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Date February 2, 2023 **Report No.** 2023-94

To Chair and Members
City of Brantford Committee of Adjustment

From Michelle Le Dressay
Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Minor Variance

2.0 Topic

Application No.	A05/2023
Agent	N/A
Applicant/Owner	Christopher & Kristine Allan
Location	849 Colborne Street

3.0 Recommendation

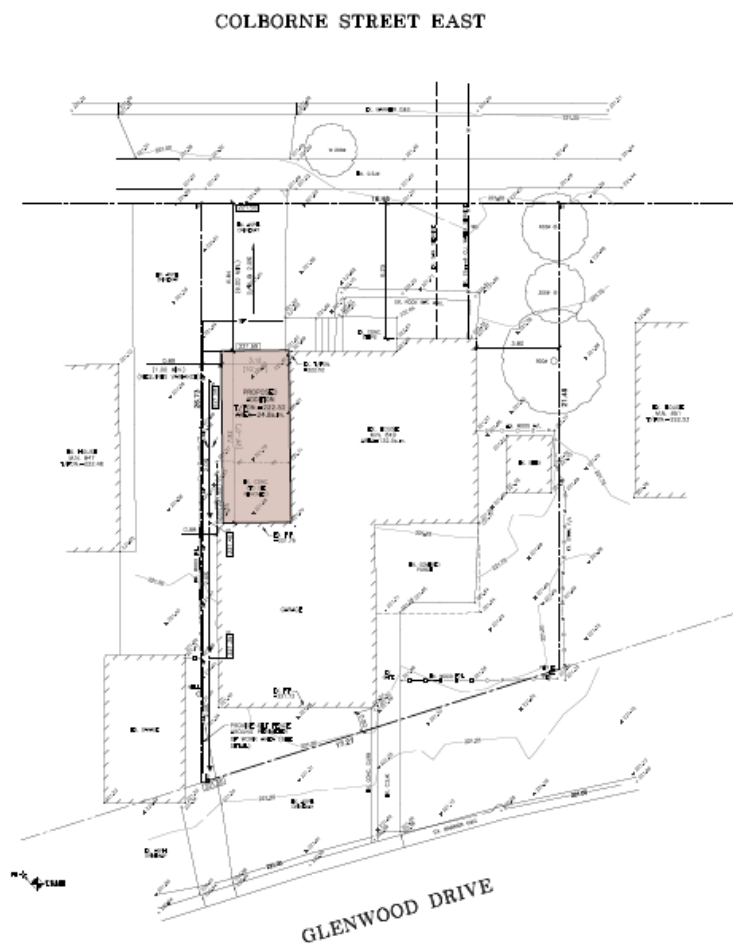
- A. THAT Application A05/2023 requesting relief from Section 7.3.2.1.3 of the City of Brantford Zoning By-law 160-90 to permit a maximum lot coverage of 44%, whereas a maximum lot coverage of 35%, BE APPROVED;
- B. THAT the reason(s) for approval are as follows: the proposed variance is in keeping with 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

- 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:
- D. *“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. 2023-94”.*

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 849 Colborne Street. The applicant is proposing to construct a 1-storey addition to the northwest corner of the existing single detached dwelling. The addition will contain one bedroom and one bathroom. A conceptual site plan of the subject lands is included below as **Figure 1**.

Figure 1 - Conceptual Site Plan



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

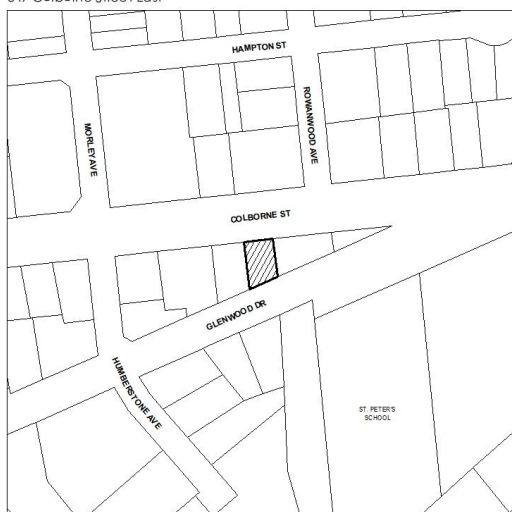
Table 1 - Requested Relief from Zoning By-law 160-90

Regulation	By-law Section	Required	Proposed	Relief Requested
Lot Coverage	7.3.2.1.3	35% (maximum)	40%	5%

5.0 Site Features

The subject lands are located on the south side of Colborne Street, east of Humberstone Avenue. This lot is considered a through-lot within Zoning By-law 160-90 and is bounded on the front by Colborne Street and the rear by Glenwood Drive. A location map and aerial photo are included below.

LOCATION MAP
Application: A05/2023
849 Colborne Street East



Legend
SUBJECT LAND



AERIAL PHOTO
Application: A05/2023
849 Colborne Street East



Legend
Subject Land



The subject lands are designated “Intensification Corridor Designation” in the Official Plan (**Appendix A**) and zoned ‘Residential Type 1B (R1B) Zone’ in Zoning By-law 160-90 (**Appendix B**).

The property is surrounded primarily by 1 and 2 storey single detached dwellings. The property is currently occupied by a single detached dwelling south of subject property is St. Peter's School. The subject property has an area of 395 m² and has an existing single detached dwelling with an attached garage with accesses from both Colborne Street and Glenwood Drive. Site photos can be seen below (Figure 3, and 4)

Figure 2 - Front of subject property from Colborne Street, the existing garage door to be removed to accommodate proposed addition.



Figure 3 - Rear yard of subject property from Glenwood Drive.



6.0 Planning Staff Comments and Conclusion

6.1 Technical Comments

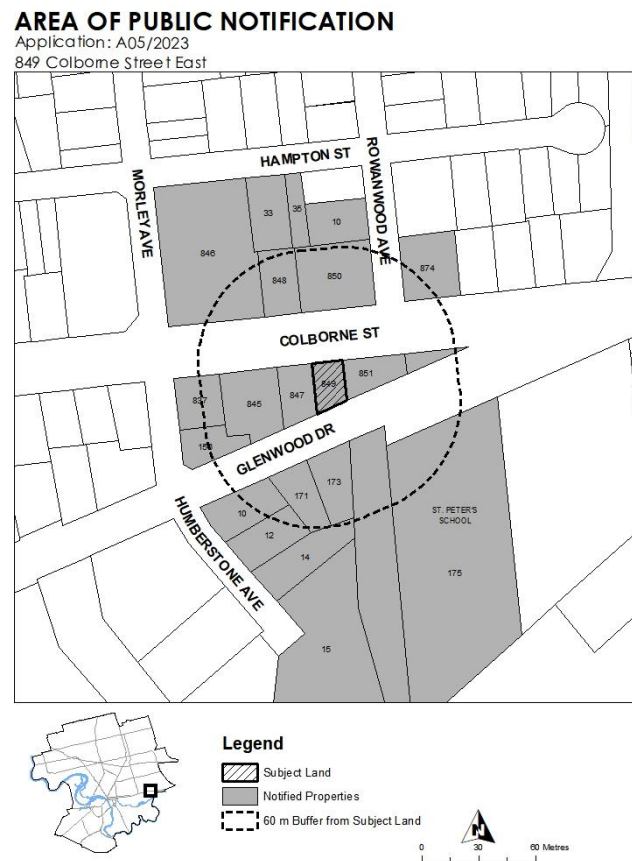
The application was circulated to all applicable departments and agencies. No adverse comments or objections were received from the commenting agencies. A summary of the comments/conditions is provided below:

Table 2 - Department and Agency Comments

Agency Comments	
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.
Environmental Services	No objections or concerns but offer the following comments:
	City records indicate the property is serviced by a 25mm copper lateral from the 200mm PVC watermain on Colborne Street East;
	Only one service is permitted to the property. Any water services to the addition must extend from the principal building after the water meter and in accordance with the requirements of the Ontario Building Code.
Development Engineering	No comments
Water Compliance/ Source Water Protection	This property is located within the Intake Protection Zone (IPZ-2) however this minor variance application does not require the Restricted Land Use Declaration form. There are no Source Water Protection requirements.
Transit	No comments.
Transportation	No comments.
Canada Post	No comments.
GRCA	No objection.
Brant County	No comments.

6.2 Public Response

Notice of public hearing was issued by personal mail (20 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.



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 **Table 3** 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 minor variance application is 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 "Intensification Corridor Designation" on Schedule 3 of the City of Brantford's Official Plan (Appendix A). The "Intensification Corridor" designation permits a full range of residential dwelling types, including residential units in stand-alone and mixed-use Mid-Rise and High-Rise Residential Buildings, as well as supporting land uses intended to serve local residents	The subject applications conform to the policies set out in the Official Plan.
City of Brantford Zoning By-law 160-90	The subject lands are zoned "Residential Type 1B (R1B) Zone" in Zoning By-law 160-90 (Appendix B). The R1B Zone permits a range of low density residential dwelling types including single-detached, semi-detached, and converted dwellings.	Aside from the minor variance proposed through this application, the subject property will continue to satisfy all other zoning requirements of the RC 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	Due to the legal lot of record being undersized, a minor variance requesting relief of 5% to accommodate a suitable 1-storey addition is considered minor.
2. That the intent and purpose of the Zoning By-law is maintained	The intent of maximum coverage within the Zoning By-law is to ensure that lots are not overdeveloped, and there is consistency between the massing of the buildings within a specific neighbourhood.
	All other provisions of the R1B Zone will be maintained.
3. That the general intent and purpose of the Official Plan is maintained	The proposed variance is minor in nature as the subject property still has adequate amenity space in the rear yard.
	It is the opinion of Planning Staff that the proposal to increase the lot coverage at the subject property will maintain the general intent and purpose of the Official Plan
4. That the variance is desirable for the appropriate development and use of the land, building or structure	The intent of the Official Plan and Zoning By-law are both maintained, as the variance still provides adequate outdoor amenity space in the rear yard, which is consistent with the neighbouring dwellings.
	It is not expected that this relief will have any adverse impacts on neighbouring properties.

7.3 Conclusion

A site inspection was completed on January 12, 2023. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The minor variance as proposed will facilitate the minor addition to the existing dwelling, with no negative impacts to the street or neighbouring properties. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A05/2023 be approved.

It is Planning Staff's opinion that the variances satisfy 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 A03/2023 be approved.



Prepared by: Michelle Le Dressay
Planner, Long Range Planning
Prepared on January 25, 2023

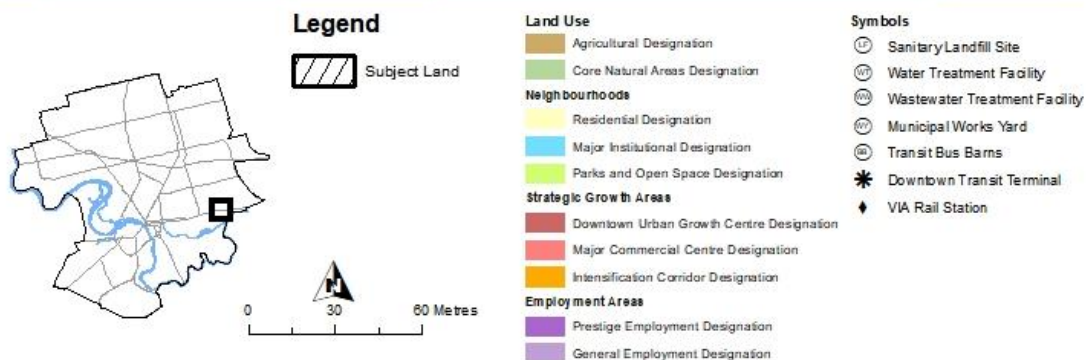


Reviewed By: Joe Muto, MCIP, RPP
Manager of Development Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A05/2023
849 Colborne Street East





Appendix B – Zoning

ZONING

Application: A05/2023
849 Colborne Street East



Legend

-  Subject Land
-  Zone Boundary



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

- R1B Residential Type 1B (15 metre)
- I2 Institutional School
- C8 General Commercial
- # Exception Number