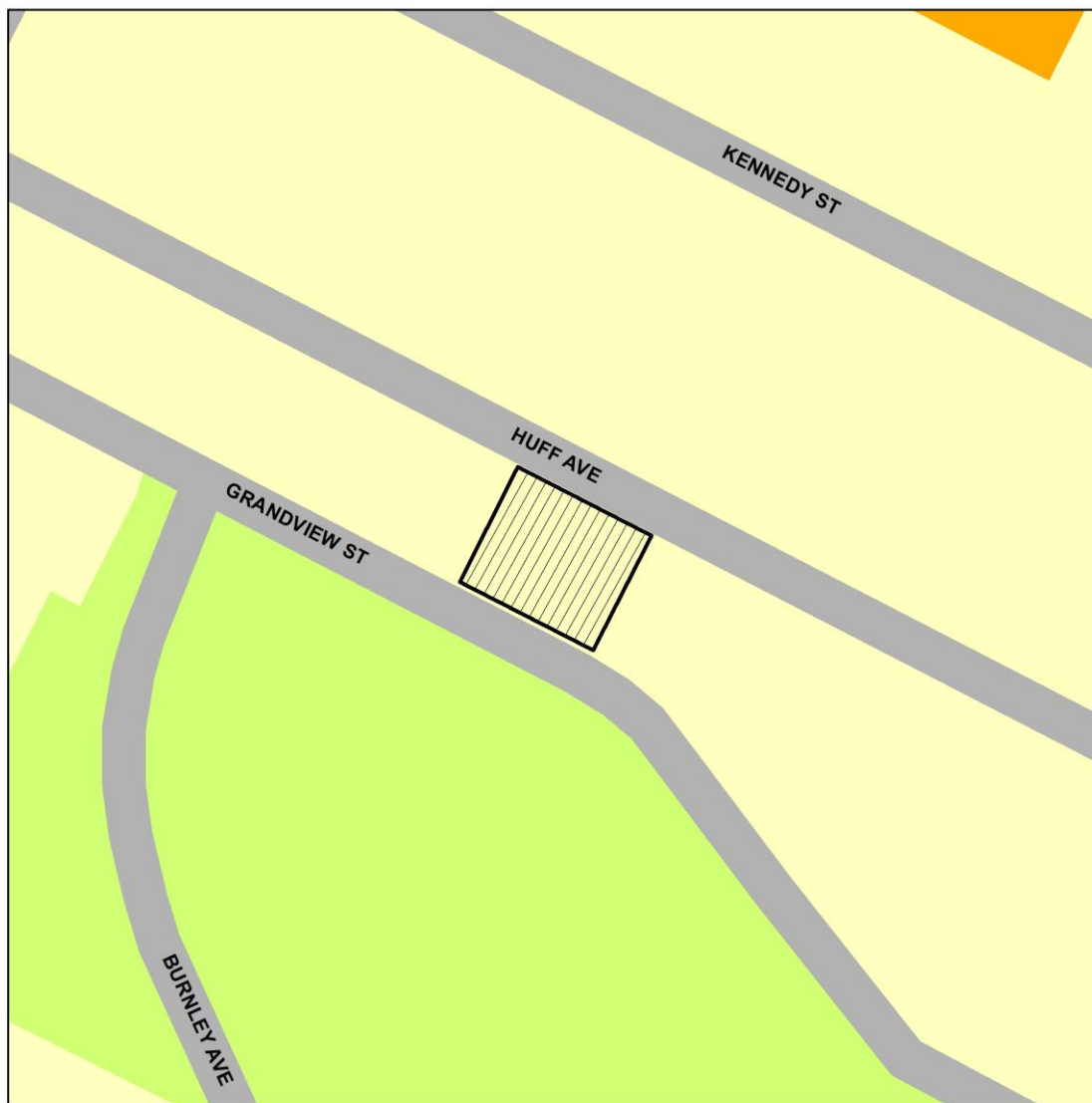
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



## Appendix I – Official Plan

### OFFICIAL PLAN EXCERPT MAP

Application: B19/2021  
30 Grandview Street



#### Legend

#### Land Use

- Agricultural Designation
  - Core Natural Areas Designation
- #### Neighbourhoods
- Residential Designation
  - Major Institutional Designation
  - Parks and Open Space Designation

#### Strategic Growth Areas

- Downtown Urban Growth Centre Designation
- Major Commercial Centre Designation
- Intensification Corridor Designation

#### Employment Areas

- Prestige Employment Designation
- General Employment Designation

#### Symbols

- Sanitary Landfill Site
- Water Treatment Facility
- Wastewater Treatment Facility
- Municipal Works Yard
- Transit Bus Barns
- Downtown Transit Terminal
- VIA Rail Station

0 20 40 80 Metres



## Appendix J – Zoning

### ZONING

Application: B19/2021  
30 Grandview Street



#### Legend

-  Subject Land
-  Zone Boundary

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

- R1C Residential Type 1C (12 metre)
- R3 Residential Type 3
- RC Residential Conversion
- OS1 Open Space Type 1
- # Exception Number

