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Date July 6, 2022 **Report No.** 2022-482

To Chair and Members
City of Brantford Committee of Adjustment

From Michelle LeDressay
Policy Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Minor Variance

2.0 Topic

APPLICATION NO.	A23/2022
AGENT	Jorge Pineda
APPLICANT/OWNER	Jorge Pineda
LOCATION	172.5 Sheridan Street

3.0 Recommendation

- A. THAT Application A23/2022 requesting relief from the City's Zoning By-law 160-90 to permit zero (0) parking spaces for the additional unit, whereas one (1) parking space is required BE APPROVED.
- B. That the reason(s) for approval are as follows:
 - i. The proposed variance will facilitate appropriate residential intensification that is considered compatible with the surrounding area;
 - ii. The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90; and,

- iii. The relief requested is considered minor in nature and the application complies with criteria set out in Section 45(1) of the *Planning Act*.
- C. THAT pursuant to 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 2022-482.”

4.0 Purpose and Description of Application

A minor variance application has been received for the property municipally addressed as 172.5 Sheridan Street. The applicant is proposing to convert the existing basement within a current duplex to a dwelling unit for a total of 3 units. To facilitate the conversion, the applicant is seeking relief from the following section of Zoning By-law 160-90:

- Relief from Section 6.18.7.8 to permit no parking space for an additional unit within a duplex, whereas 1 parking space is required.

The existing duplex is exempt from By-law 160-90 and not required to provide two (2) off-street parking spaces for the existing units, as they existed prior to the Zoning By-law coming into force and are considered legal non-conforming.

A location map and site plan illustrating the proposed development are attached as **Appendices A and B**. The subject lands are designated “Residential” in the City’s Official Plan and are zoned “Residential Conversion” (RC) in City of Brantford Zoning By-law 160-90.

5.0 Site Features

A duplex dwelling currently occupies the subject lands. The subject lands are located on the north side of Sheridan Street east of Park Avenue, and south of Marlborough Street. The subject property is surrounded by detached dwellings in all directions, many with additional dwelling units within them. Aerial photos, and site photos are attached as **Appendices C, and D**.

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 the Building Departments, the Development Engineering Department and Transportation Department are attached as **Appendices E, F, and G**.

6.2 Public Response

Notice of public hearing was issued by personal mail (59 notices) and by posting a sign on-site. Attached as **Appendix H** is a plan illustrating the circulation area. No objections were received at the time of writing this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A23/2022 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). 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 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" on Schedule 3 of the City of Brantford Official Plan (see **Appendix I**). This designation permits a full range of residential dwelling types and accessory buildings, including single detached and semi-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, 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 (RC)” in Zoning Bylaw 160-90 (**Appendix J**). The RC Zone permits a range of housing types, including single detached, semi-detached, duplex and triplex residential dwellings. To facilitate the proposed development, the minor variance application requests relief from Section 6.18.7.8 of Zoning By-law 160-90 to permit zero (0) parking spaces for an additional dwelling unit within the existing duplex, whereas 1 parking space is required. Though technically the property should provide three (3) off-street parking spaces, the existing duplex qualifies as legal non-conforming because it was lawfully established prior to the passing of the current Zoning By-law. The existing building footprint physically constrains the site from adding parking. The development meets all other regulations of the RC Zone, and Staff are of the opinion that the proposed development maintains the general intent of Zoning By-law 160-90.

7.4 Planning Analysis & Conclusion

A site visit was conducted on June 15, 2022. Upon completion of this visit, Planning Staff are supportive of the application. The subject lands are located near public transit and within walking distance to many amenities, such as parks, a retail uses and the Downtown (Urban Growth Centre). 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 additional building lot aligns with this direction. The minor variance as proposed will facilitate appropriate infill development that makes efficient use of land. This type of infill development represents good land use planning that is encouraged by the PPS, Growth Plan, and Official Plan.

Staff also notes that the area is well serviced by public transit. There are multiple active transit stops within 400 metres (3-6 minute walk) with access to GO Transit service and five Brantford Transit bus routes, which carry passengers to the downtown transit terminal and the Lynden Road commercial area. Additionally, a wide variety of services and amenities including grocery stores, restaurants, medical offices, retail, and places of worship are available within a 10 to 15 minute walk from the property.

The variance satisfies the criteria of Section 45(1) of the *Planning Act*. It is the opinion of Planning Staff that the proposed variance is desirable for the appropriate development or use of the land, and is minor in nature. Planning

Staff is satisfied that the general intent of the Official Plan and Zoning By-law are maintained and recommend that application A23/2022 be approved.



Prepared by:
Michelle LeDressay, MSc
Policy Planner
Prepared on June 29, 2022



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


Appendix A – Location Map

LOCATION MAP

Application: A23/2022
172.5 Sheridan Street



Legend

 SUBJECT LAND



24'

EXISTING SHED

500

500

WOODEN POST FENCE

CHAIN-LINK FENCE

ENTRANCE TO BASEMENT UNIT FROM GRADE (EXISTING SIDE DOOR)

ENTRANCE TO MAIN FLOOR UNIT FROM EXISTING DECK (EXISTING DOOR)

18'-6"

2'-0 1/4"

2'-0"

20'-0"

37'-0"

134' 6"

134' 6"

SHARED WALKWAY

#172.5 SHERIDIAN STREET

(2 Storey multi-unit family home)

Ex. Two Unit Dwelling
Proposed change of use to create a three unit dwelling

ENTRANCE TO TOP UNIT FROM PORCH (EXISTING DOOR)

10'-6"

25' 10"

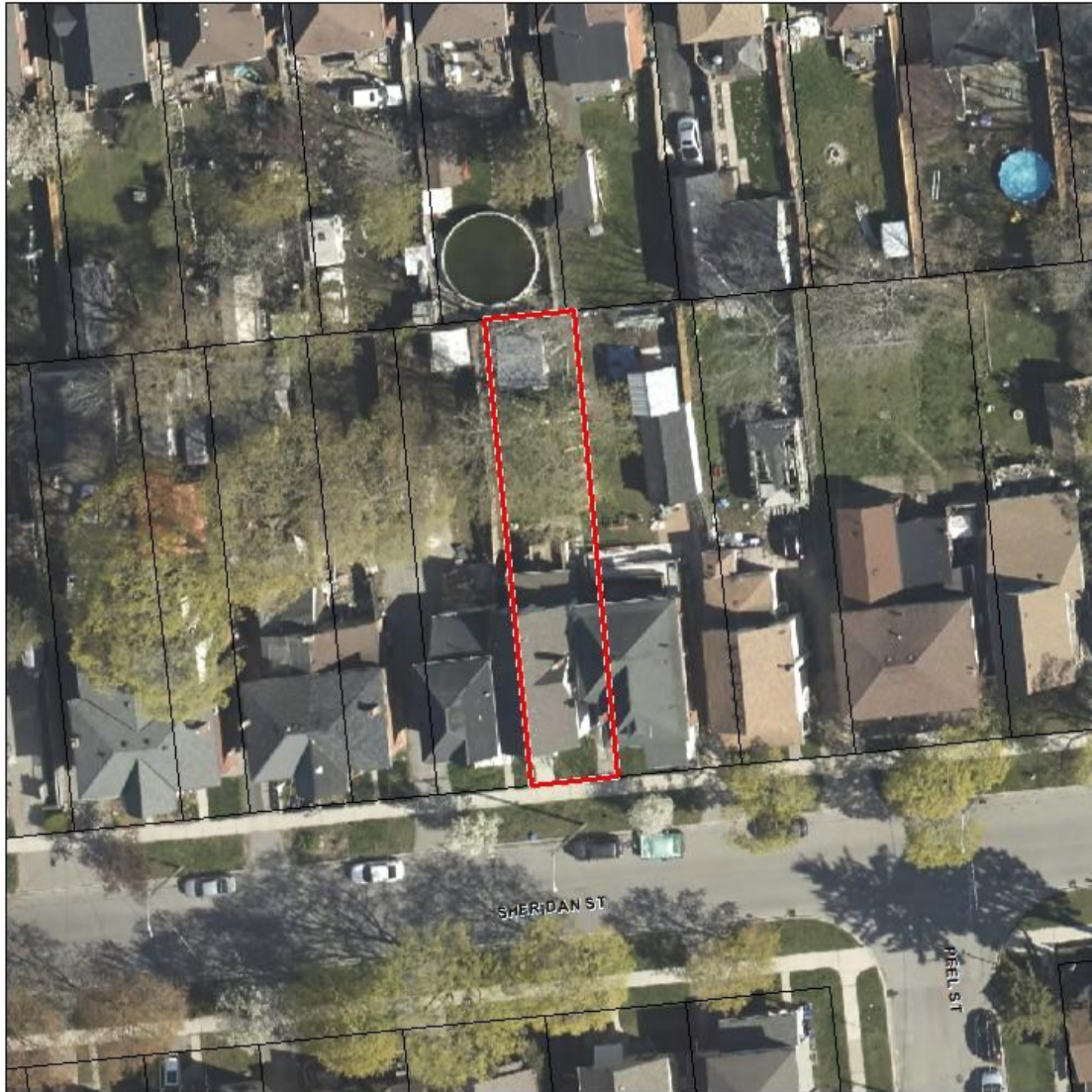
SHERIDIAN STREET-SIDEWALK

10/1/2023


Appendix C – Aerial Photo

AERIAL PHOTO

Application: A23/2022
172.5 Sheridan Street



Legend

 Subject Land

Aerial Photo from spring 2021



Appendix D – Site Photos



Photo 1 – Front View of 172.5 Sheridan Street



Photo 2 – Front View of 172.5 Sheridan Street

Appendix E – Building Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/> MINOR VARIANCE	<input 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° A23-2022

SITE: **172.5 Sheridan St**

APPLICANT: **Jorge Pineda**

COMMENTS:

BYLAW: 160-90 ZONE: RC

- 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.

Appendix F – Development Engineering Comments



June 21, 2022

Environmental Services

Attention: Michelle LeDressay, Planner

RE: A23-2022 – 172.5 Sheridan Street – Minor Variance Application

I reviewed the Minor Variance application, and associated documents — as prepared by Jorge Pineda — on behalf of Environmental Services and have no objections with the Minor Variance, however, offer the following comments for consideration in regards to water servicing:

1. City records indicate the Site is serviced with a 19 mm (public) copper lateral by a 13 mm (private) lead from a 150 mm PVC watermain in Sheridan Street;
2. It's highly recommended that the private 13 mm lead be removed to the 19 mm copper lateral at property line and replaced with a new 19 mm copper lateral;
3. If the lead service is removed and replaced, the Owner must obtain a Water Service Connection Permit 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;
4. If applicable the Owner's Contractor will be required to obtain a Road Occupancy Permit prior to commencing any work within the City's road right-of-way;
5. 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; and
6. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.

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

Sincerely,

Andrew Drinkwater
Environmental Services Technologist
adrinkwater@brantford.ca

Appendix G – Transportation Comments



Date:	June, 2022
From:	Sivana Younan, Transportation Reviewer – Planning & Development Engineering
RE:	A23/2022- 172.5 Sheridan Street

A. Transportation Comments

1. No further comments.

Appendix H – Public Notification Map

AREA OF PUBLIC NOTIFICATION

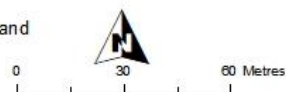
Application: A23/2022

172.5 Sheridan Street



Legend

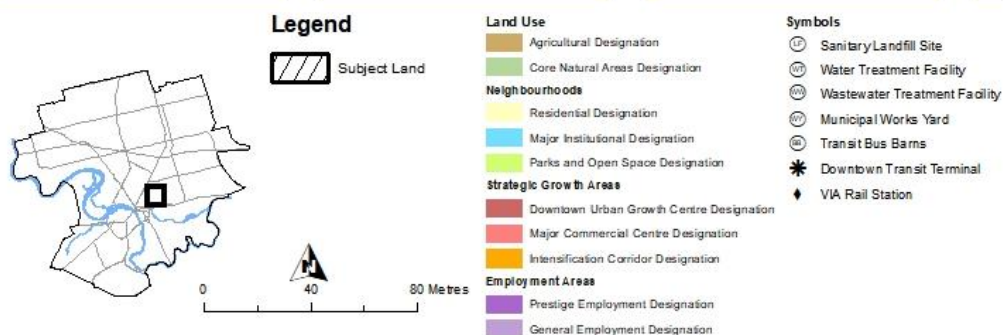
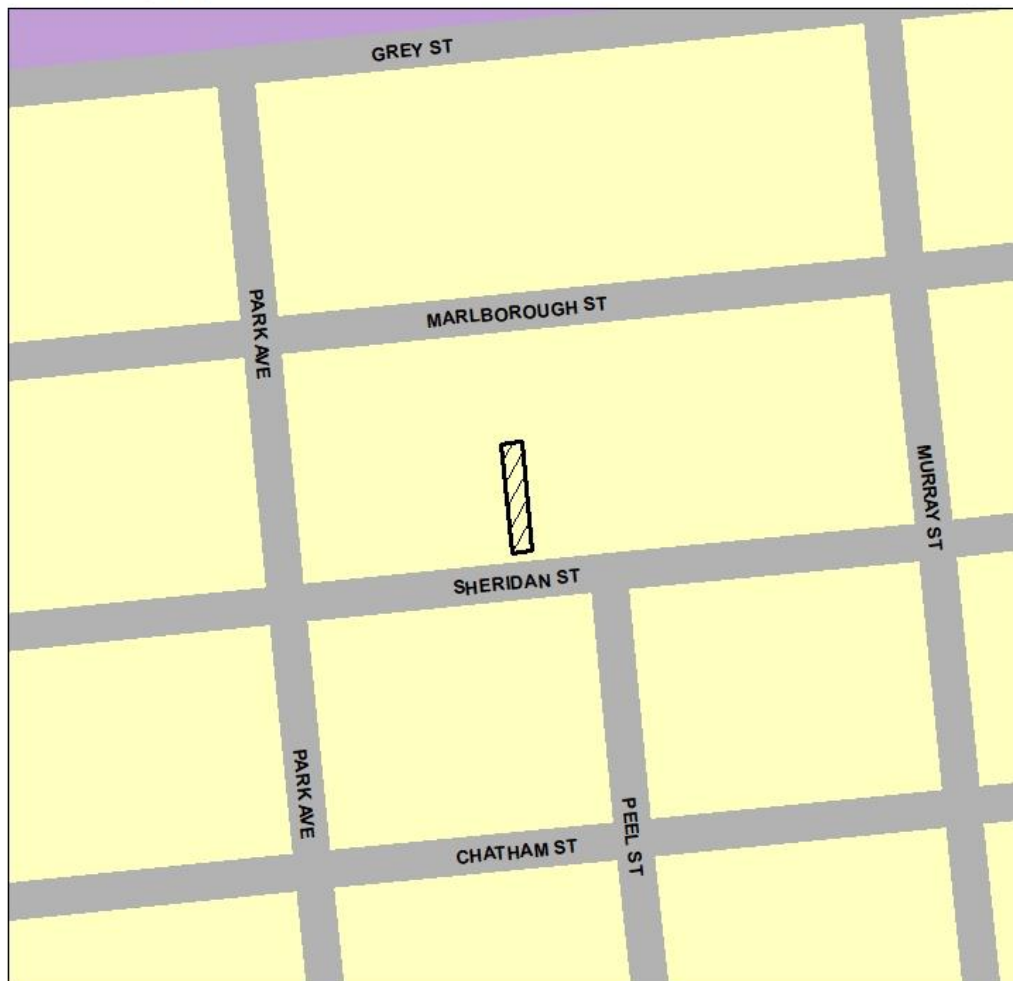
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix I – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A23/2022
172.5 Sheridan Street

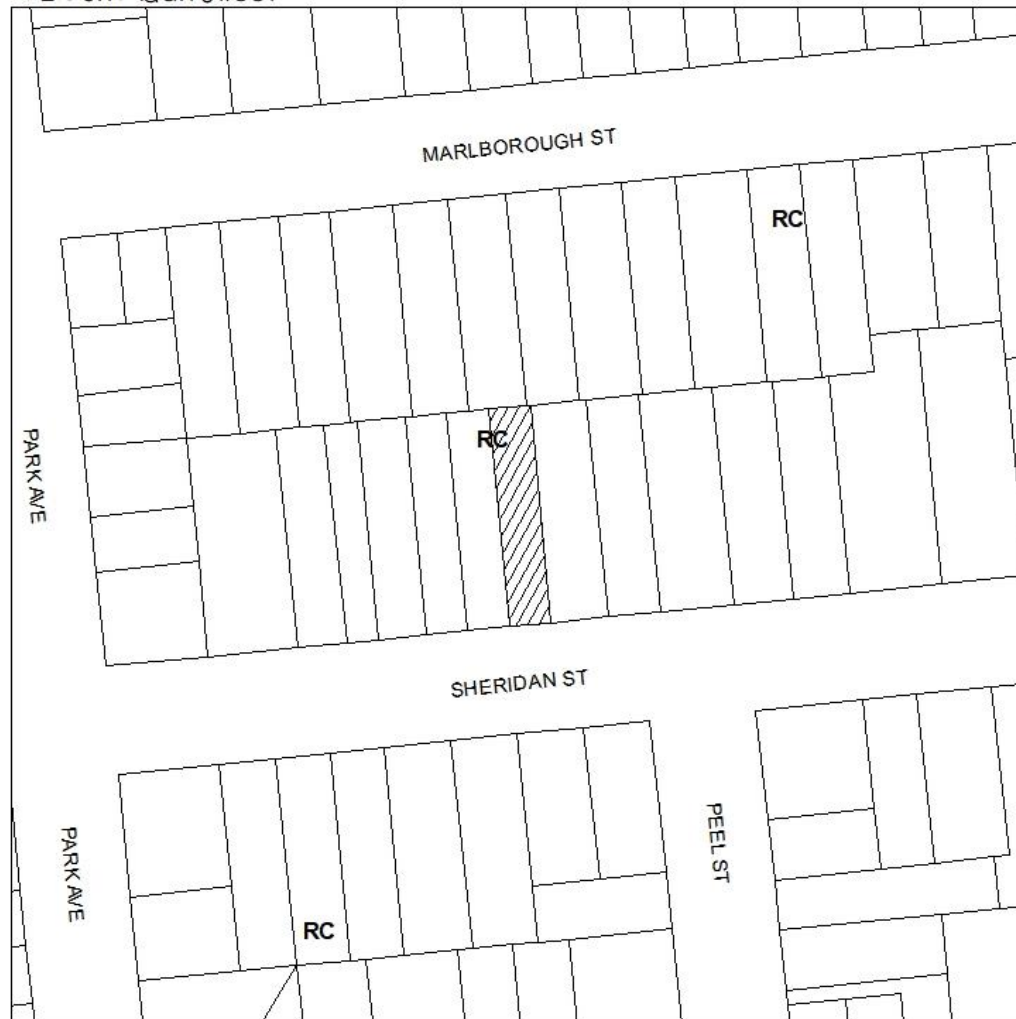


Appendix J – Zoning



ZONING

Application: A23/2022

172.5 Sheridan Street



Legend

-  Subject Land
-  Zone Boundary



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

- RC Residential Conversion
- # Exception Number