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Date February 2, 2023 **Report No.** 2023-105

To Chair and Members
City of Brantford Committee of Adjustment

From Holly Stemberger
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO. A04/2023

AGENT Jeff and Karen Wilson

APPLICANT/OWNER Jeff and Karen Wilson

LOCATION 219 Grand Street

3.0 Recommendation

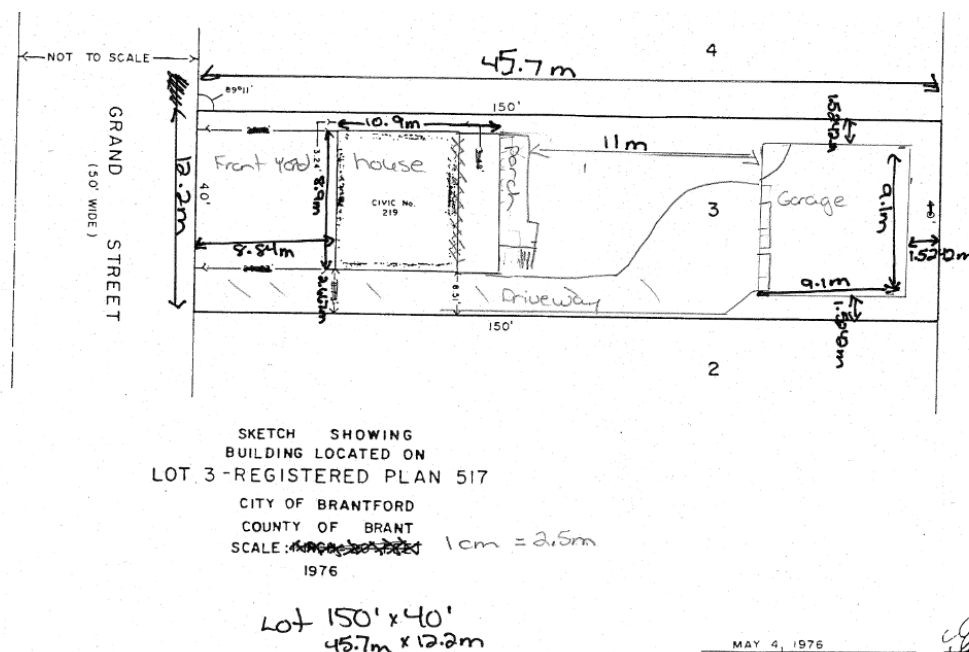
- A. THAT Application A04/2023 requesting relief from Section 6.3.1.1 of the City of Brantford Zoning By-law 160-90 to permit a lot coverage of 15% for an accessory structure whereas the By-law permits a maximum lot coverage of 10% for accessory structures, BE APPROVED;
- B. THAT the reason(s) for approval 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 land; and

“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 and of Report No. 2023-105.”

4.0 Purpose and Description of Application

A minor variance application has been received for 219 Street to permit the construction of a two-car garage in the rear yard. To facilitate this development, the applicant is requesting relief from the Zoning By-law to allow for 15% lot coverage whereas the By-law permits maximum lot coverage of 10% for accessory structures. Given the unique lot configuration, the proposed garage will require additional driveway paving to allow for access to the structure in the rear yard. The subject lot is 521 m² and the proposed garage will have a GFA of 82.81 m² and a height of 4.1 metres.

Figure 1: Conceptual site drawing



To facilitate the development as proposed, the applicant is seeking the following relief from Zoning By-law 160-90:

Table 1: Requested relief from Zoning By-law 160-90

Regulation	By-law Section	Required	Proposed	Relief Requested
6.3. Accessory Uses, Buildings and Structures	6.3.1.1	Maximum lot coverage of 10%	15% (82.81 m ²)	5% (26.05 m ²)

5.0 Site Features

The subject lands are located east of Grand Street and south of Wood Street. The property contains a single detached dwelling fronting onto Grand Street that is approximately 4.5 metres in height. There is an existing shed on the property which will be demolished if this application is approved. A location map and aerial photo of the subject property are shown below:

LOCATION MAP
Application: A04/2023
219 Grand Street



Legend
SUBJECT LAND



AERIAL PHOTO
Application: A04/2023
219 Grand Street



Legend
Subject Land



The subject property is located in a residential neighborhood that consists mainly of single detached dwellings with similarly scaled accessory structures (such as sheds and garages) as the one proposed in this application.

Figure 2: View of subject property from Grand Street



Figure 3: View of subject property's rear yard



Figure 4: View of neighbouring rear yard garages of similar scale



The subject lands are designated “Residential” in the Official Plan (**Appendix A**) and zoned “Residential Type 1C Zone” in Zoning By-law 160-90 (**Appendix B**).

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies. A summary of the comments are provided below:

Table 2: Department and Agency Comments

Agency Comments		Applicant Response
Building Department	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.	Received and acknowledged.
Environmental Services	City Records indicate that the property is currently serviced by a 15 mm copper lateral serviced by a 150mm Cast Iron watermain on Grand Street. The service appears to be located 3 m left of right side of the building and the curb	Received and acknowledged.

Agency Comments		Applicant Response
	stop 8.2 m out from the same;	
	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;	
	If applicable, the Owner will be required to obtain a Street Excavation Permit prior to commencing any work within the City's road right-of-way;	
	All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code	
	The developer or property owner is responsible for the management of all waste and recyclables materials during construction.	

6.2 Public Response

Notice of public hearing was issued by personal mail (47 notices) and by posting a sign on-site. A map of the area of notification is included herein. At the date of the preparation of this Report, no comments have been received to date regarding the subject application.

AREA OF PUBLIC NOTIFICATION

Application: A04/2023
219 Grand Street



Legend

Subject Land
Notified Properties
60 m Buffer from Subject Land



7.0 Planning Staff Comments and Conclusion

7.1 Policy Context

This application was reviewed in the context of the Provincial Policy Statement, the Growth Plan, the Official Plan and the Zoning By-law. A summary is provided in the table below:

Table 3: Policy Context and Conformity

Document	Relevant Policy	Conformity
Provincial Policy Statement (PPS) (2020) and A Place to Growth: 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 of 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 consent and minor variance applications are consistent with the direction set out in the PPS and conforms to the Growth Plan.
City of Brantford Official Plan (Envisioning Our City: 2051)	The subject lands are designated "Residential" on Schedule 3 of the City of Brantford's Official Plan (Appendix A). The "Residential" designation permits a full range of residential dwelling types, including single detached, semi-detached, converted dwellings and additional residential units, as well as supporting land uses	The subject applications conform to the policies set out in the Official Plan.

Document	Relevant Policy	Conformity
	intended to serve local residents	
City of Brantford Zoning By-law 160-90	The subject lands are zoned “Residential Type 1C Zone” in Zoning By-law 160-90 (Appendix B). The R1C Zone permits a range of low density residential dwelling types and accessory structures.	Aside from the minor variance proposed through this application to allow for a 5% increase in accessory structure lot coverage, the subject property will continue to satisfy all other zoning requirements of the R1C Zone.

7.2 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. These tests are discussed in the table below:

Table 4: Four Tests of a Minor Variance

	Four Tests	Discussion
1.	That the requested variance is minor in nature	<p>The purpose of the accessory structure lot coverage provision is to ensure properties can retain sufficient open and amenity space. Planning Staff are of the opinion that the proposed accessory building is not considered excessive in size and that adequate open space is still provided on the subject property. As such Staff is of the opinion that the request for relief is minor in nature.</p> <p>The increase in maximum lot coverage of the proposed</p>

	Four Tests	Discussion
		accessory structure is also considered minor in nature as it is not expected to have an adverse impact on neighbouring properties. There are similar sized structures found along Grand Street and Herbert Street to the east and Fulton Street to the west.
2.	That the intent and purpose of the Zoning By-law is maintained	The R1C Zone permits single detached dwellings and accessory uses, buildings and structures. Aside from the increase in maximum lot coverage, the proposed development will continue to satisfy all zoning requirements of the R1B Zone.
		The overall lot coverage of all structures on this property will continue to be below the maximum lot coverage for an R1C Zone of 40%.
		Despite the increase in accessory structure lot coverage, and the increase in paved area in the rear yard, the property will maintain sufficient landscaped open space to provide rear yard amenity space for the subject property.
		It is Planning Staff's opinion that the intent and purpose of the Zoning By-law is being maintained.
3.	That the general intent and purpose of the Official Plan is maintained	Planning Staff are of the opinion that the general intent of the Official Plan is maintained as the "Residential" designation permits the single detached dwelling which this proposed garage is accessory thereto.

	Four Tests	Discussion
4.	That the variance is desirable for the appropriate development and use of the land, building or structure	<p>The proposed minor variance is desirable for the appropriate use and development of the lands as similar accessory buildings are found throughout the neighbourhood, including several properties along Grand Street, and along neighbouring streets. Rear yard garages with driveway access are common in the neighborhood due to narrow side yards that limit the construction of garages to the side yards of the property.</p> <p>The proposed structure will provide indoor storage space and parking, which otherwise would be located outside.</p>

7.3 Conclusion

A site inspection was completed on January 19, 2023. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The minor variance will facilitate the construction of an accessory building which is a permitted use. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommend that application A04/2023 be approved.



Prepared by: Holly Stemberger
Planner, Development Planning
Prepared on:

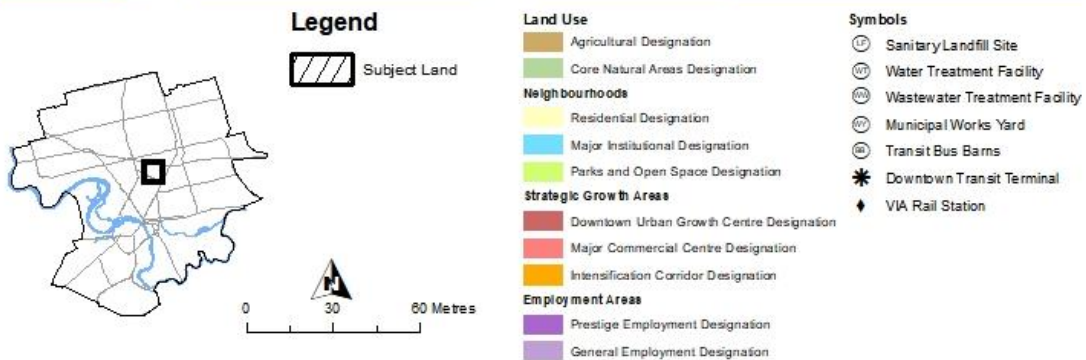
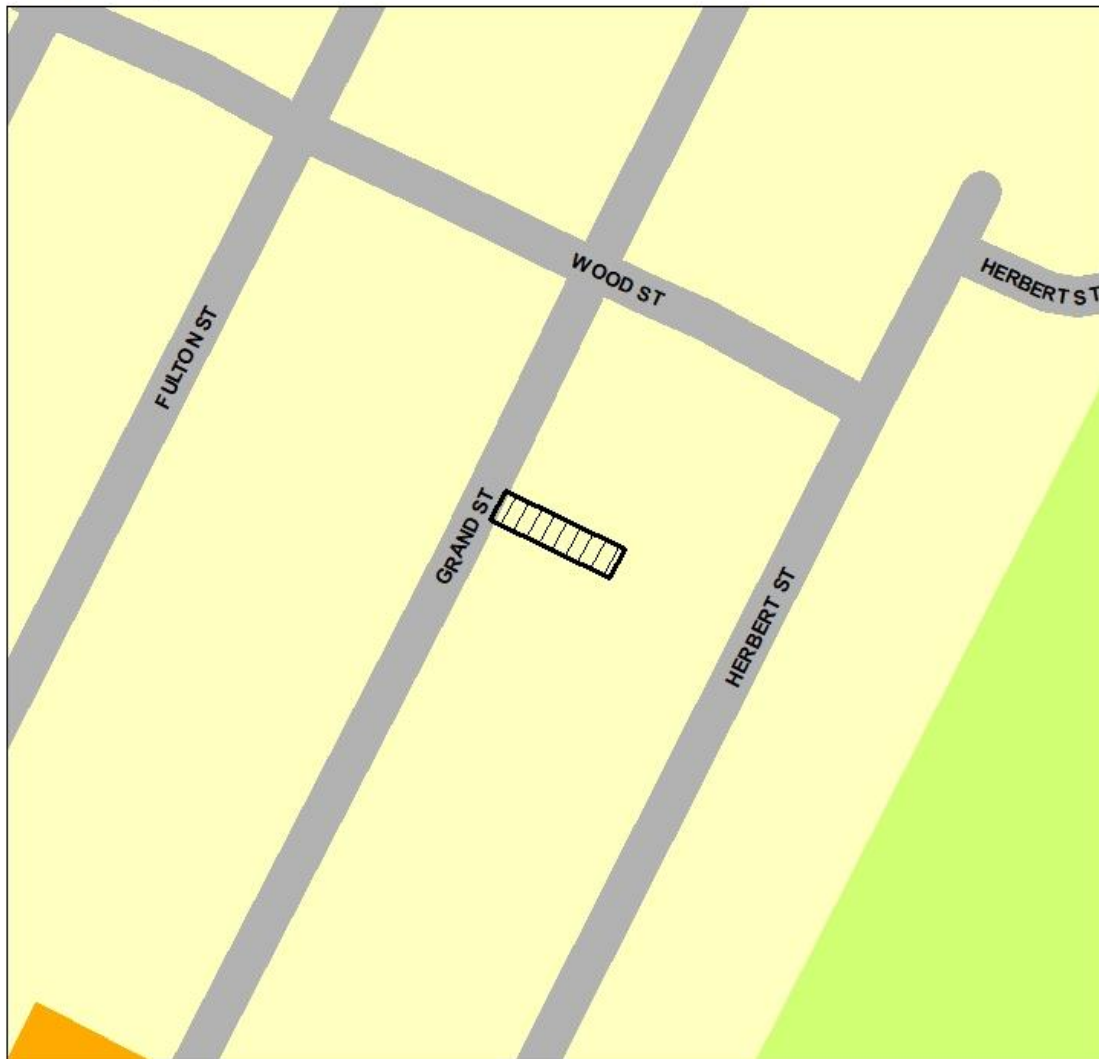


Reviewed By: Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A

OFFICIAL PLAN EXCERPT MAP

Application: A04/2023
219 Grand Street





Appendix B

ZONING

Application: A04/2023
219 Grand Street



Legend

-  Subject Land
-  Zone Boundary



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

- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- R2 Residential Type 2
- R4A Residential Medium Density Type A
- OS2 Open Space Cemetery
- # Exception Number