



THE CORPORATION OF THE CITY OF BRANTFORD
 CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2
 TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B02/2022
Related File Numbers: N/A
Address: 38 Golfdale Road
Roll Number: 29061000505000000
Agent: Ted John Tokarz
Owner: Kevin Todd Tokarz

**IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53
 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

A consent application has been received for the lands municipally addressed as 38 Golfdale Road. The applicant is proposing to sever one new lot and retain the existing dwelling and remnant land. The existing garage and shed are proposed to be demolished to facilitate the severance application. The proposed new lot dimensions will be as follows:

	<i>Severed</i>	<i>Retained</i>
Lot Frontage	22.23 m	41.94 m
Lot Area	761 m ²	1241 m ²

DECISION: APPROVAL

DATE: March 2, 2022

THAT Application B02/2022 to sever a parcel of land from the northern portion of the lands municipally addressed as 38 Golfdale Road, having a lot area of 761 m² and retain a parcel of land having a lot area of 1,241 m², BE APPROVED subject to the following conditions:

1. 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.
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. Receipt of confirmation of preliminary site grading and servicing plan(s) for both the severed and retained parcels to the satisfaction of the Manager of Development Engineering or his/her designate. The plan(s) should identify all existing and proposed services, existing and proposed elevations, and acceptable access.
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 Engineering Department indicating that their requirements have been satisfied.
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 applicant has installed a parking space on the retained lands which is compliant with Zoning By-law 160-90 through the appropriate permits of the City, including a site alteration permit and driveway permit
10. Receipt of confirmation that elevation drawings and calculations are provided to the Chief Building Official verifying that the spatial separations requirements of the Ontario Building Code are met relative to the severance line.
11. Receipt of confirmation that the accessory shed on the severed lands has been demolished or otherwise removed through the appropriate permits from the Building Department to the satisfaction of the Chief Building Official.
12. Receipt of confirmation that the attached garage has been demolished or otherwise removed and the associated roof of the retained dwelling has been modified through the appropriate permits from the Building Department to the satisfaction of the Chief Building Official.
13. That the above conditions be fulfilled and the Certificate of Consent be issued on or before March 3, 2024, after which time the consent will lapse.

THAT the reason(s) for approval are as follows: having regard for the matters under Section 51(24) of the *Planning Act*, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90, specifically Section 9.3 (g - i) of the Official Plan respecting consent applications within the City of Brantford and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and

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 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. 2022-174.”

Original signed by D. Namisniak,
Chair

Original signed by M. Bodnar,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
Member

Original signed by V. Kershaw,
Member

Original signed by L. Rynar,
Member

CERTIFICATION

I hereby certify that this is a true copy of the original document



Deputy Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160.

APPEALS

Any person or public body may, not later than 20 days after the giving of notice of a decision under Section 53(17) or (24) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The fee for an appeal to the Ontario Land Tribunal is \$400.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: "Minister of Finance". In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$575.00 administrative fee made payable to the Corporation of the City of Brantford.

Notice of Changes

You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is March 23, 2022

END OF DECISION

