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Date July 6, 2022 **Report No.** 2022-459
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.	A13/2022
APPLICANT	Mike Dykstra
AGENT	Bob Phillips
OWNER	Kenneth Lloyd
LOCATION	8 Sterling Street

3.0 Recommendation

- A. THAT Application A13/2022 requesting relief from the City of Brantford Zoning Bylaw 160-90 to permit a minimum front yard of 3.5 m, whereas a minimum front yard of 6.0 m is required, BE APPROVED;
- B. THAT Application A13/2022 requesting relief from the City of Brantford Zoning Bylaw 160-90 to permit a maximum lot coverage of 43.3%, whereas a maximum lot coverage of 40% is required, BE APPROVED;

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- C. 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
- D. 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 No. 2022-459.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 8 Sterling Street. A location map is attached as **Appendix A**. The applicant is proposing to construct a three (3) unit street townhouse in accordance with the requirements of the RC Zone (refer to **Appendix B**).

To facilitate the development, a minor variance is required:

- To permit a front yard of 3.5 m, whereas a minimum front yard of 6.0 m is permitted as per Section 7.8.2.1.5 of Zoning By-law 160-90; and,
- To permit an overall lot coverage of 43.3%, whereas a maximum lot coverage of 40% is permitted as per Section 7.8.2.1.3.1 of Zoning By-law 160-90.

5.0 Site Features

The subject lands are located on the western side of Sterling Street, south of Spring Street, north of Grand River Avenue. The lands have an area of 471 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.

6.2 Public Response

Notice of public hearing **was** issued by personal mail (54 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 A13/2022 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. The Official Plan encourages residential intensification and affordable housing. It is the opinion of Planning Staff that the proposal will maintain the general intent and purpose of the City’s Official Plan.

Section 7.8.2.1.5 of Zoning By-law 160-90 requires a minimum front yard of 6.0 m. The intent and purpose of this zoning provision is to ensure that units are adequately set back from the public right-of-way. The proposed development provides a minimum front yard of 3.5 m for a portion of each unit. Staff is of the opinion that the intent of the Zoning By-law is still maintained, and the variance is viewed as minor in nature as it would allow the proposed townhouse units to be articulated in a fashion which will enhance the streetscape while still allow for a driveway and vehicle to be located in the front yard.

Section 7.8.2.1.3.1 of Zoning By-law 160-90 requires a maximum lot coverage of 40%. The intent and purpose of this zoning provision is to ensure that adequate greenspace is maintained on sites with proposed development. The proposed development provides a maximum lot coverage of 43.3%. Staff is of the opinion that the intent of the Zoning By-law is still maintained, and the variance is viewed as minor in nature as similar townhouse developments have been constructed in the area which feature a reduced front yard requirement for a portion of the unit, whereas

the portion of the unit encompassing the driveway and garage access are adequately recessed in order to adhere to the Zoning By-law parking provisions (3.67 m in width and 5.61 m in depth provided, whereas 2.75 m in width and 5.6 m in depth is required).

As more than three (3) dwelling units are proposed, Site Plan Control is required. In consultation with Planning Staff and the Ward Councillors, the proposed units as outlined in **Appendix B** will be developed as proposed and matters related site plan control will be further reviewed through that process. It should be noted that a future Consent Application would need to be submitted to address the Lot Creation for each of the three (3) proposed dwelling units. This application would be submitted after the development and construction of the foundation has been established in order to ensure that each lot is appropriately captured.

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 A13/2022 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 A13/2022 be approved.

Tausha Adair

Prepared By:

Tausha Adair, DEC
Development
Joe Nutt
Prepared on: June 30, 2022

Reviewed By:

Joe Muto, MCIP, RPP
Manager of Development Planning

Appendix A – Location map

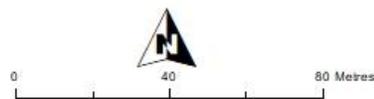
LOCATION MAP

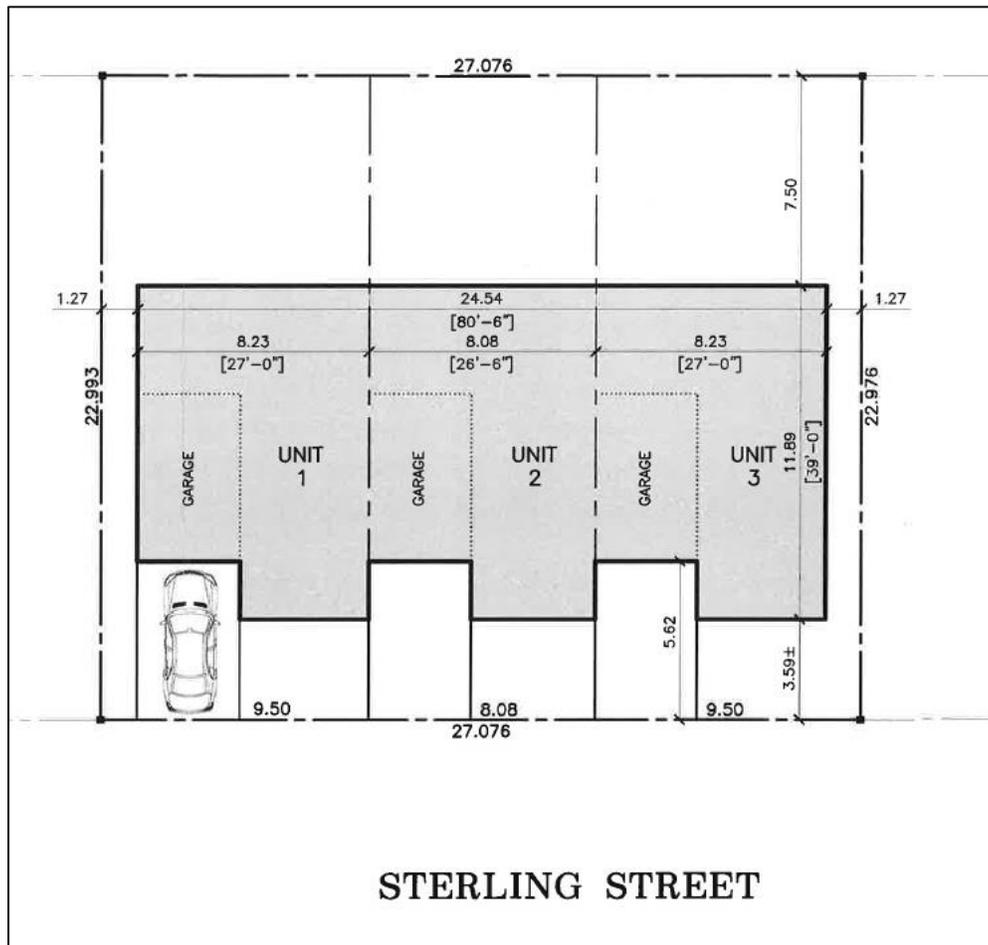
Application: A13/2022
8 Sterling Street



Legend

 SUBJECT LAND

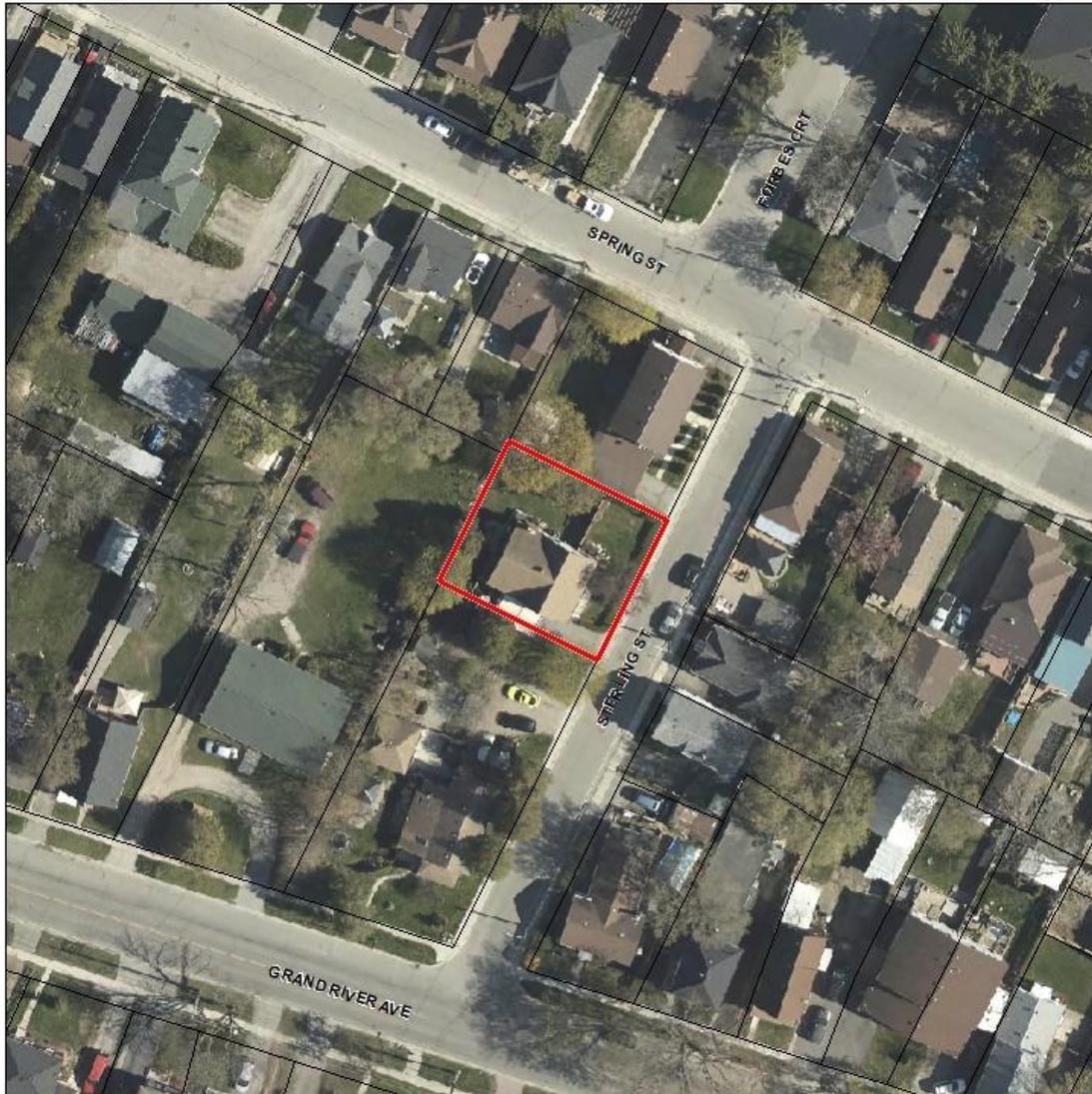




Appendix C – Aerial Photograph

AERIAL PHOTO

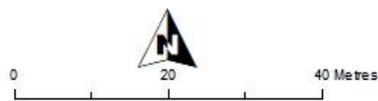
Application: A13/2022
8 Sterling Street



Legend

 Subject Land

Aerial Photo from spring 2021



Appendix D – Area of Public Notification

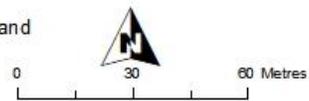
AREA OF PUBLIC NOTIFICATION

Application: A13/2022
8 Sterling Street



Legend

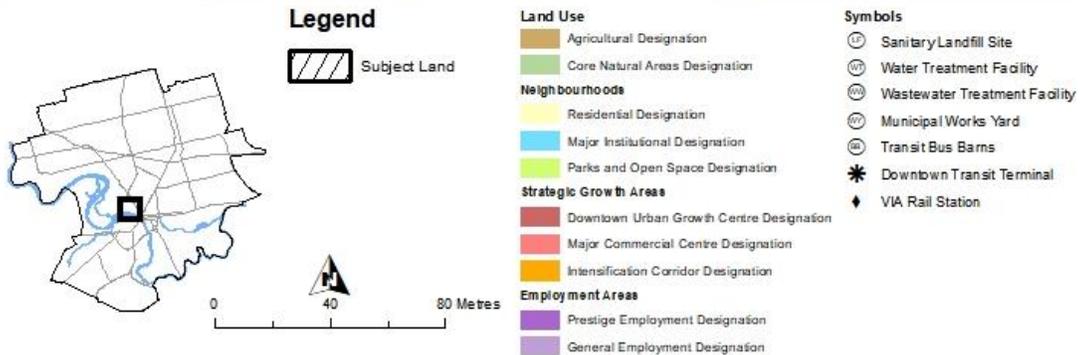
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix E – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A13/2022
 8 Sterling Street



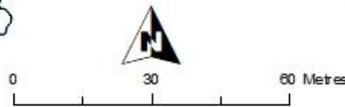
Appendix F – Zoning

ZONING

Application: A13/2022
8 Sterling Street



Legend
Subject Land
Zone Boundary



ZONING (Bylaw 160-90) and County of Brant(61-16)
RC Residential Conversion
R4A Residential Medium Density Type A
R4B Residential Medium Density Type B
RHD Residential High Density
I3 Institutional Major
OS1 Open Space Type 1
H Holding Provision
- # Exception Number

Appendix G– Site Photos



Photo 1: West on Sterling Street facing existing dwelling and side yard.



Photo 2: West on Sterling Street facing existing dwelling, side yard, and rear yard.