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**Date** July 6, 2022 **Report No.** 2022-481

**To** Chair and Members  
City of Brantford Committee of Adjustment

**From** Sarah Hague  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

## 2.0 Topic

<b>APPLICATION NO.</b>	A16/2022
<b>APPLICANT</b>	Ken Bekendam
<b>OWNER</b>	King Management Group Inc.
<b>LOCATION</b>	309 Nelson Street

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## 3.0 Recommendation

- A. THAT Application A16/2022 seeking relief from Section 7.8.2.1.12.1 of Zoning By-law 160-90 to permit a 100% increase of the gross floor area of the building which existed at the date of passing of this by-law for the expansion of a building to be used for the purpose of a converted dwelling, whereas a 50% increase is permitted, BE APPROVED; and
- 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 land; and

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- 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 Sections 6.2 of Report No. 2022-481.”*

## 4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 309 Nelson Street. A location map and conceptual site plan are attached as **Appendices A and B**. The applicant is proposing to convert the existing single detached home into a 3 unit converted dwelling by adding a unit in the basement and constructing a 2<sup>nd</sup> storey addition with a 3<sup>rd</sup> unit. Elevations and Floor Plans are attached as **Appendices C and D**. The existing footprint will remain unchanged and the existing sheds are proposed to be removed. The existing driveway off Nelson Street will remain and contain 1 parking space and an additional driveway is proposed off Aylmer Street which will contain 2 parking spaces for a total of 3 parking spaces.

To facilitate the development, the applicant is requesting relief from Section 7.8.2.1.12.1 to permit a 100% increase of the gross floor area (GFA) of the building which existed at the date of passing of this by-law for the expansion of a building to be used for the purpose of a converted dwelling, whereas a 50% increase is permitted.

## 5.0 Site Features

The subject lands are located at the southeast corner of Nelson Street and Aylmer Street, with a lot area of approximately 446 m<sup>2</sup>. The lands are currently occupied by a 1.5 storey single detached dwelling, a driveway off Nelson Street which can accommodate 1 parking space, and 2 accessory structures (sheds). The subject lands are located in a mature neighbourhood, surrounded by 1, 1.5 and 2 storey single detached and converted dwellings. An aerial photo and 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 appropriate departments and agencies: no objections were received. Detailed comments from the

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Building, Environmental Services, Transportation, and Development Engineering Departments are attached as **Appendices G, H, I and J.**

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## 6.2 Public Response

Notice of public hearing was issued by personal mail (45 notices) and by posting a sign on-site. Attached as **Appendix K** is a plan illustrating the notification area. At the time of writing of this Report, no comments or objections have been received.

## 7.0 Planning Staff Comments and Conclusion

### 7.1 Provincial Policy Context

Application A16/2021 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 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. Specifically, Section 2.2.6.1 (a)(i) of the Growth Plan outlines that municipalities should support housing choices by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents. Accordingly, 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

The subject lands are designated "Residential" designation on Schedule 3 of the City of Brantford's Official Plan (**Appendix L**). The "Residential" designation permits a full range of residential dwelling types and accessory buildings, including additional dwelling units. Additionally, Section 4.3 of the Official Plan speaks to accommodating projected growth to 2051. Subsection 4.3 (c)(iii) outlines that intensification within the Neighbourhoods designation within the Delineated Built-up Area will primarily be accomplished through compatible infill, adaptive reuse or

expansion of existing buildings, and the establishment of additional residential units in existing homes and accessory buildings. As such, 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 Zone (RC)” in Zoning By-law 160-90 (see **Appendix M**). The RC Zone permits single detached, semi-detached, duplex, triplex, street townhouse, and converted dwellings, in addition to some other uses and accessory buildings. The subject application requires relief from Section 7.8.2.1.12.1 of Zoning By-law 160-90 to permit a 100% increase of the gross floor area of the building which existed at the date of passing of this by-law for the expansion of a building to be used for the purpose of a converted dwelling, whereas a 50% increase is permitted. Aside from the increase in gross floor area, the proposed development would conform to the remaining development regulations of the RC Zone, as noted in the comments from the Building Department (**Appendix E**).

### **7.4 Planning Analysis**

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.

Section 7.8.2.1.12 of Zoning By-law 160-90 states that the expansion of any building to be used for the purpose of a converted dwelling shall not exceed a total of:

- 50% of the gross floor area (GFA) of the building which existed at the date of passing the By-law; or
- 110.0 m<sup>2</sup>, whichever is lesser.

The existing structure, which is approximately 73.5 m<sup>2</sup> in size, was built in 1945, prior to any Zoning By-law being in effect. Based on the modest size and Section 7.8.2.1.12 restricting any expansion to the lesser of either 50% of the GFA or 110 m<sup>2</sup>, only a 36.8 m<sup>2</sup> (395.6 ft<sup>2</sup>) expansion is

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permitted (50% of the existing GFA). This size would be too restrictive and would not meet the provisions of Section 7.8.2.1.8.2, which requires a minimum GFA of 55.0 m<sup>2</sup>/unit for a converted dwelling. Considering the by-law does permit expansions of up to 110 m<sup>2</sup>, which is 136% larger than the proposed expansion, and that 2 storey dwellings are commonly found in this area, Staff consider the proposed increase minor in nature as it will have no negative impact on neighbouring properties. The two additional proposed units require two additional parking spaces which are being accommodated in a new proposed double-wide driveway off Aylmer Street.

The minor variance is considered desirable for the appropriate development of the land as a two storey dwelling is compatible with the other 1, 1.5, and 2 storey dwellings in the area and the site can accommodate the required parking. Additionally, the proposed addition will increase the amount of living space for the future occupants while contributing to a mix of housing options within the neighbourhood.

The intent of the limitation on gross floor area of an addition for a converted dwelling is to ensure that the residential character of the neighbourhood is maintained and to ensure that there is remaining sufficient space to accommodate amenity space and the required parking. The applicant is proposing a 2<sup>nd</sup> storey addition with no impact to the footprint of the dwelling. Additionally, 2 storey dwellings are in keeping with the character of the neighbourhood. The applicant is able to meet the parking requirement by providing 3 parking spaces on site (1 per unit) while still maintaining sufficient amenity space. Accordingly, Staff is of the opinion that the general intent of the Zoning By-law is maintained.

The Official Plan permits additional dwelling units and supports the expansion of existing buildings and the establishment of additional residential units in existing homes. Therefore, Staff is of the opinion that the general intent and purpose of the Official Plan is maintained.

## **7.5 Conclusion**

A site inspection was completed on June 20, 2021. 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

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*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 A16/2022 be approved.



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Prepared By: Sarah Hague  
Development Planner  
Prepared on: June 29, 2022



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

## Appendix A – Location Map

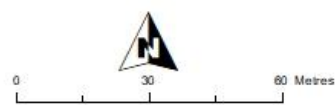
### LOCATION MAP

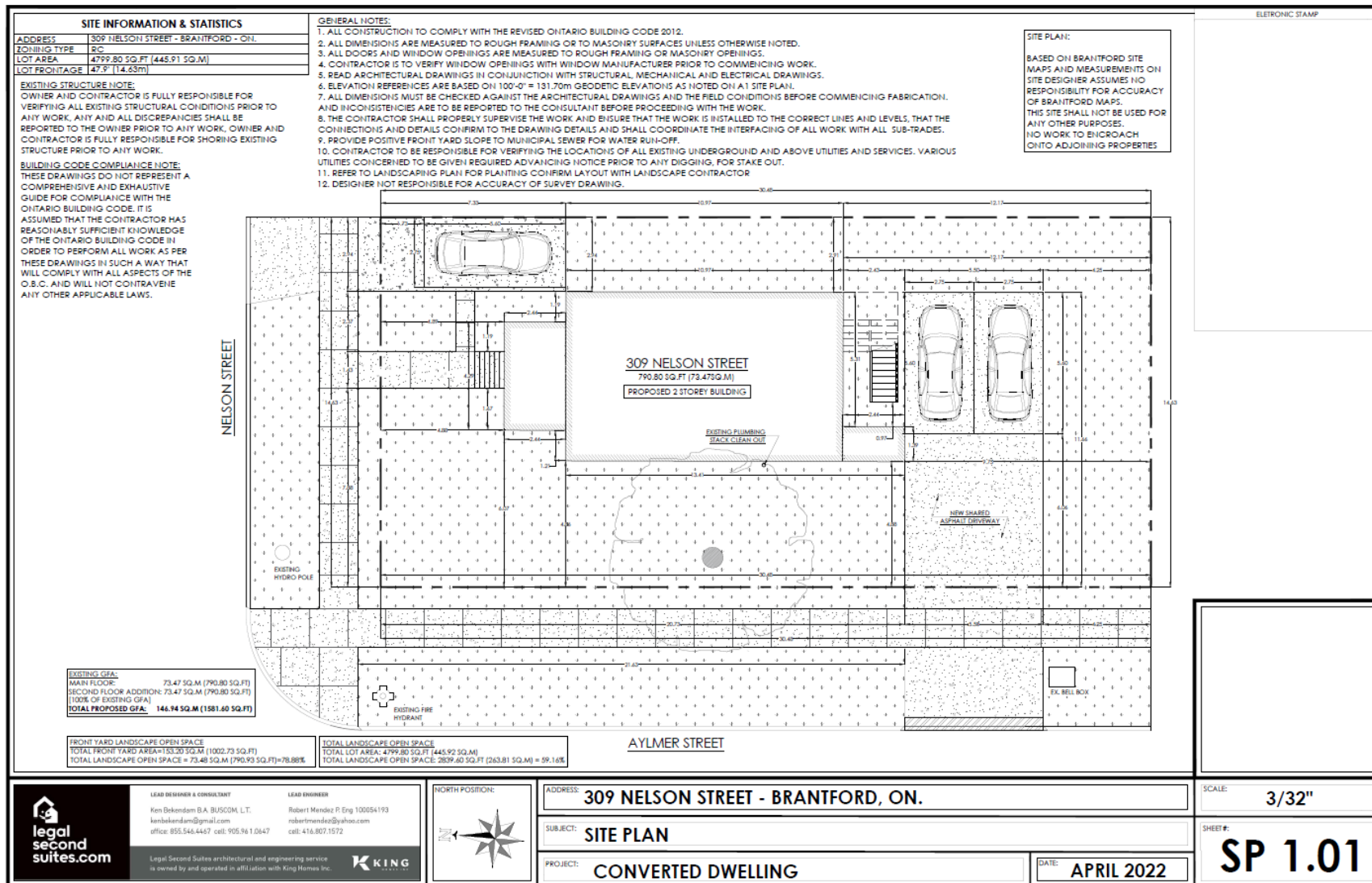
Application: A16/2022  
309 Nelson Street



#### Legend

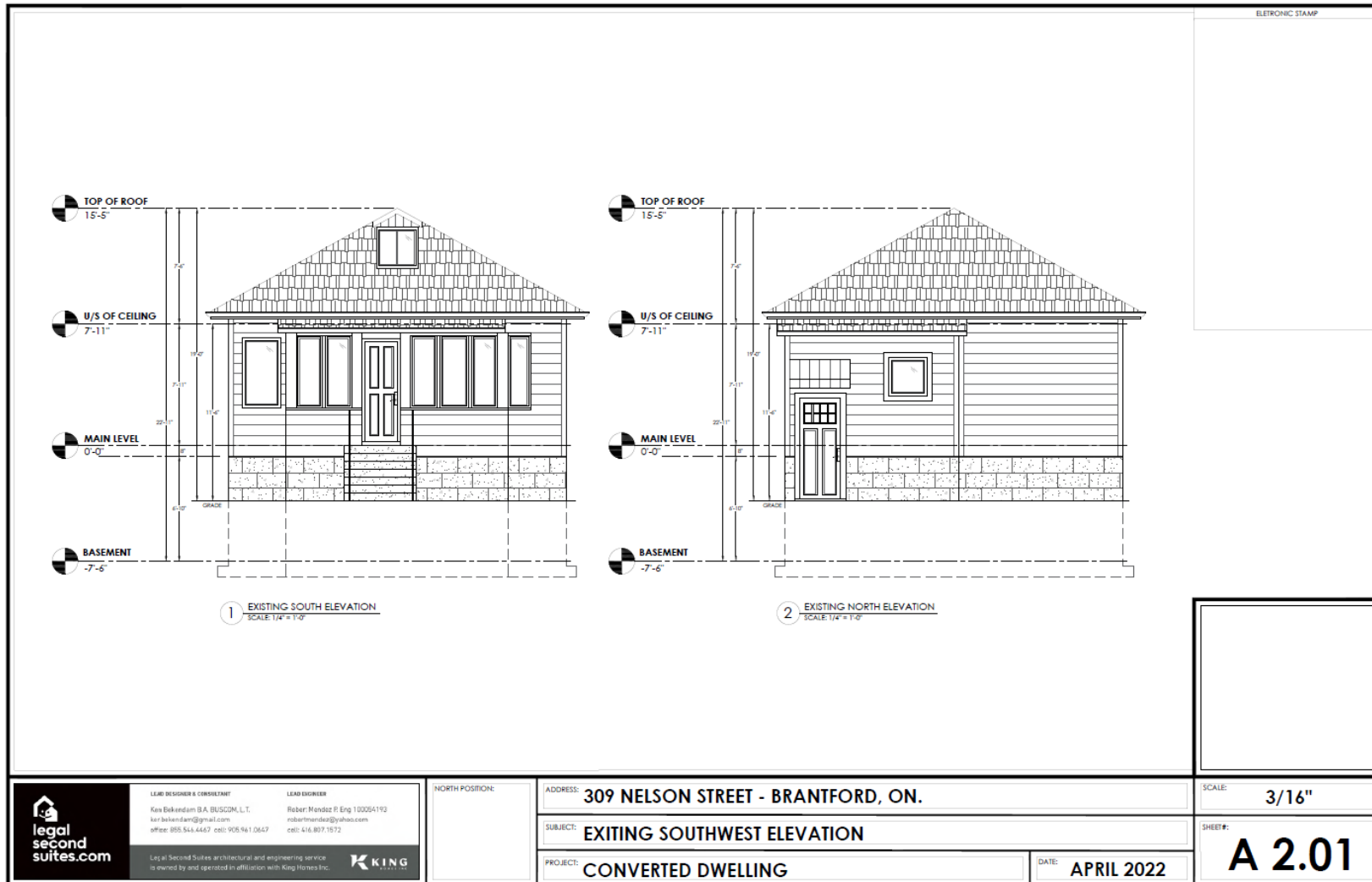
 SUBJECT LAND

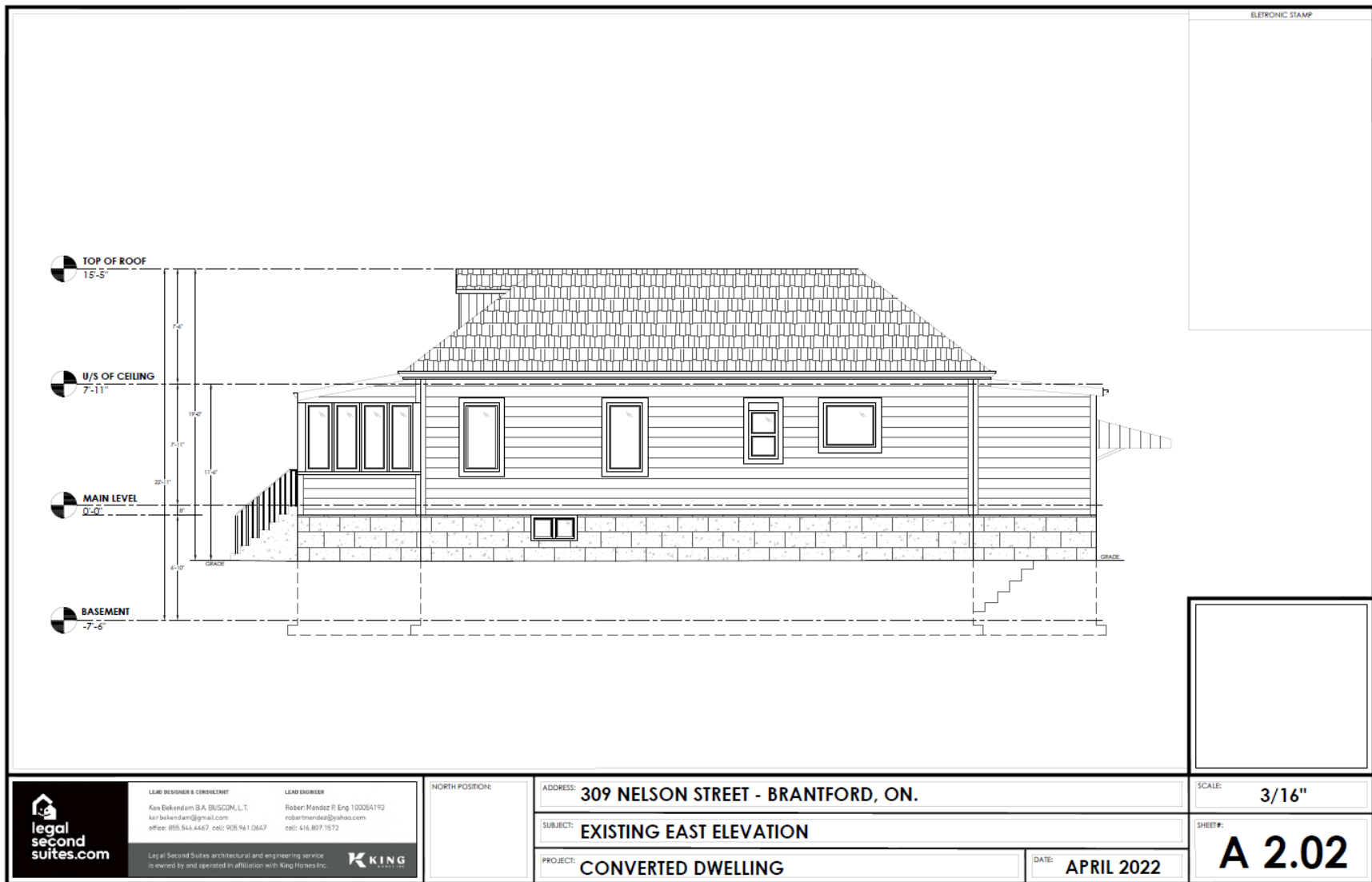


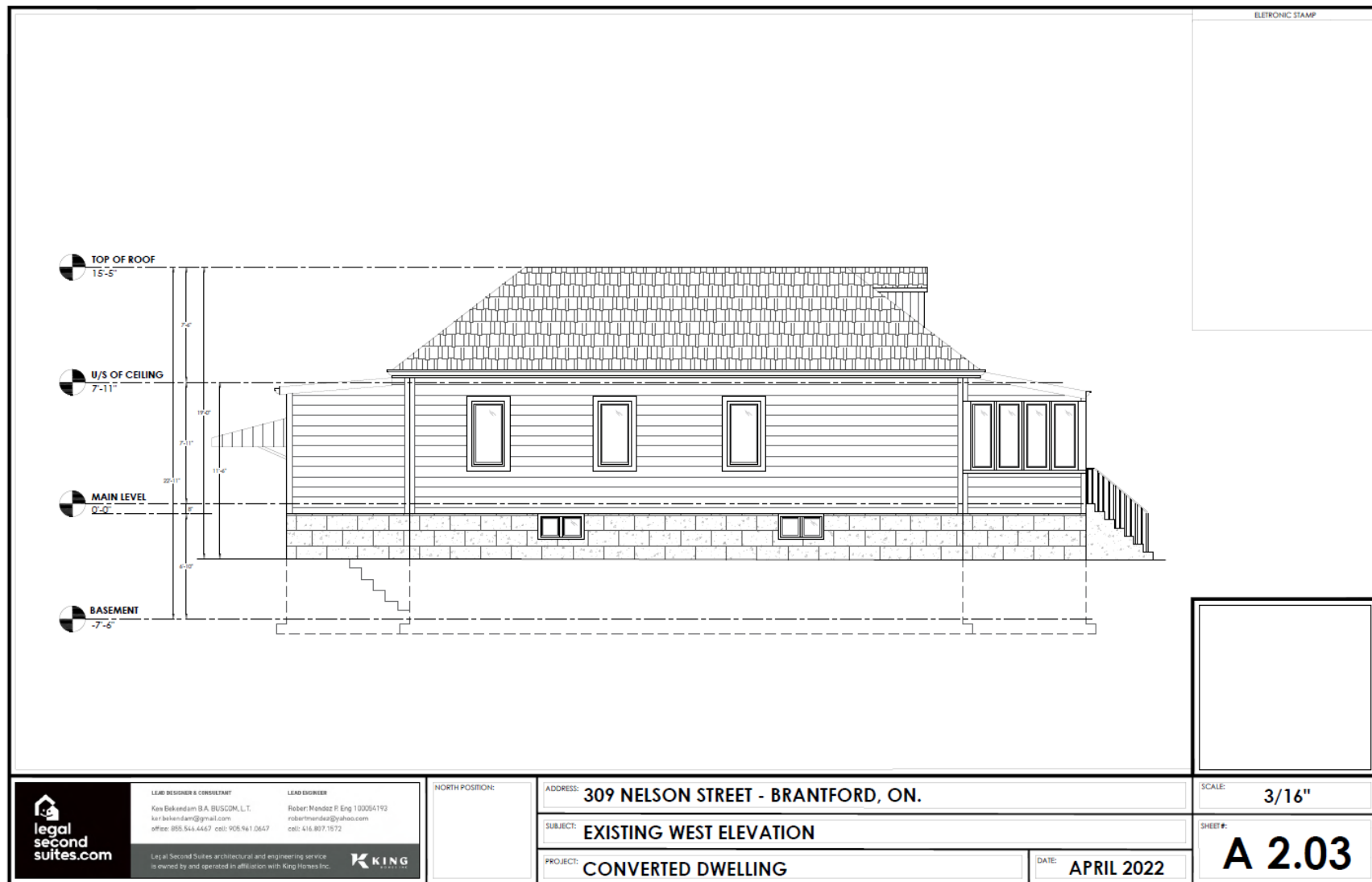


## Appendix C – Elevations

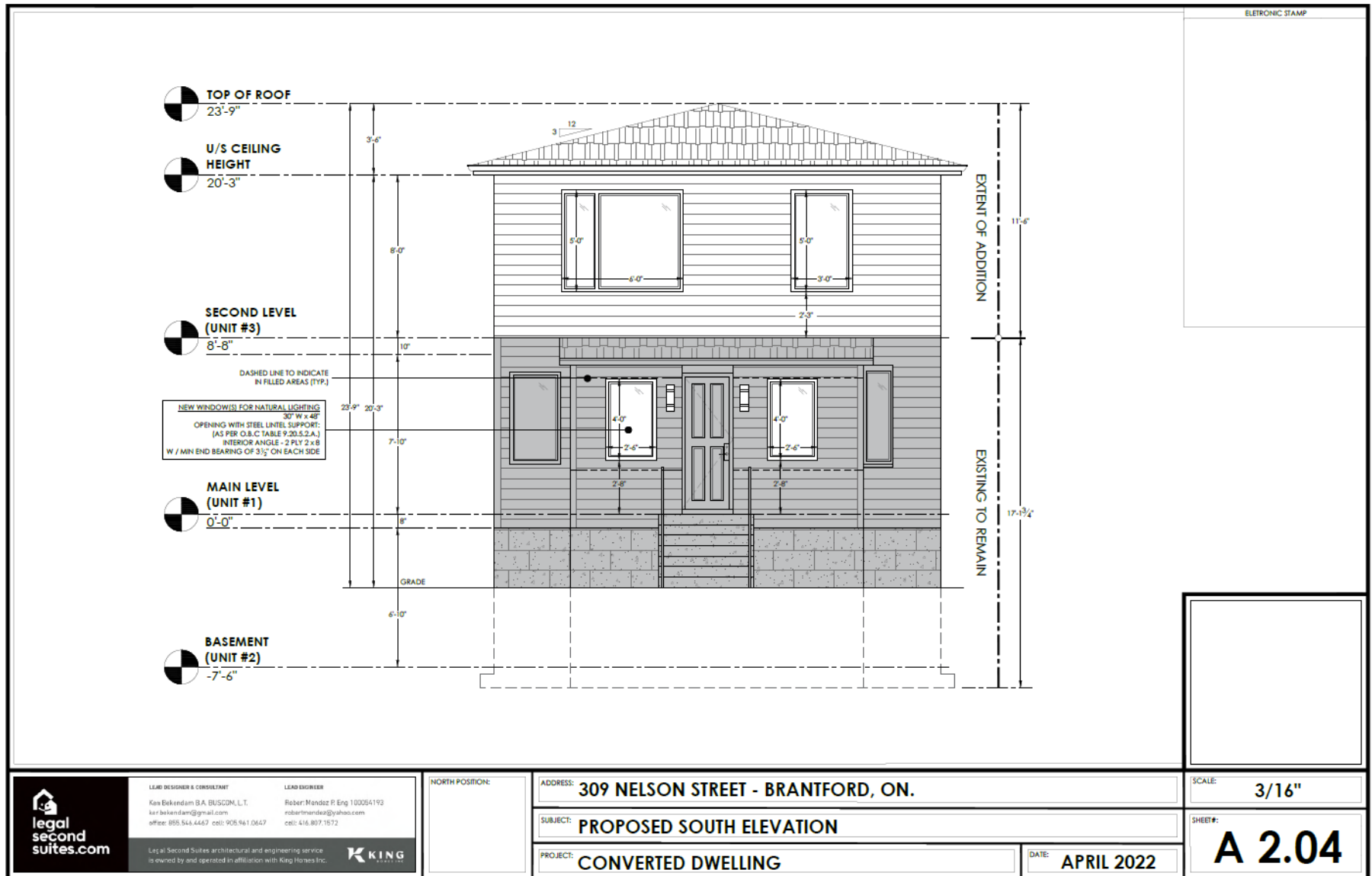
### Appendix C1 – Existing Elevations



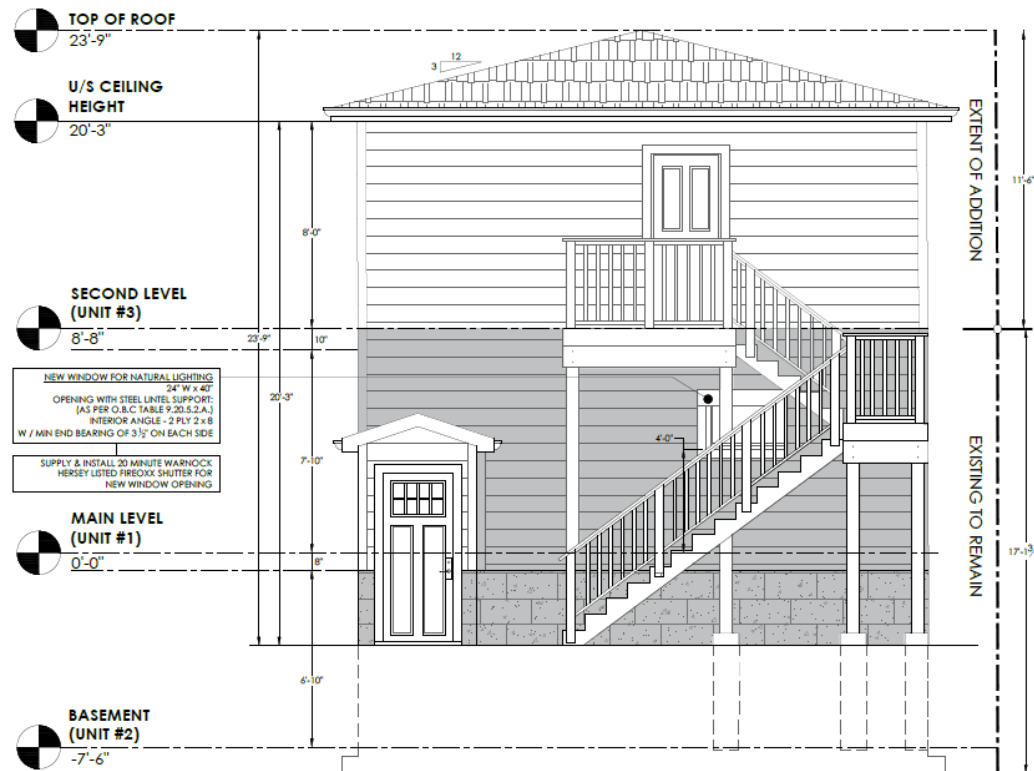




## Appendix C2 – Proposed Elevations



ELECTRONIC STAMP



LEAD DESIGNER & CONSULTANT  
Ker Bekendam BA, BUSCOM, L.T.  
kerbekendam@gmail.com  
office: 855.544.4467 cell: 905.961.0647

LEAD ENGINEER  
Robert Mendez P. Eng 1000561193  
robertmendez@yahoo.com  
cell: 416.807.1572

Legal Second Suites architectural and engineering service  
is owned by and operated in affiliation with King Homes Inc.



NORTH POSITION:

ADDRESS: 309 NELSON STREET - BRANTFORD, ON.

SUBJECT: PROPOSED NORTH ELEVATION

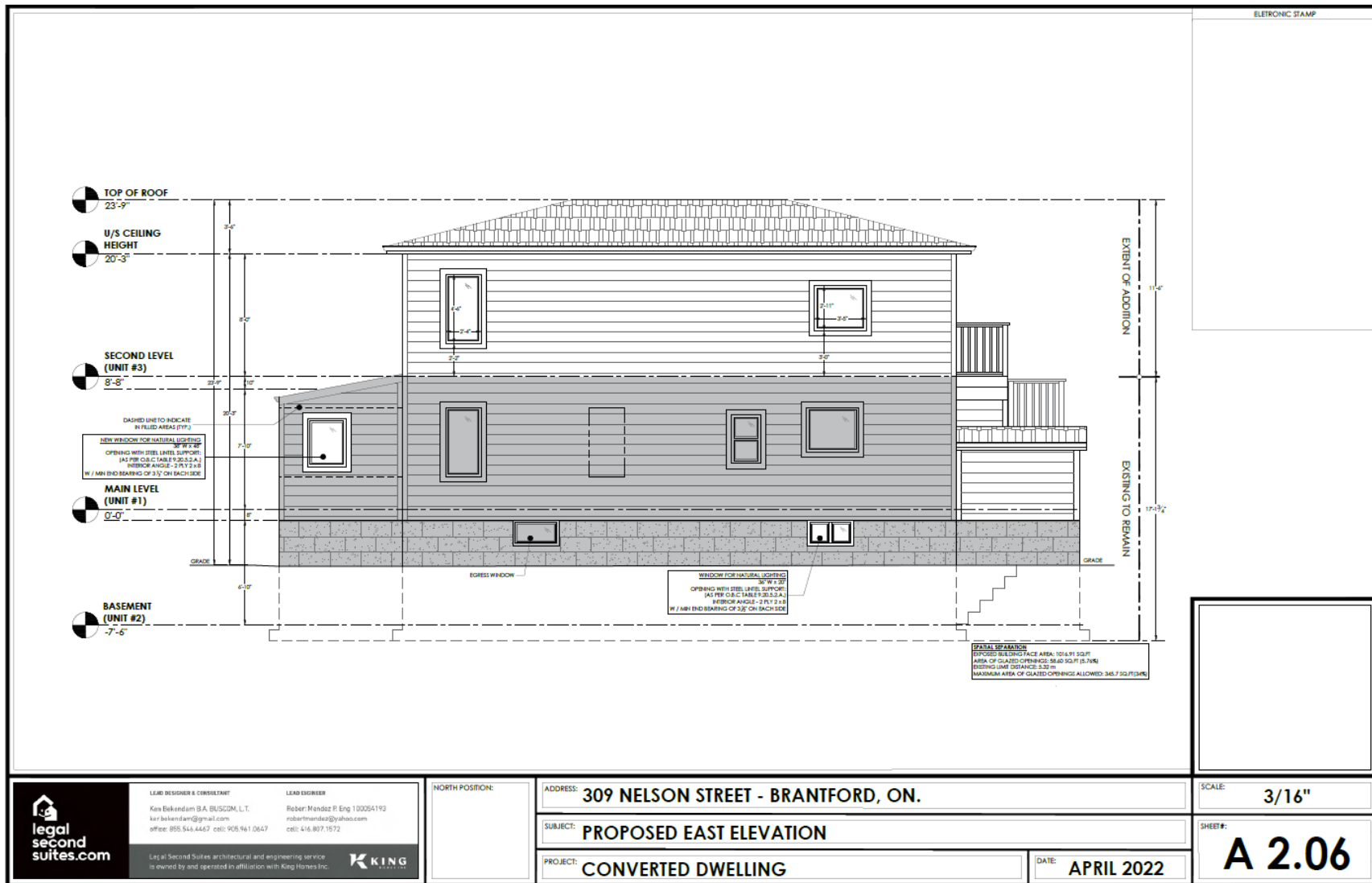
PROJECT: CONVERTED DWELLING

DATE: APRIL 2022

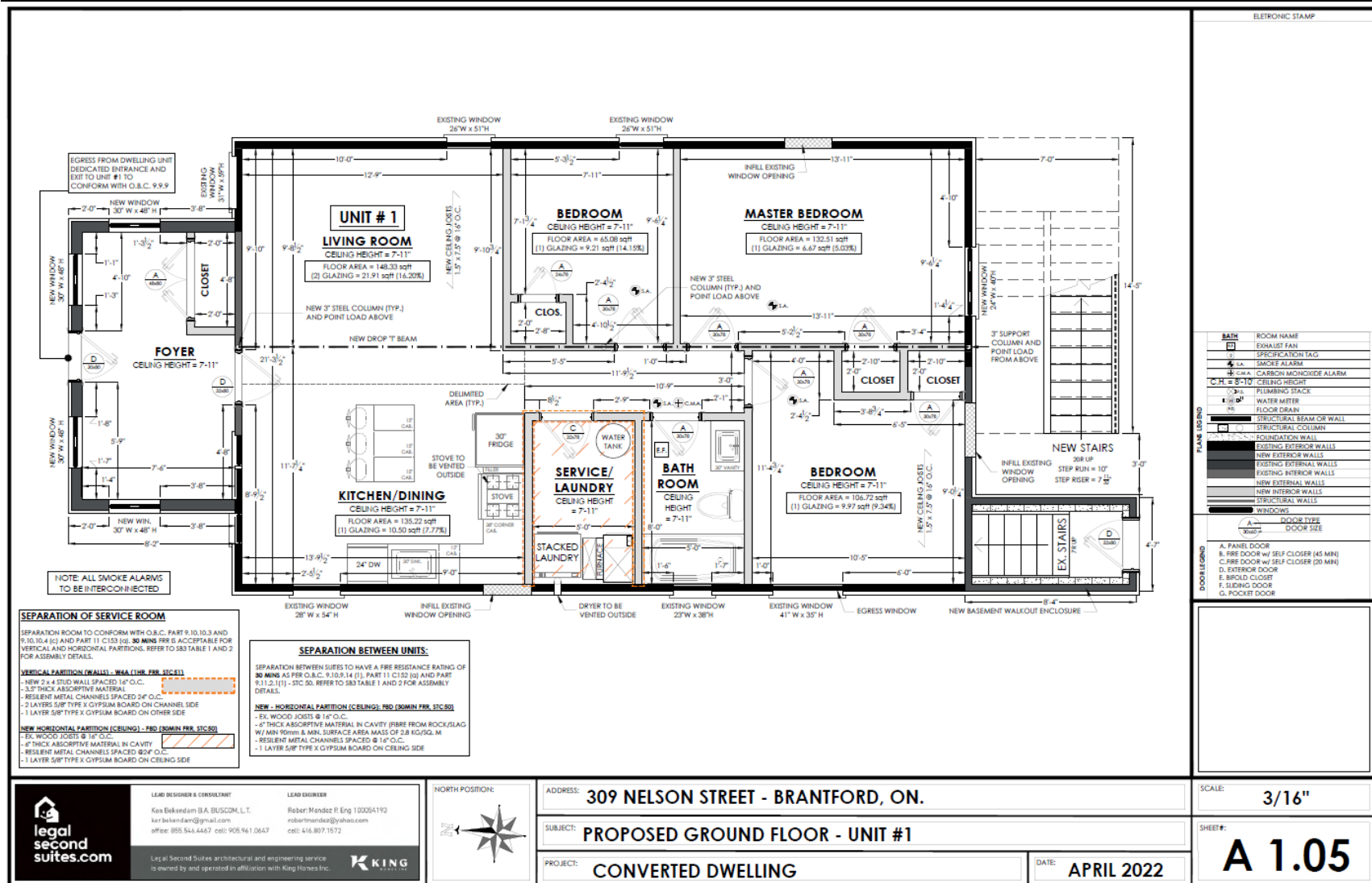
SCALE: 3/16"

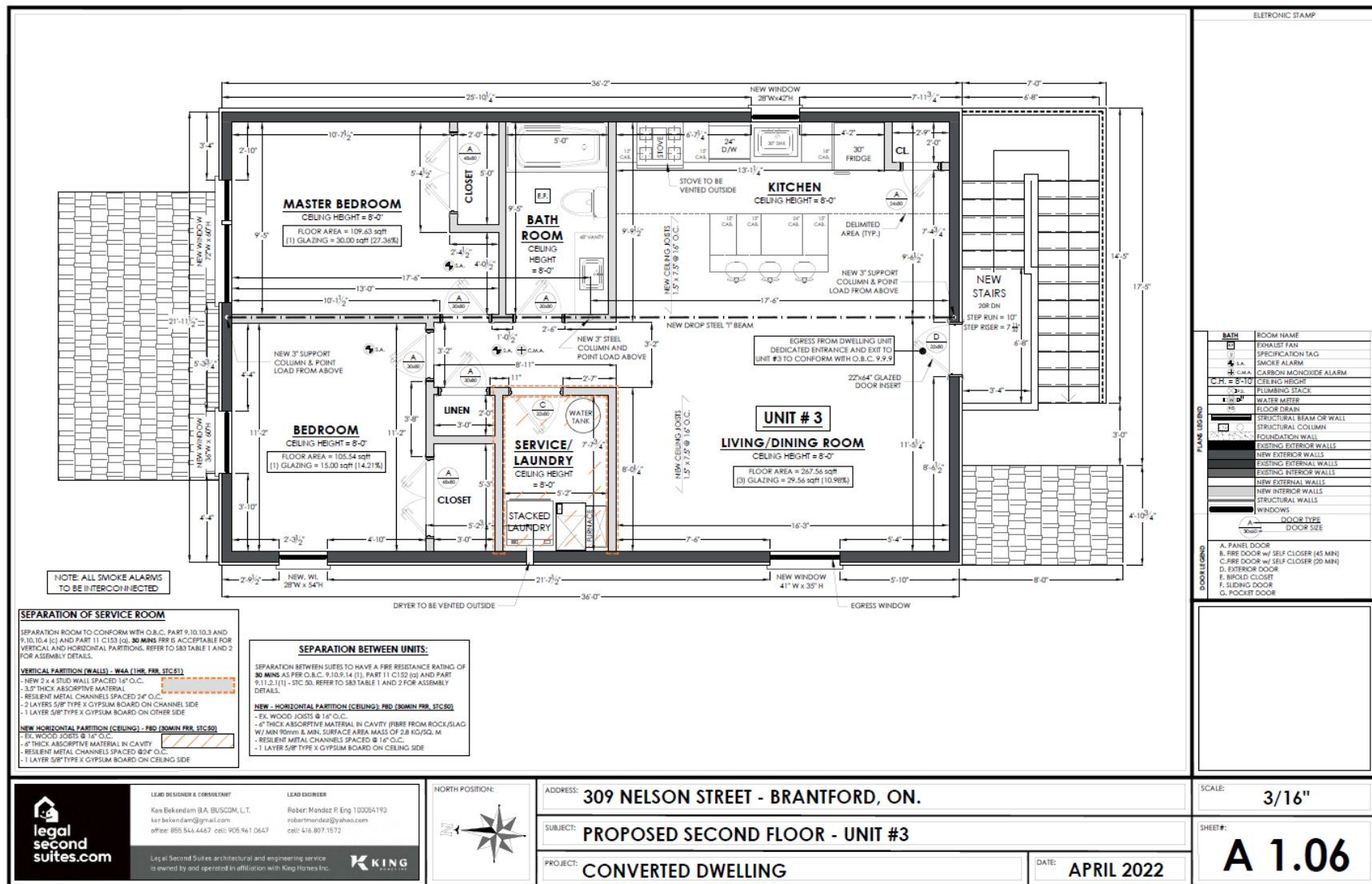
SHEET#:

A 2.05



[illegible]

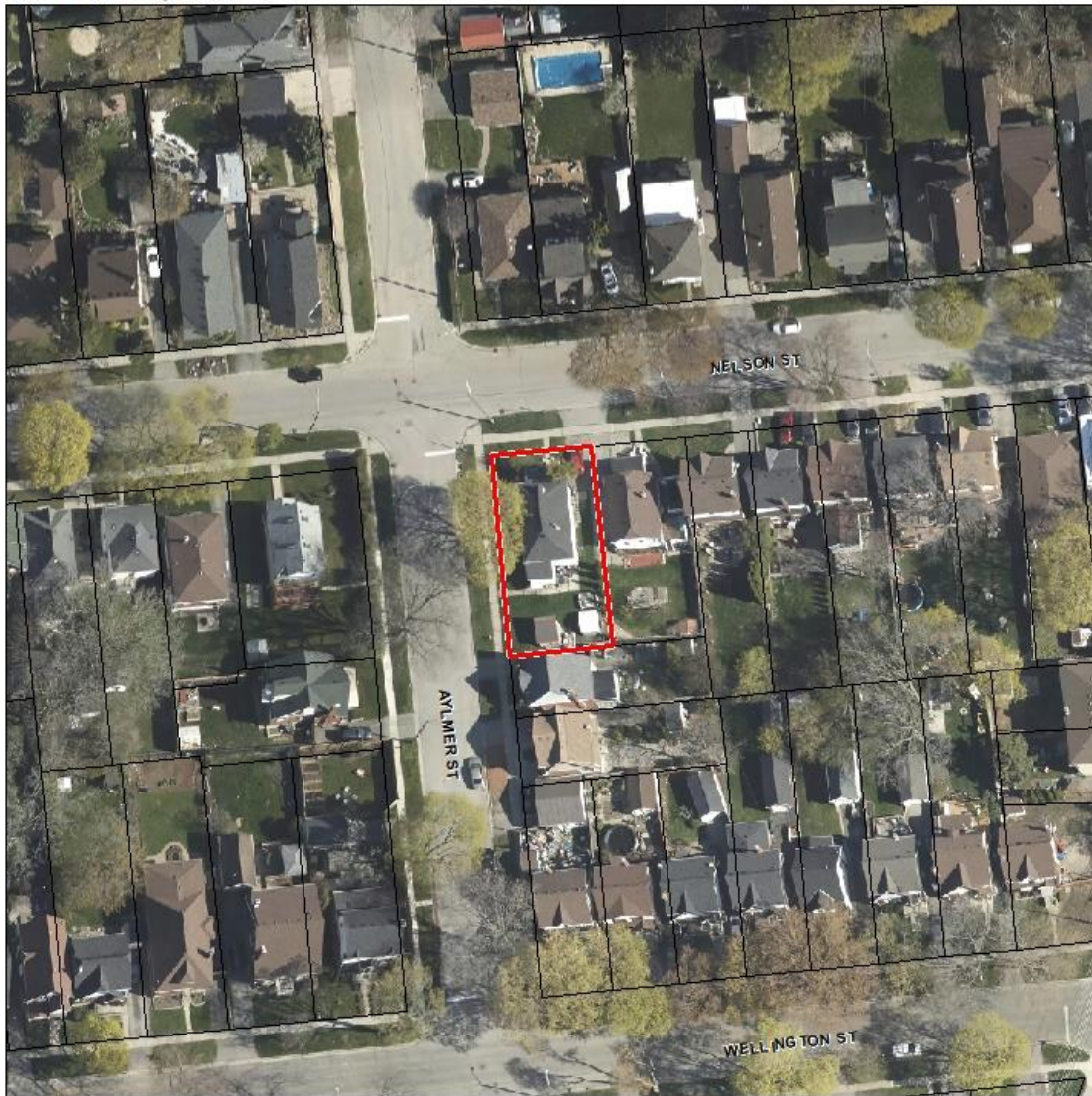





## Appendix E – Aerial Photo

### AERIAL PHOTO

Application: A16/2022  
309 Nelson Street



#### Legend

 Subject Land

Aerial Photo from spring 2021



## Appendix F – Site Photographs



Photo 1: View of the frontage of subject property from Nelson Street



Photo 2: View of subject property from Aylmer Street

## Appendix G – Building Department 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
	<input type="checkbox"/> RELIEF FROM PART LOT CONTROL

APPLICATION / SUBMISSION N<sup>o</sup> ..... A16/2022

SITE: 309 Nelson St.

APPLICANT: \_\_\_\_\_

COMMENTS:

BYLAW: 160-90      ZONE: RC

- Proposing a gross floor increase of 100% whereas By-law 7.8.2.1.12.1 in a RC zone permits a maximum of 50% increase.
- Minimum 55m<sup>2</sup> gross floor area required for each proposed dwelling unit.
- Any proposed demolition and construction will require that a building permit be applied for and approved through this department.

Mitch Brown  
Plan Examiner

06/14/2022  
Date

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## Appendix H - Environmental Services Department Comments

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June 13, 2022

Environmental Services

**Attention:** Sarah Hague, Development Planner

**RE: A16-2022 – 309 Nelson Street – Minor Variance Application**

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I reviewed the Minor Variance application, and associated documents — as prepared by King Management Group Inc. — on behalf of Environmental Services and have no objections with the Minor Variance, however, offer the following comments for Site Plan Control:

1. City records indicate the Site is serviced with a 19 mm public x 13 mm private copper lateral from a 100 mm cast iron watermain in Alymer Street. This service appears to be located 3.4 m left of rear and the curb stop 4.9 m Out from Alymer Street side;
2. The existing 19 mm copper lateral may be inadequate to service the proposed development; 25 mm is the current minimum service size permitted in the City. If tenants are using multiple fixtures simultaneously, they may experience low pressure within the dwelling unit. The Owner should consider increasing the size of the service lateral;
3. The additional dwelling units must be serviced after the water meter in accordance with the requirements of the Ontario Building Code;
4. If applicable, the Owner will be required to remove all existing water services and curb stops that will not be used. The services must be removed from the main to preserve water quality and prevent leaks and the curb stops removed to avoid confusion;
5. 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;
6. If applicable, 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;
7. Provide detailed site servicing plans for review, comment and approval;
8. If applicable, the Owner's Contractor will be required to obtain a Street Excavation Permit prior to commencing any work to replace the water service within the City's road right-of-way;

9. 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;
10. 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
11. 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:

12. The developer or property owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy;
13. The developer or property owner is responsible for the management of all waste and recyclables materials during construction.

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

Sincerely,

Ashley Dennis  
Environmental Services Technologist  
[adennis@brantford.ca](mailto:adennis@brantford.ca)

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## Appendix I – Transportation Comments



<b>Date:</b>	June, 2022
<b>From:</b>	Sivana Younan, Transportation Reviewer – Planning & Development Engineering
<b>RE:</b>	A16/2022- 309 Nelson Street

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### A. Transportation Comments

1. No further comments.

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## **Appendix J – Development Engineering Comments**

Location: 309 Nelson Street  
App. #: A16/2022  
Date: June, 2022  
Reviewer: Emily Tunnicliffe

### **Committee of Adjustment**

#### **Development Engineering Severance & Minor Variance Application Comments**

##### **Conditions**

- No conditions.

##### **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.

## Appendix K – Area of Public Notification

### AREA OF PUBLIC NOTIFICATION

Application: A16/2022  
309 Nelson Street



#### Legend

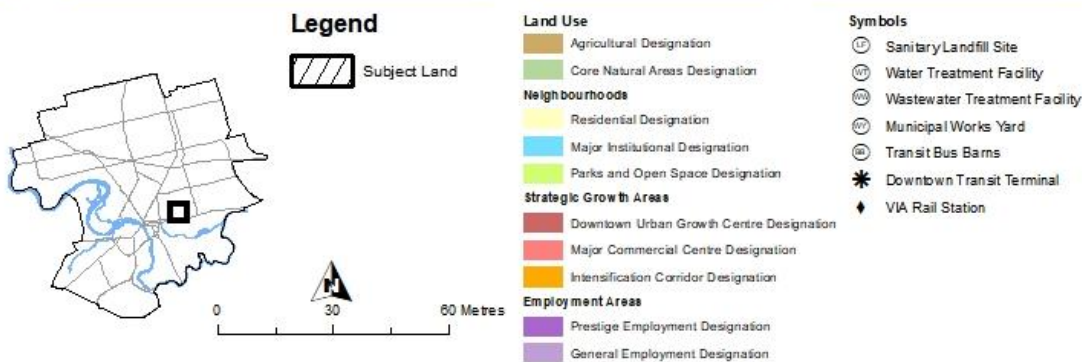
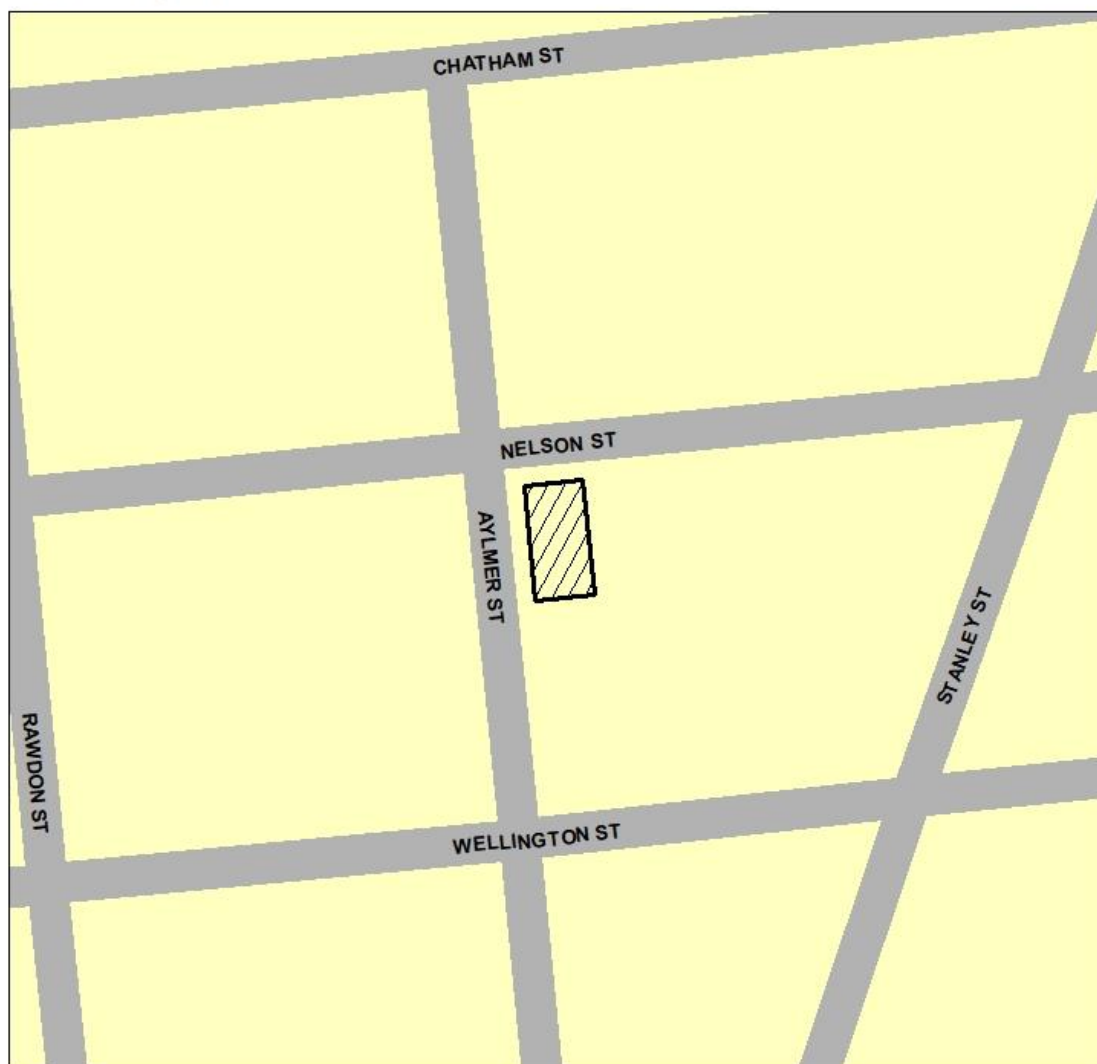
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



## Appendix L – Official Plan

### OFFICIAL PLAN EXCERPT MAP

Application: A16/2022  
309 Nelson Street





## Appendix M - Zoning

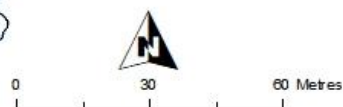
### ZONING

Application: A16/2022  
309 Nelson Street



#### Legend

-  Subject Land
-  Zone Boundary



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

- R1C Residential Type 1C (12 metre)
- RC Residential Conversion
- R4A Residential Medium Density Type A
- R4B Residential Medium Density Type B
- C7 Convenience Commercial
- # Exception Number