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Date June 7, 2023 **Report No.** 2023-370

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.	A19/2023
Agent/Applicant:	Sandeep Malhotra
Owner	Maulik Upala
Location	40 Nautical Road

3.0 Recommendation

- A. THAT application A19/2023 seeking relief from Section 6.18.3.3. of Zoning By-law 160-90 to permit two parking spaces in the required front yard whereas a maximum of one parking space is permitted in the required front yard BE APPROVED
- B. THAT the reason(s) for approval of the minor variance is as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; 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 Section 6.2 of Report 2023-370.”

4.0 Purpose and Description of Application

An application has been received for the lands municipally addressed as 40 Nautical Road. The applicant is looking to add an additional dwelling unit internal to the subject property and is required to provide an additional parking space to accommodate this (**Figure 1**). The original request from the applicant was to widen the curb cut along the municipal right-of-way to accommodate access to a widened driveway in front of the single detached dwelling. However, in an effort to protect the mature tree on the City-owned boulevard as required by the City Tree Protection By-law 38-2023 which prohibits pruning or removing any part of a tree on City Property, the applicant has modified their proposal to maintain the existing curb cut and will only pursue internal driveway widening as demonstrated in **Figure 1**.

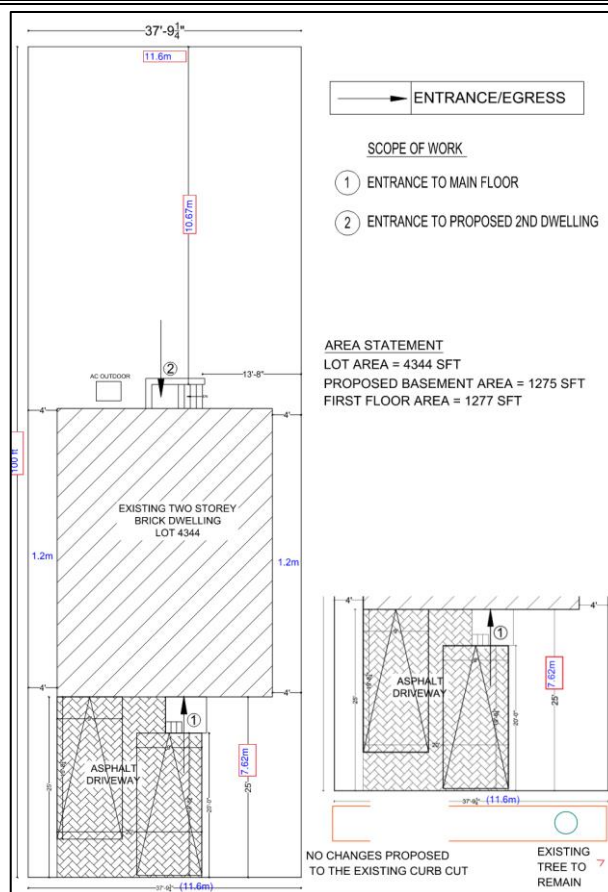


Figure 1: Conceptual Site Plan

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

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

Regulation	By-law Section	Required	Proposed	Relief Requested
Parking - Location	Section 6.18.3.3	Only one parking space in the required front yard	Two parking spaces in the required front yard	One additional parking space

5.0 Site Features

The subject property is located on the north side of Nautical Road, west of Max Webster Road and east of Brantwood Park Road (**Figure 2, Figure 3**). The property is in a residential area within close proximity to Bridle Path Park and Branlyn Community Centre to the north, Lynden Hills Park to the west,

commercial uses to the south along Lynden Road, and employment lands to the west (**Appendix A**). The dwellings along Nautical Road are mainly single detached, and many have front driveways that accommodate multiple parking spaces in the front yard, similarly to what is identified in this application.



Figure 2 - Location Map

Figure 3 - Aerial Photo

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**).

The subject property currently contains a single-detached dwelling with an integral single-car garage at the front and single parking space in front. There is a slight slope from the driveway upwards towards the east-side of the property that will need to be graded to facilitate the driveway expansion along the front of the property.

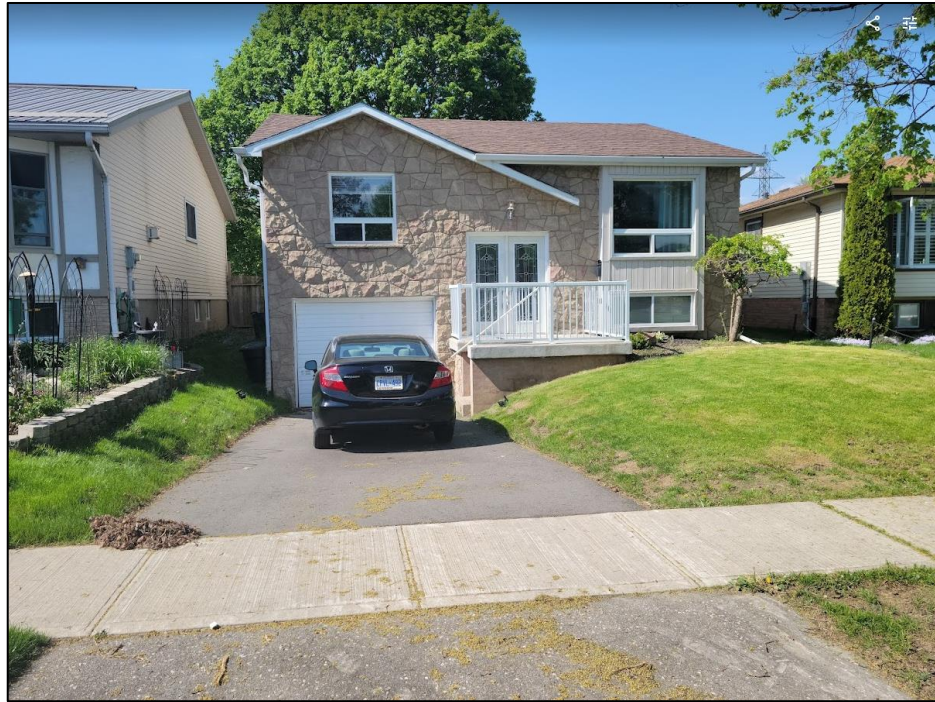


Figure 4: View of subject property from Nautical Road



Figure 5 - View of the subject property from the eastern side of the property

The municipal right-of-way in front of the subject property contains a landscaped boulevard with a mature tree. To ensure the tree is not damaged, the applicant

will maintain the existing curb cut and only extend the parking space eastward on the subject property.

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/conditions is provided below:

Table 2 - Department and Agency Comments

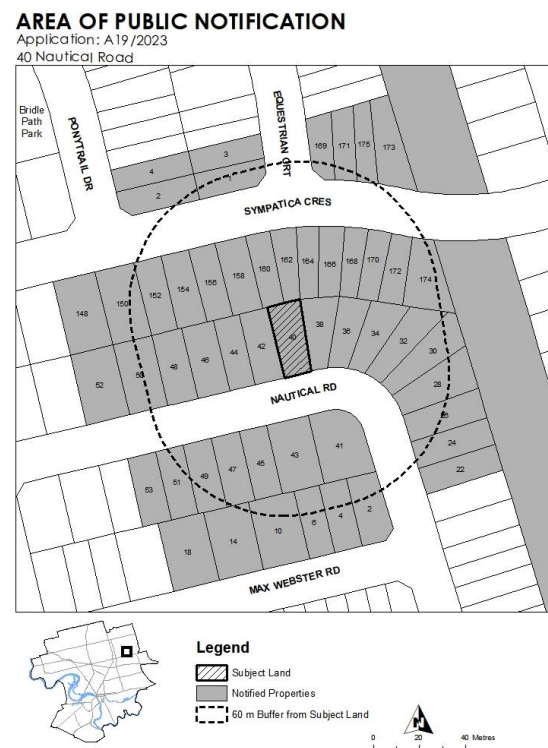
Agency Name	Agency Comment
Building Department	Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may be applicable to any new development.
Environmental Services	On behalf of Environmental Services; I have no objections or concerns but offer the following comments:
	The subject property is currently serviced by a 19mm copper service from the 150mm Ductile Iron watermain on Nautical Road. The service appears to be located 8.9m out and 2.7m right of left side of the building;
	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 may consider increasing the size of the service lateral;
	The additional dwelling units must be serviced after the water meter in accordance with the requirements of the Ontario Building Code;
	If the Owner elects to replace the water service; 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;
	If applicable the Owner's Contractor will be required to obtain a Right-of-Way Activity Permit prior to commencing any work within the City's road right-of-way;
	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;
	All materials and construction methods must comply with the latest

Agency Name	Agency Comment
	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.
Landscape	The City is not in support of the Removal/Injuring of the Boulevard Tree (in accordance with The City Tree By-law, 38-2023) located on the right-of-way adjacent to this property, nor any widening of the driveway within the City's boulevard. The applicant is advised to consult with Public Works (Forestry and Operations) to confirm their intention to protect the street tree and coordinate tree protection measures for construction work adjacent to the tree such as installing tree protection fencing. Further consultation with Public Works (Forestry and Operations) would be required for the approval of the removal of any part of the road allowance including the area next to the boulevard tree
GRCA	No comments
Development Engineering	No comments
Transportation	Any necessary permits will need to be obtained in advance should the owner pursue the widening of the driveway within the City's right-of-way. Approval of this Committee of Adjustment request does not constitute an approval to widen the driveway on the City's boulevard. The applicant is advised that they must proceed with the requirements identified above.
Canada Post	No comments
Brant County	No comments

6.2 Public Response

Notice of public hearing was issued by personal mail (51 notices) and by posting a sign on-site. A plan illustrating the notification area is attached below. No comments or concerns have been received to date.

Figure 6 - Area of Public Notification Map



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 Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)	<p>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.</p>	<p>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.</p>
City of Brantford Official Plan (Envisioning Our City: 2051)	<p>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.</p>	<p>The subject application conforms to the policies set out in the Official Plan as the proposal seeks to accommodate an additional residential unit, as encouraged in the Official Plan, on the existing property.</p>
City of Brantford Zoning By-law 160-90	<p>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 additional residential units.</p>	<p>Aside from the minor variance application to permit two parking spaces in the front yard, the subject property will continue to satisfy all other zoning requirements.</p>

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	“Minor” is determined by impact, not by the value of the variance being sought. Permitting a second parking space in the required front yard to meet parking requirements for an additional dwelling units will not change the character of the neighborhood and is not expected to have an impact on adjacent properties.
	Planning Staff are of the opinion that this request for a minor variance is considered minor in nature as there will be sufficient landscaped open space retained in the front yard, and the applicant will not be impeding the municipal right-of-way or harming the tree on the municipal boulevard.
2. That the intent and purpose of the Zoning By-law is maintained	The intent of this parking regulation is to encourage additional parking spaces to be located towards the back of the property and to encourage front yard greenspace and proper stormwater management.
	Due to the proximity of the house to the interior lot lines and the location of side entrance stairs, there is not enough space to allow for safe vehicular access or parking to the rear of the house.
	Despite the proposal to add an additional paved parking space to the front yard, the property will continue to maintain the required front yard landscaped open space as set out in the By-law.
	Planning Staff are of the opinion that the relief being sought to allow for one additional parking spaces in the minimum front yard will not have a negative impact on greenspace or stormwater management and will maintain the general intent and purpose of the Zoning By-law.

Four Tests	Discussion
3. That the general intent and purpose of the Official Plan is maintained	The “Residential” designation permits a range of dwelling types and additional residential units. Where additional residential units are permitted, adequate parking on-site is required.
	This application seeks to permit an additional parking space in the front yard to accommodate sufficient parking for the proposed additional dwelling unit on the property.
	Planning Staff are of the opinion that the relief being sought maintains the general intent of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	There are many single detached dwellings in this neighborhood that have wide driveways that can accommodate more than one parking space. The additional driveway width is deemed appropriate for the use of the land and consistent with neighbourhood character.
	It is not expected that this relief will have any adverse impacts on neighbouring properties.
	Planning Staff are of the opinion that this variance is desirable and appropriate for the use of the land.

7.3 Conclusion

A site inspection was completed on May 11, 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 development of a new dwelling unit which will contribute to the City’s range of housing stock, which is in line with the Province’s direction of providing more homes. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A19/2023 be approved.

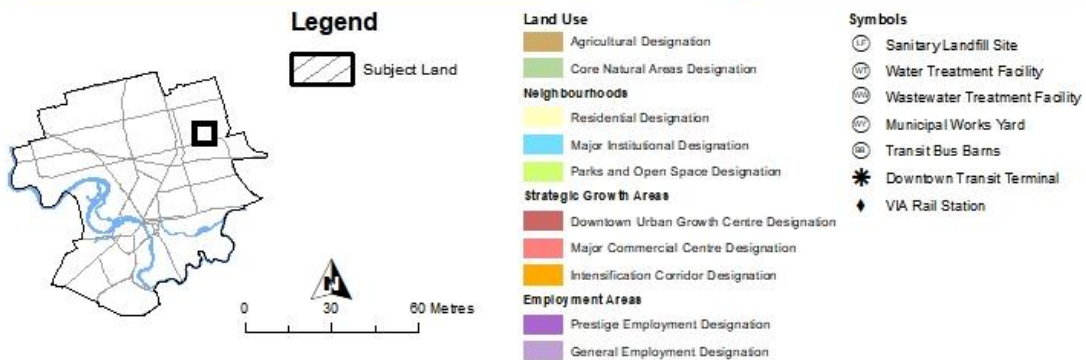

Prepared by: Holly Stemberger
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Prepared on June 1, 2023


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

Appendix A – Official Plan Map

OFFICIAL PLAN EXCERPT MAP

Application: A19/2023
40 Nautical Road



Appendix B – Zoning By-law Map

ZONING

Application: A19/2023
40 Nautical Road



Legend

- Subject Land
- Zone Boundary



0 25 50 Metres

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

- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- R1D Residential Type 1D (9 metre)
- R2 Residential Type 2
- OS1 Open Space Type 1
- # Exception Number