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Date October 6, 2021 **Report No.** 2021-638

To Chair and Members
City of Brantford Committee of Adjustment

From Alexandra Mathers MCIP, RPP
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

2.0 Topic

APPLICATION NO.	B22/2021
APPLICANT/AGENT	IBI Group
OWNER	2495494 Ontario Inc.
LOCATION	232 Mount Pleasant Street

3.0 Recommendation

- A. THAT Application B22/2021 to sever a 585.9 m² parcel of land from 232 Mount Pleasant Street and retain a parcel of land having a lot area of 565.1 m² BE APPROVED, subject to the conditions attached as **Appendix A** to Report 2021-638;
- 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2021-638.”

4.0 Purpose and Description of Application

A consent application has been received for the lands municipally addressed as 232 Mount Pleasant Street. A location map and a severance plan are attached as **Appendices B** and **C**. The applicant is proposing to sever the lot into two lots for the purposes of developing each lot with a single detached dwelling. The existing single detached dwelling on the lot will be demolished as the existing single detached dwelling is in the middle of the lot and over the proposed lot lines. The proposed lot dimensions are as follows:

	<i>Lands to be Severed</i>	<i>Lands to be Retained</i>
<i>Lot Width</i>	13.85 m	13.93 m
<i>Lot Depth</i>	43.33 m	45.11 m
<i>Lot Area</i>	585.9 m ²	565.1 m ²

The subject lands have been subject to multiple Planning applications, including consents and minor variance applications (B15-19/2017 A13-16/2017, and B14/2018). In 2017, the applicant proposed to create a total of 5 separate lots as well as a lot adjustment for the rear proportion of the lot through those applications. Minor variances were also required in order to create the lots including a variance for each lot to have a lot width of 13.75 m and maximum lot coverage of 45% for each lot. The consent and minor variances were approved by the Committee of Adjustment, and due to unforeseen circumstances with tenants vacating the dwelling unit the demolition of the existing single detached dwelling at 232 Mount Pleasant Street did not take place, the condition for demolition was not satisfied and the consent applications B15/2017 and B16/2017 lapsed. As minor variances are final and binding, and stay with the

lands, no additional variances are required for the creation of the proposed lots. As a result of the lapsed consent applications B15/2017 and B16/2017, the current consent application before the Committee B22/2021, looks to create two lots similar to those proposed back in 2017. Please refer to **Appendix D** to review the previous consent application site plan.

In 2018, the applicant applied for a lot adjustment (B14/2018) which severed a portion of the rear yard from 232 Mount Pleasant Street to be transferred to the lot at 242 Mount Pleasant Street. The application was approved by the Committee of Adjustment and the applicant fulfilled all the required conditions. As previously mentioned the applicant is now applying to create the two lots from the existing lot at 232 Mount Pleasant Street.

The subject lands are designated “Residential” in the Official Plan and zoned Residential Type 1 B (R1B) Zone in the Zoning By-law 160-90.

5.0 Site Features

The subject lands are located on the east side of Mount Pleasant Street, south of Magee Street and north of Gilkison Street. An existing single detached dwelling and accessory structure are located on the property. Single detached dwellings are located to the north and south, and Lion’s Park to the east. To the west is a mix of residential and agricultural uses. The lands to the south are being developed as 19 unit condominium development. An aerial photo and site photographs of the subject lands are attached as **Appendices E** and **F**.

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies. No adverse comments were received. The road widening along Mount Pleasant Street was taken under application B14/2018. Planning Staff advised that an archeological assessment of the property was conducted in 2017, and that the Stage 1 and 2 Archeological Report recommended no further assessment. The Ministry of Heritage, Sport, Tourism and Culture Industries accepted this recommendation. No further assessment is required. The Building Department has advised that a demolition permit will be required for the demolition of the existing single detached dwelling, which will be included as a condition. Detailed comments from the Building and Engineering Departments are attached as **Appendix G** and **H**.

6.2 Public Response

Notice of public hearing was issued by personal mail (5 notices) and by posting a sign on-site. The application was also previously circulated in June 2017 and October 2018 as part of the previous consent and minor variance applications. A plan illustrating the notification area is attached as **Appendix I**. 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.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application B22/2021 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 J**). The "Residential" designation permits a full range of residential dwelling types as well as supporting land uses intended to serve local residents. The consent meets the intent of 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 2017 minor variances applications relating to lot coverage (45%) and lot widths were approved through applications A13/2017. The proposed lots comply with all other 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 g. – i. 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.

The consent application is for the purpose of creating a new residential lot within a growing residential area. Both the severed and retained parcels will have frontage on a municipal roadway. If approved, both lots can accommodate a dwelling while still providing space for required parking and amenity space. The existing single detached dwelling located in the centre of property is required to be demolished as a condition of this consent. 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 as the severed and retained lots are similar to other lots in the neighbourhood when viewed from the street. Staff is of the opinion that if approved, there will be no negative impact to the streetscape along Mount Pleasant Street, or any of the abutting properties. The creation of this new lot will not restrict the development of any adjacent property. Any redevelopment of this site will be subject to all City requirements, including Site Plan Control.

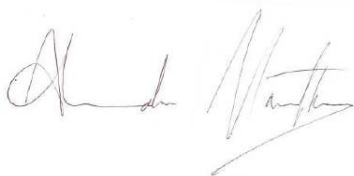
The Site Plan Control process will provide the City and the Ward Councillors with an opportunity to review the functionality of the site, the placement of building(s), the driveway location, protection of street trees and the overall design of the new dwelling to ensure its compatibility and integration within the neighbourhood. As the existing single detached is

proposed to be demolished and both lots will be developed as single detached dwellings, Site Plan Control will be required for both the retained and severed lots.

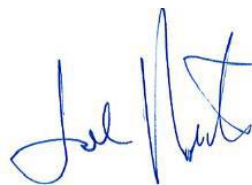
Planning Staff have given regard to Section 51(24) of the *Planning Act* and are satisfied that the application is desirable and compatible with the surrounding area and will not result in any adverse impacts on surrounding properties.

7.5 Conclusion

A site inspection was completed on September 16, 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 and will not result in adverse impacts on surrounding properties. The proposal will contribute to a broad range of housing options in Brantford in accordance with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan. The application is also consistent with the consent policies of Section 9.3 g. – i. of the Official Plan. Through Site Plan Control process, Staff will review the proposed development in further detail to ensure that it is compatible with the surrounding neighbourhood. Planning Staff recommend that application B22/2021 be approved subject to the conditions attached as **Appendix A** to Report 2021-638.



Prepared by: Alexandra Mathers MCIP,
RPP
Development Planner
Prepared on September 29, 2021



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

Appendix A – Conditions of Consent

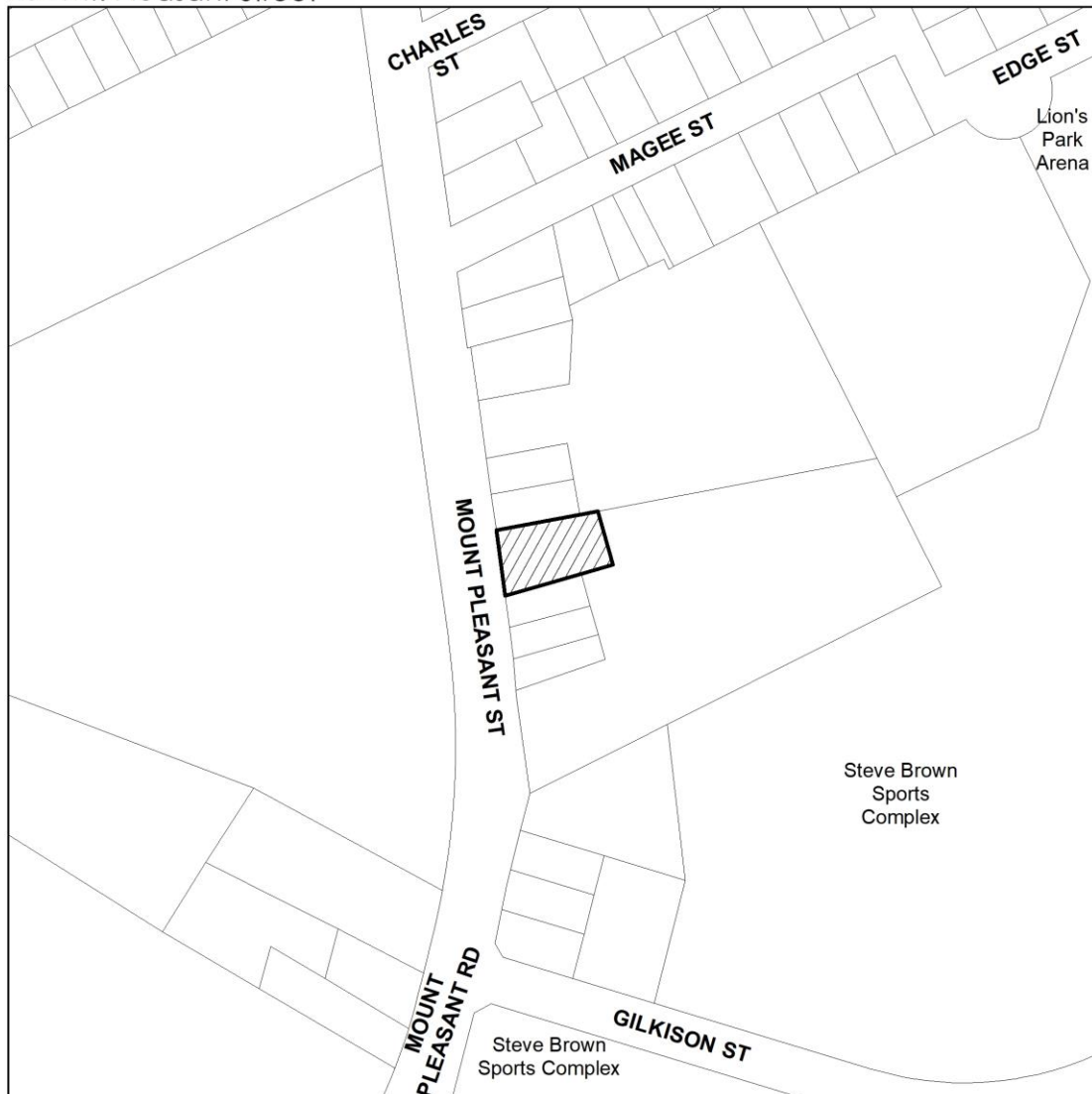
Subject to the following conditions:

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 Wastewater Allocation Request Form has been submitted and approved.
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 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).
7. ☒ Receipt of confirmation that the single detached dwelling on the property has been demolished or otherwise removed through the appropriate permits from the Building Department to the satisfaction of the Chief Building Official.
8. ☒ 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

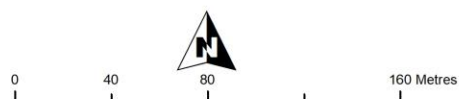
LOCATION MAP

Application: B22/2021
232 Mt. Pleasant Street

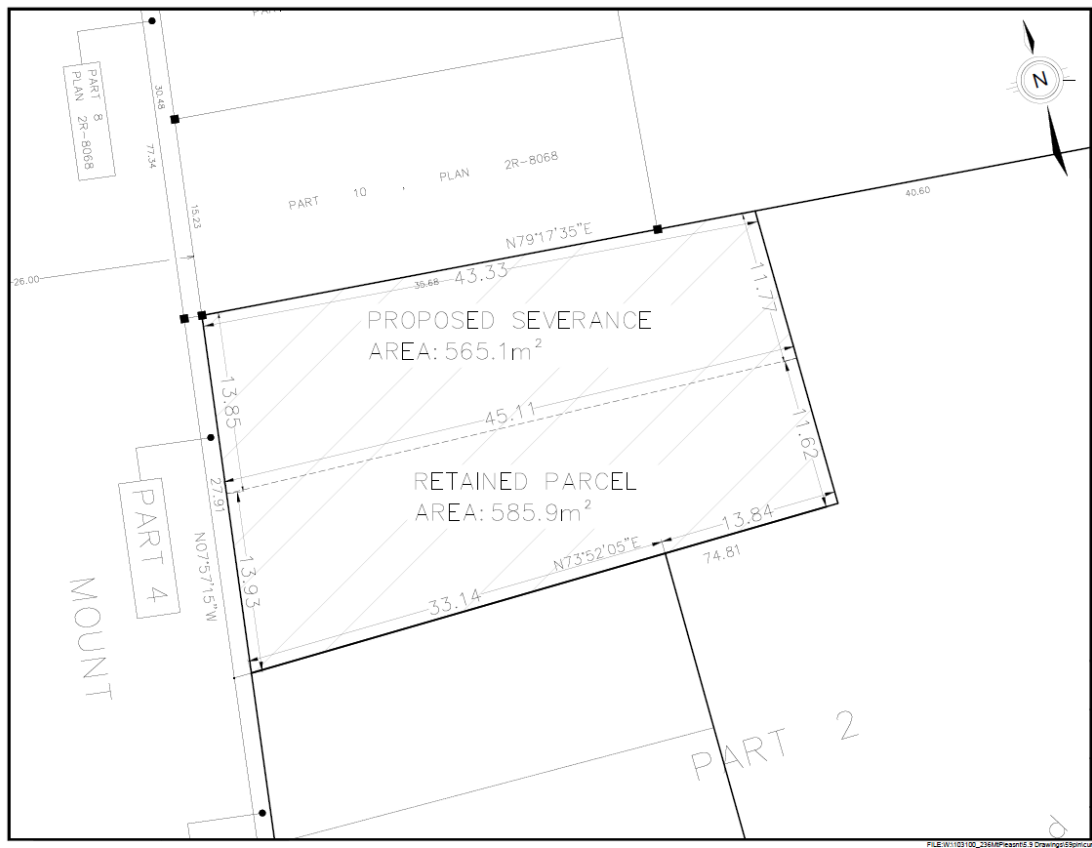


Legend

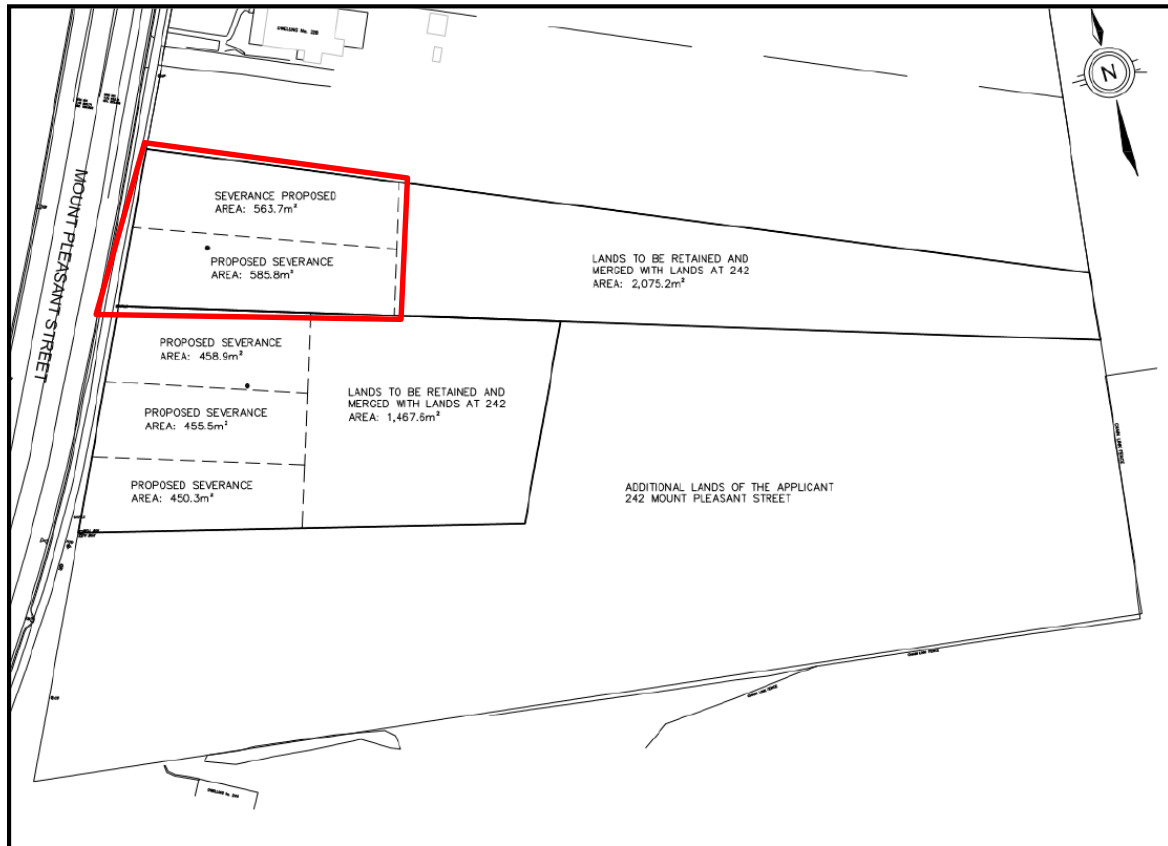
 SUBJECT LAND



Appendix C – Severance Plan



Appendix D –Previous Consent B15/2017 and B16/2017




Appendix E – Aerial Photograph

AERIAL PHOTO

Application: B22/2021
232 Mt. Pleasant Street



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix F – Site Photograph



Photo of existing single detached dwelling at 232 Mount Pleasant 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
	<input type="checkbox"/> RELIEF FROM PART LOT CONTROL

APPLICATION / SUBMISSION N° B22/2021

SITE: **232 Mount Pleasant**

APPLICANT: **IBI Group –Odete Gomes**

COMMENTS:

BYLAW: 160-90 **ZONE:** Residential Type 1B (15 Metre) Zone (R1B)

- A minimum lot width of 15.0 m is required for both severed and retained parcels, whereas 13.85 is proposed for the severed lot and 13.93m show for the retained lot. Variance was required for lot widths that where approved through application A12/2017
- A minimum lot area of 450.0 m2 is shown for both severed and retained parcels
- Any proposed construction will require that a Building Permit be applied for and approved through this department. Demolition Permit required to remove the existing structure

Shelly Kunkel

Shelly Kunkel
Senior Plan Examiner

September 10, 2021

Date

Appendix H – Engineering Department Comments



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B22/2021	
DATE DUE TO PLANNING		September 10, 2021	
APPLICANT /AGENT		IBI Group	
OWNER		2495494 Ontario Inc.	
ADDRESS		232 Mt. Pleasant 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.:		B22/2021	
DATE DUE TO PLANNING		September 10, 2021	
APPLICANT /AGENT		IBI Group	
OWNER		2495494 Ontario Inc.	
ADDRESS		232 Mt. Pleasant Street	
ENVIRONMENTAL SERVICES			

I reviewed the subject noted application and associated documents, as prepared by IBI Group, on behalf of Environmental Services and have no objection to the proposed severance; however, I would like to offer the following comments:

1. City records indicate the subject parcel is currently serviced by a 25 x 19 mm (public x private) copper lateral from the watermain in Mount Pleasant. This service appears to be located 4.8 m Left of the Right side of the existing dwelling and the curb stop 21.7 m Out from same. This service appears to be located within the frontage of the retained parcel;
2. Water services to each parcel shall be provided within their respective frontages. Water services shall extend from the 200 mm PVC watermain in Mount Pleasant. The minimum permitted service size is 25 mm;
3. The Owner must obtain Water Service Connection Permits for each unit and pay all applicable fees prior to commencing any work to connect the water services. The City will complete the inspection of all water service connections;
4. The development must be metered during construction. The Owner will be required to pay the current fee per cubic metre for the quantity of water used;
5. 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:

6. The Owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy; and
7. The Owner is responsible for collection, haulage and disposal of all waste from the property during construction and 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
<input type="checkbox"/>	OTHER -		
FILE NO.:		B22/2021	
DATE DUE TO PLANNING		September 10, 2021	
APPLICANT /AGENT		IBI Group	
OWNER		2495494 Ontario Inc.	
ADDRESS		232 Mt. Pleasant 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.


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

September 21, 2021
DATE


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

Appendix I – Area of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: B22/2021
232 Mt. Pleasant Street



Legend

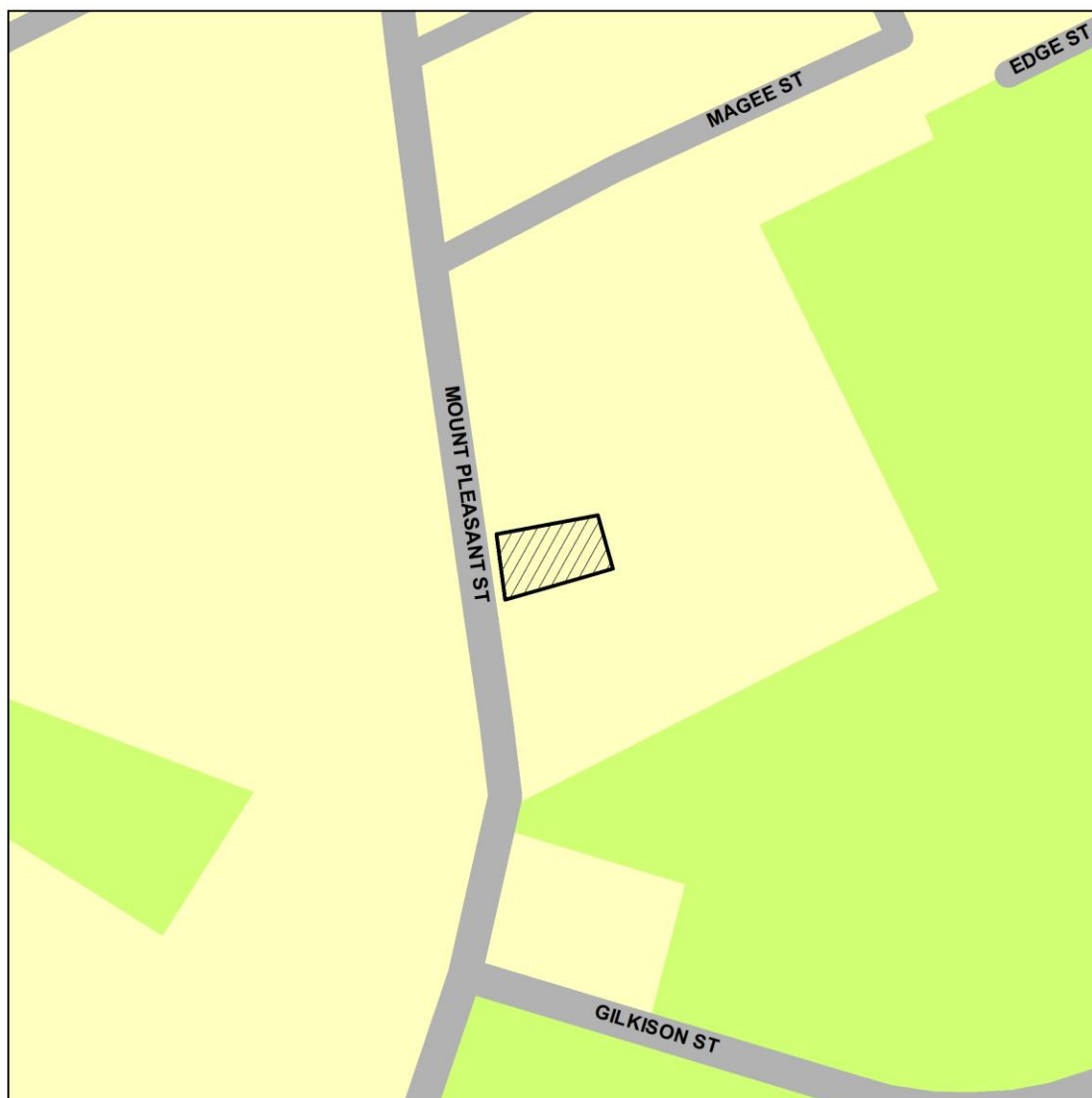
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix J – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B22/2021
232 Mt. Pleasant 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 30 60 120 Metres

Appendix K – Zoning

ZONING

Application: B22/2021
232 Mt. Pleasant Street



Legend

-  Subject Land
-  Zone Boundary

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

- R1B Residential Type 1B (15 metre)
- R3 Residential Type 3
- OS1 Open Space Type 1
- SR (County) Suburban Residential
- H Holding Provision
- # Exception Number

