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Date July 6, 2022 **Report No.** 2022-464
To Chair and Members
City of Brantford Committee of Adjustment
From Tausha Adair, BES
Intermediate Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.	A15/2022
APPLICANT/AGENT	Property Pathways
OWNER	2319132 Ontario Inc.
LOCATION	110 Clarence Street

3.0 Recommendation

- A. THAT Application A15/2022 requesting relief from the City of Brantford Zoning Bylaw 160-90 to permit a minimum lot area of 353 m², whereas a minimum lot area of 360 m² is required, BE APPROVED;
- B. 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 land; and

C. THAT pursuant to Section 45(8) – (8.2) of the *Planning Act*, R.S.O 1990, c.P.13, the following statement SHALLE 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. 2022-464.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 110 Clarence Street. The applicant is proposing to construct a single detached, two-unit dwelling. The basement was renovated into a self-contained unit with stairs at the rear for access to the unit. It should be noted that the permit for the basement renovation is currently on hold. Two (2) parking spaces are proposed in the rear yard with a new parking surface with access from Sheridan Street.

To facilitate the development, a minor variance is required to permit a lot area of 353 m², whereas a lot area of 360 m² is required as per Section 7.8.2.1.1.3 of Zoning By-law 160-90.

5.0 Site Features

The subject lands are located on the western side of Clarence Street, north of Sheridan Street, south of Marlborough Street and defined as a corner lot. The lands have an area of 353 m² and contain a single detached dwelling. The subject lands are located in an established residential area consisting of primarily single detached dwellings. An aerial photo is attached as **Appendix C**, and site photos are attached as **Appendix G**.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all appropriate departments and agencies. No adverse comments or objections were received from the commenting agencies. It should be noted that the Transportation Department was included in the circulation, and provided no comment regarding the new parking spaces or driveway.

6.2 Public Response

Notice of public hearing **was** issued by personal mail (41 notices) and by posting a sign on-site. A plan illustrating the notification area is attached as **Appendix D**. At the date of the preparation of this Report, no responses have been received.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A15/2022 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). 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 depend 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 minor variance 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" as per the City of Brantford's Official Plan (**Appendix E**). The "Residential" designation permits a full range of residential dwelling types and accessory buildings, as well as supporting land uses intended to serve local residents. The minor variance meets the intent of the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "Residential Conversion (RC)" in Zoning By-law 160-90 (**Appendix F**). The "Residential Conversion (RC)" zone permits single detached, semi-detached, duplex, triplex, converted dwellings, and Street townhouse dwellings, comprising a maximum of three attached dwelling units, etc. The minor variance meets the intent of the Zoning By-law.

7.4 Planning Analysis

When evaluating the merits of a minor variance application, the Committee of Adjustment must be satisfied that the four tests of Section 45 (1) of the *Planning Act* have been met. To be approved, a minor variance must be minor in nature, desirable for the appropriate development and use of the land, and the general intent and purpose of the Zoning By-law and Official Plan must be maintained.

The Official Plan encourages a wide range of housing types to accommodate the anticipated population. It is the opinion of Planning Staff that the proposal will maintain the general intent and purpose of the City's Official Plan.

Section 7.8.2.1.1.3 of Zoning By-law 160-90 requires a minimum lot area of 360 m². The intent and purpose of this zoning provision is to ensure that sites have adequate green space, as well as to ensure appropriate setbacks can be accommodated. The proposed development provides a minimum lot area of 353 m² which can accommodate the required parking while maintaining an appropriate amount of amenity for the tenants of each dwelling unit. Ontario is experiencing a housing crisis and the Province's newly formed Housing Affordability Task Force released a report in January 2022 which identified intensification within existing built-up areas of municipalities as one of the most important residential housing priorities. The creation of this second unit aligns with this direction. Staff is of the opinion that the intent of the Zoning By-law is still maintained as is considered a minor deviation.

7.5 Conclusion

A site inspection was completed on June 28, 2022. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. 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. 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 application A15/2022 be approved.

The minor variance as proposed will facilitate appropriate development that makes efficient use of land. This type of residential development represents good land use planning that is encouraged by the *Planning Act*, the PPS, the Growth Plan, and the Official Plan.

For the reasons mentioned above, the minor variances satisfy the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A15/2022 be approved.

Tausha Adair

Prepared By:
Tausha Adair, BES
Development Planner
Prepared on: June 30, 2022

Joe Muto

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

Appendix A – Location Map

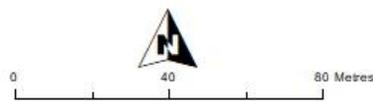
LOCATION MAP

Application: A15/2022
110 Clarence Street

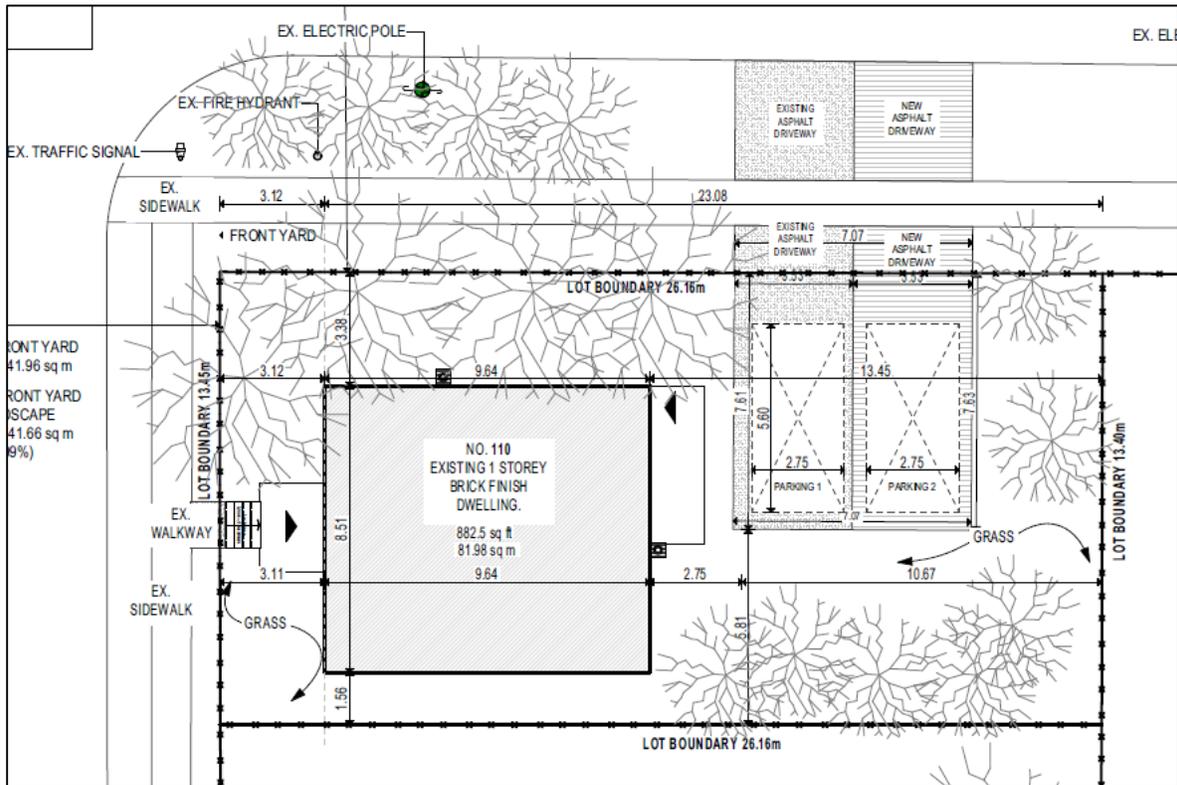


Legend

 SUBJECT LAND



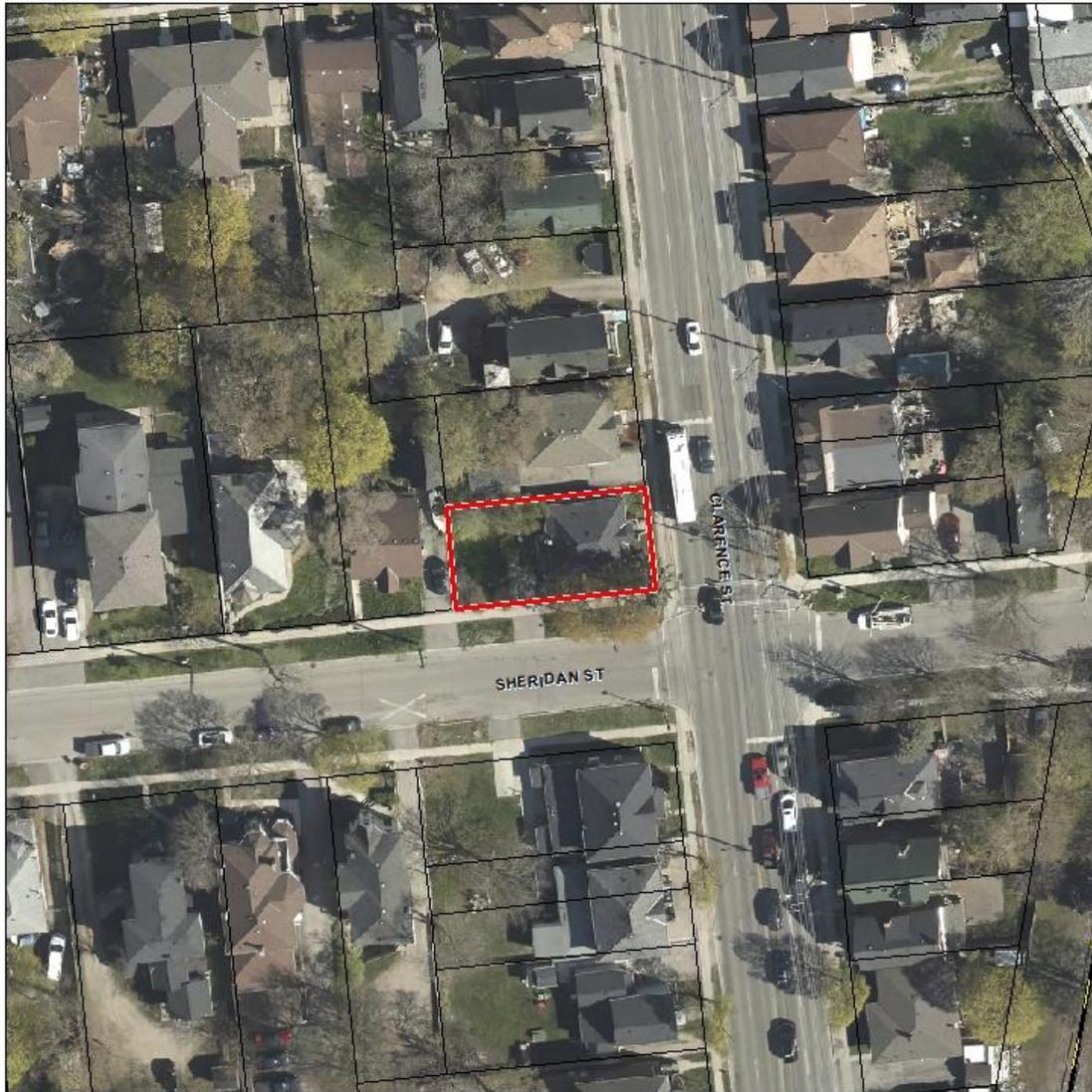
Appendix B – Concept Site Plan



Appendix C – Aerial Photograph

AERIAL PHOTO

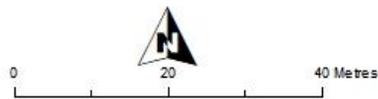
Application: A15/2022
110 Clarence Street



Legend

 Subject Land

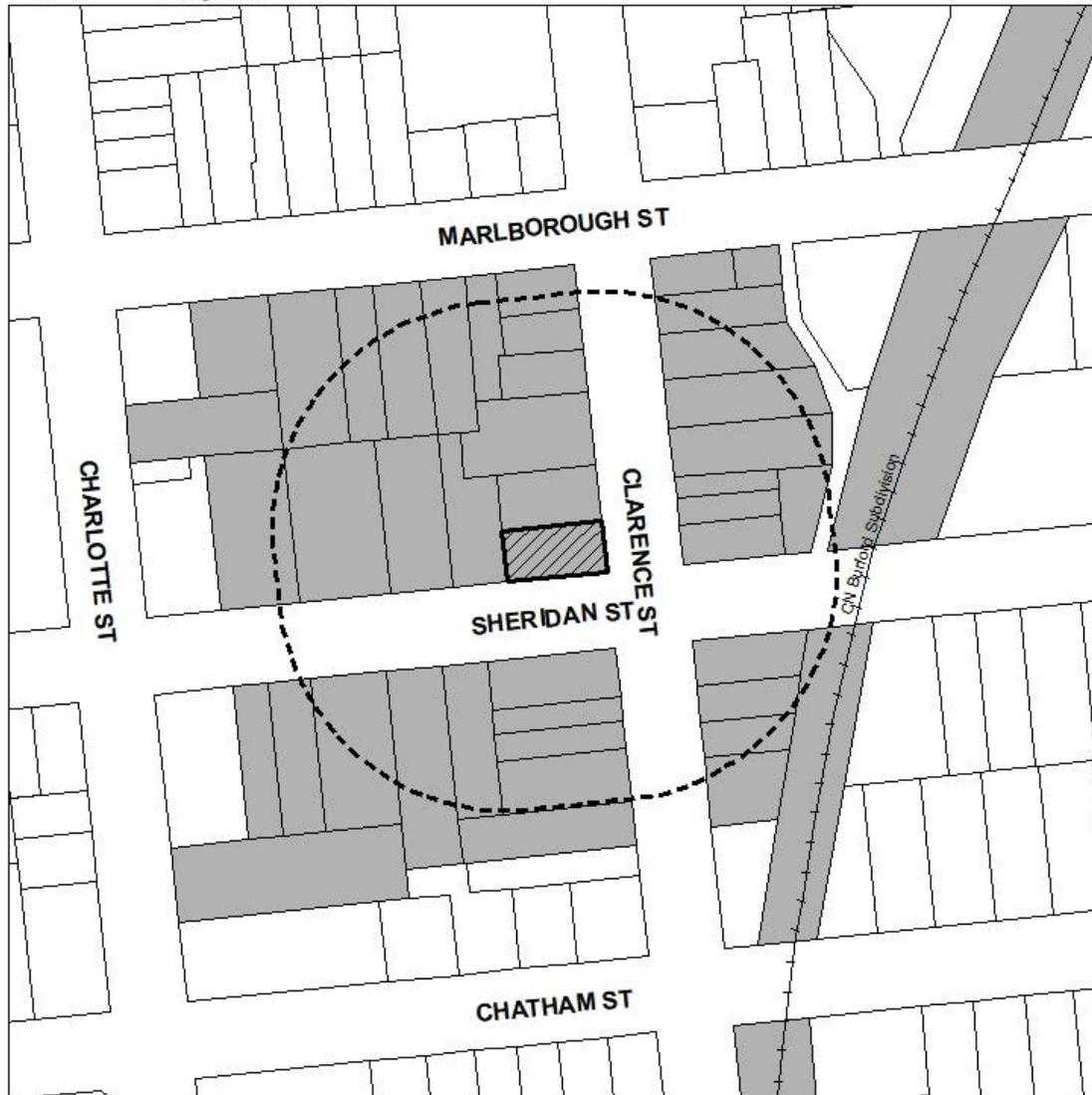
Aerial Photo from spring 2021



Appendix D – Area of Public Notification

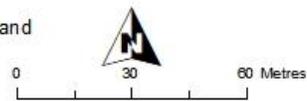
AREA OF PUBLIC NOTIFICATION

Application: A15/2022
110 Clarence Street



Legend

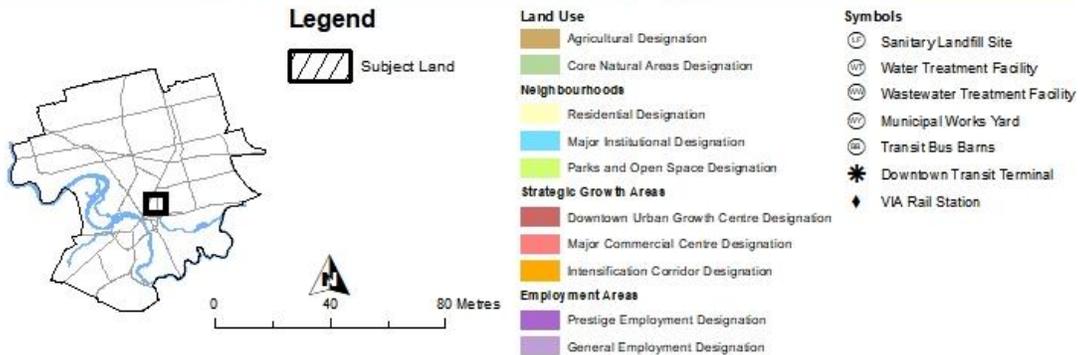
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix E – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A15/2022
 110 Clarence Street



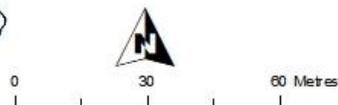
Appendix F – Zoning

ZONING

Application: A15/2022
110 Clarence 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
I2 Institutional School
C3 Mixed Commercial Residential
OS1 Open Space Type 1
H Holding Provision
- # Exception Number

Appendix G – Site Photos



Photo 1: North on Sheridan Street facing existing dwelling and side yard.



Photo 2: North on Sheridan Street facing existing dwelling, side yard, and rear yard.