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Date	October 6, 2021	Report No. 2021-633
То	Chair and Members City of Brantford Committee of Adjustmen	t
From	Sarah Hague Development Planner	

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

APPLICATION NO.	B21/2021 and A35/2021	
APPLICANT/OWNER	Leonard and Karen Bakker	
LOCATION	23 Robinson Avenue	

3.0 Recommendation

- A. THAT Application B21/2021 to sever a parcel of land from the north portion of the lands municipally addressed as 23 Robinson Avenue, having a lot area of 346 m² and retain a parcel of land having a lot area of 531 m², BE APPROVED subject to the conditions attached as **Appendix A** to Report 2021-633;
- B. THAT the reason(s) for approval are as follows: having regard for the matter 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 the surrounding properties. The application is in conformity with the general intent of the policies of the

Official Plan and Zoning By-law 160-90, and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement;

- C. THAT Application A35/2021 requesting relief from Section 7.3.2.1.1 of the City Of Brantford Zoning By-law 160-90 to permit a lot area of 346 m² for the severed lot, whereas 450 m² is required, BE APPROVED;
- D. THAT the reason(s) for approval are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; 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. 2021-633"

4.0 **Purpose and Description of Applications**

Consent and minor variance applications have been received for the lands municipally addressed as 23 Robinson Avenue. A location map and a severance plan are attached as **Appendices B** and **C**. The applicant is proposing to sever the existing property into two lots for the purposes of developing a 1.5-storey single detached dwelling on the severed lands for occupancy by the owners. The existing single detached dwelling, deck, and accessory structures on the retained lands will remain. The proposed lot dimensions are as follows:

	Lands to be Severed	Lands to be Retained
Lot Width	15.0 m	24.6 m
Lot Depth	22.5 m -23.6 m	20.7 m -22.5 m
	(varies)	(varies)
Lot Area	346 m ²	531 m ²

To facilitate the consent application, a minor variance is required to provide relief from Section 7.3.2.1.1 of Zoning 160-90 to permit a lot area of 346 m^2 for the severed lot, whereas 450 m^2 is required.

5.0 Site Features

The subject lands are located on the east side of Robinson Avenue, south of Colborne Street East and north of Glenwood Drive. The lands are occupied by a single detached dwelling which includes a small addition to the original structure on the north side of the dwelling, a driveway leading to a detached garage located south of the dwelling, a shed in the southeast corner of the property, behind the garage, a large deck to the rear of the dwelling, and a 2nd driveway off Robinson Avenue accessing the northern portion of the property. The surrounding area consists of primarily 1.5-storey single detached dwellings. The subject property backs onto a mostly treed, 3 acre parcel of land which is currently occupied by a single detached dwelling. An aerial photo and site photographs of the subject lands are attached as **Appendices D** and **E**.

6.0 Input from Other Sources

6.1 Technical Comments

The applications were circulated to all applicable departments and agencies. No adverse comments were received, but the Building Department commented that a condition of the severance will be the removal of a portion of the existing deck to comply with all applicable by-laws. The applicant advised Staff that the above ground pool has already been removed and the fence currently located across the frontage of the severed lot will be removed once construction commences on the proposed dwelling. As the severed parcel is subject to Site Plan Control, all technical comment will be addressed at that stage. Detailed comments from the Building, Engineering, and Environmental Services Departments are attached as **Appendices F**, **G**, and **H**, respectively.

Development Engineering requested three standard conditions including: the receipt of the Municipal Numbering Assignment Request Form and associated fee, receipt of the deposited reference plan showing the severed and retained parcels of land, and receipt of the Wastewater Allocation Request Form has been submitted and approved. All standard permits will be required. The above mentioned conditions have been included as part of the conditions in **Appendix A**. All technical comments will be addressed through Site Plan Control.

6.2 Public Response

Notice of public hearing was issued by personal mail (25 notices) and by positing a public notice sign on-site. A map of the area of notification is included as **Appendix I**. At the time of writing this Report, no public comments or objections have been received.

6.3 Grand River Notification

Notice of the consent application was issued to representatives of the Six Nations of the Grand River and the Mississaugas of the Credit First Nation, with no response received to date.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Applications B21/2021 & A35/2021 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 (Envisioning Our City: 2051)

The subject lands are designated "Residential" on Schedule 3 of the City of Brantford's the Official Plan (see **Appendix J**). The "Residential" designation permits a full range of residential dwelling types, including single detached dwellings, as well as supporting land uses intended to serve local residents. The subject application conforms to the policies set out in the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "Residential Type 1 B Zone (R1B)" in Zoning By-law 160-90 (see **Appendix K**). The R1B Zone permits single detached dwellings. The subject application requires relief for lot area for the severed parcel, which is discussed further in Section 7.4.2 of this Report. The proposed lots comply 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 9.3 of the Official Plan also outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan, no more than three new lots are being created and all lots have frontage on a municipal road and do not require that municipal services be extended, and for the creation easements, boundary adjustments, rights-of-way, lot additions and long-term leases.

This consent application is for the purpose of creating a new residential lot within an existing residential neighbourhood. Both the severed and the retained parcels will have frontage on a municipal roadway. If approved, both lots can accommodate a dwelling while still providing space for the required parking, and amenity space. The proposed severance will result in one new lot, and Staff is of the opinion that it maintains the character of the established residential neighbourhood. The subject property is a double lot (Lots 31 and 32 of PLAN 294) while the majority of parcels on the street are single lots and very similar in size to that of the proposed severed and retained lots. The creation of this

new lot will not restrict the development of any adjacent property. Any development of this site will be subject to all City requirements, including Site Plan Control.

Planning Staff have given regard to Section 51(24) of the *Planning Act* and are satisfied that the application is desirable and compatible with the surrounding area and will not result in any adverse impacts on surrounding properties.

7.4.2 Minor Variances

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 requested for reduced lot area from 450 m² to 346 m² for the severed lot is minor in nature and appropriate for the development of the lands as the new lot will be able to accommodate an adequate building width and area with appropriate front, rear, and side yards, and the retained lot will accommodate the existing dwelling as well as appropriate yards. Both lots also provide adequate outdoor amenity space, vehicle access, parking, landscaping and snow storage while contributing to a mix of housing options within the neighbourhood.

The minor variance meet the general intent and purpose of Zoning By-law 160-90 and the Official Plan by resulting in a lot that will appropriately accommodate a single detached dwelling which is consistent with the existing character of the neighbourhood. The severed lot is subject to Site Plan Control which will provide the City and Ward Councillors with an opportunity to review the functionality of the site, placement of the building(s), driveway location and overall design of the new dwelling to ensure its compatibility and integration within the neighbourhood. All other technical requirements of the City will be addressed at the Site Plan Control stage. Planning Staff are 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 September 21, 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 9.3 of the Official Plan.

It is Planning Staff's opinion that the variance satisfies 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 B21/2021 and A35/2021 be approved subject to the conditions attached as **Appendix A** to Report 2021-633.

Prepared by: Sarah Hague Planner, Development Planning Prepared on: September 29, 2021

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

Appendix A – Conditions of Consent – B21/2021

Subject to the following conditions:

- 1. Receipt of confirmation that Application A35/2021 receives final and binding approval and is in full force and effect.
- 2. \square Receipt of a registered reference plan showing the severed and retained lands.
- 3. \square Receipt of confirmation that all taxes are paid up to date.
- 4. Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be provided to the City).
- 5. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
- 6. 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.
- 7. 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.
- 8. 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).
- 9. Receipt of confirmation that the portion of the deck has been removed from the severed lands and 1.2 metres from the property line of the retained lands, to the satisfaction of the Chief Building Official.
- 10. 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



Appendix C – Survey Sketch



Appendix D – Aerial Photo

AERIAL PHOTO

Application: B21/2021 & A35/2021 23 Robinson Avenue







50 Metres

Appendix E – Site Photos



Photo 1: View of the Subject Property from the west side of Robinson Avenue



Photo 2: View of the proposed severed lot from the west side of Robinson Avenue



Photos 3, 4 & 5: Examples of other similar houses and lot sizes on Robinson Avenue

Appendix F – Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<u>x</u>	MINOR VARIANCE	x	SEVERANCE
	DRAFT PLAN OF SUBDIVISION		ZONING BYLAW AMENDMENT
	OFFICIAL PLAN AMENDMENT RENTAL HOUSING PROTECTION ACT		DRAFT PLAN OF CONDOMINIUM SITE PLAN CONTROL APPROVAL
	Tell The Troop Troop Provide The T		ond rank control mericovita

SITE: 23 Robinson Ave

APPLICANT:

COMMENTS:

BYLAW: 160-90 ZONE: R1B

L

- A minimum lot area of 450m² is required, not provided for the severed lot.
- Part of deck encroaching onto severed parcel must be removed. Building permit is required.
- 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.

9/27/21 Date

Appendix G – Engineering Department Comments

CITY OF BRANTFORD PUBLIC WORKS ENGINEERING SERVICES DEVELOPMENT REVIEW ON					
	DRAFT PLAN OF SUBDIVIS	SION		ZONING BYLAW AMENDMENT	
	OFFICIAL PLAN AMENDMENT			DRAFT PLAN OF CONDOMINIUM	
	SITE PLAN APPROVAL		⊠	MINOR VARIANCE	
⊠	CONSENT APPLICATION			SEVERANCE	
	OTHER -				
FILE NO.: B21/2021 8		B21/2021 &	21/2021 & A35/2021		
DATE DUE TO PLANNING Septem		September 1	eptember 10, 2021		
APLICANT /OWNER Leonard		Leonard and	onard and Karen Bakker		
ADDRESS 23 Robinse		23 Robinson	on Avenue		
TR/	TRANSPORTATION				

No comments.

Sivana Younan Transportation Technologist

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BRANFFORD PUBLIC WORKS

CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

	DRAFT PLAN OF SUBDIVISION			ZONING BYLAW AMENDMENT
	OFFICIAL PLAN AMENDMENT			DRAFT PLAN OF CONDOMINIUM
	SITE PLAN APPROVAL		\boxtimes	MINOR VARIANCE
⊠	CONSENT APPLICATION			SEVERANCE
	OTHER -			
FILE NO.: B21/2021 & A		2021 & A35/2021		
DATE DUE TO PLANNING September 10), 20	21	
APLICANT /OWNER Leonard and		Karen Bakker		
ADDRESS 23 Robinson /		Aven	ue	
ENVIRONMENTAL SERVICES				

I reviewed the consent and minor variance application and associated Plan of Survey—as prepared by Leonard and Karen Bakker and West & Ruuska 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:

21 Robinson Avenue

a. Inactive – 25 mm lateral from a 150 mm cast iron main; this service lateral appears to be located 13.0m Left of the Left side of 23 Robinson Avenue and the curb stop 4.9m Out from same.

23 Robinson Avenue

- a. Active 15 mm copper lateral from a 150 mm cast iron main; this service lateral appears to be located 1.5m right of the Left side of the existing building and the curb stop 5.9m Out from same.
- Only one (1) water service will be permitted to each parcel; the property shall be serviced within the frontage of their respective property;
- If the service at 21 Robinson Avenue is not deemed suitable for the proposed development, the Owner
 must provide confirmation of removal for any existing services to 21 Robinson Avenue. If the existing water
 service to 21 Robinson is found to be live, the Owner must remove this service from them main and remove
 the curb stop;
- 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;
- The Owner will be required to provide a servicing plan of the severed lot for review, comment and approval prior to commencing any installations. Condition of the existing service must be verified;
- The Owner will be required to indicate the size, material and location of the proposed water service on the servicing plan; ensure separations to sewers and sewer services are in accordance with MECP procedure F-6-1;
- 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;
- 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;
- 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;
- All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code;

Continued...

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H:Administration & Customer Service/20 Development/PLANNING COMMENTS/Panning 2021/Committee of Adjustment/821.2021 & A35.2021 - 23 Robinson Avenue.doc

BRANIFORD

PUBLIC WORKS

CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

	DRAFT PLAN OF SUBDIVISION			ZONING BYLAW AMENDMENT
	OFFICIAL PLAN AMENDMENT			DRAFT PLAN OF CONDOMINIUM
	SITE PLAN APPROVAL		\boxtimes	MINOR VARIANCE
⊠	CONSENT APPLICATION			SEVERANCE
	OTHER -			
FILE NO.: B21/2021 & A		/2021 & A35/2021		
DATE DUE TO PLANNING September 1		September 10	eptember 10, 2021	
APLICANT /OWNER Leonard and		Karen Bakker		
ADDRESS 23 Robinson /		Aven	ue	
ENVIRONMENTAL SERVICES				

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

- The property developer or owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy; and
- 12. 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

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CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

	DRAFT PLAN OF SUBDIVISION			ZONING BYLAW AMENDMENT
	OFFICIAL PLAN AMENDMENT			DRAFT PLAN OF CONDOMINIUM
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⊠	CONSENT APPLICATION			SEVERANCE
	OTHER -			
FILE NO.: B21/2021 & A3		2021 & A35/2021		
DATE DUE TO PLANNING September 1		September 10	2021	I
APLICANT /OWNER Leonard and K		aren Bakker		
ADDRESS 23 Robinson A		venu	e	
DE	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.

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.
- 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. Development Engineering Reviewer

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

September 21, 2021 DATE

Gary Peever, P.Eng.,

Manager, Development Engineering

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Appendix H– Environmental Services Department Comments



August 31, 2021

Environmental Services

Attention: Sarah Hague, Planner

RE: B21-2021 & A35-2021 — 23 Robinson Avenue— Consent and Minor Variance Application

I reviewed the consent and minor variance application and associated Plan of Survey as prepared by Leonard and Karen Bakker and West & <u>Ruuska</u> 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:

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23 Robinson Avenue

- a. Active 15 mm copper lateral from a 150 mm cast iron main; this service lateral appears to be located 1.5m right of the Left side of the existing building and the curb stop 5.9m <u>Qut</u> from same.
- Only one (1) water service will be permitted to each parcel; the property shall be serviced within the frontage of their respective property;
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- 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;
- The Owner will be required to provide a servicing plan of the severed lot for review, comment and approval prior to commencing any installations. Condition of the existing service must be verified;

- The Owner will be required to indicate the size, material and location of the proposed water service on the servicing plan; ensure separations to sewers and sewer services are in accordance with MECP procedure F-6-1;
- 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;
- 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;
- 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;
- 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:

- The property developer or owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy; and
- 12. 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.

If you have any questions, please feel free to contact me directly.

Sincerely,

Patricia McMullan Environmental Services Technologist pmcmullan@brantford.ca Appendix I – Area of Notification



Legend Subject Land NotifiedProperties 60 m Buffer from Subject Land 0 25 50 100 Metres

Appendix J – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B21/2021 & A35/2021 23 Robinson Avenue



Appendix K – Zoning

