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Date May 1, 2024 **Report No.** 2024-268
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding
Application for Minor Variance

2.0 Topic

APPLICATION NO.: A20-2024
APPLICANT: Manco Design c/o Julia Mancini
OWNER: Geoff Palmer
LOCATION: 131 Arthur Street

3.0 Recommendation

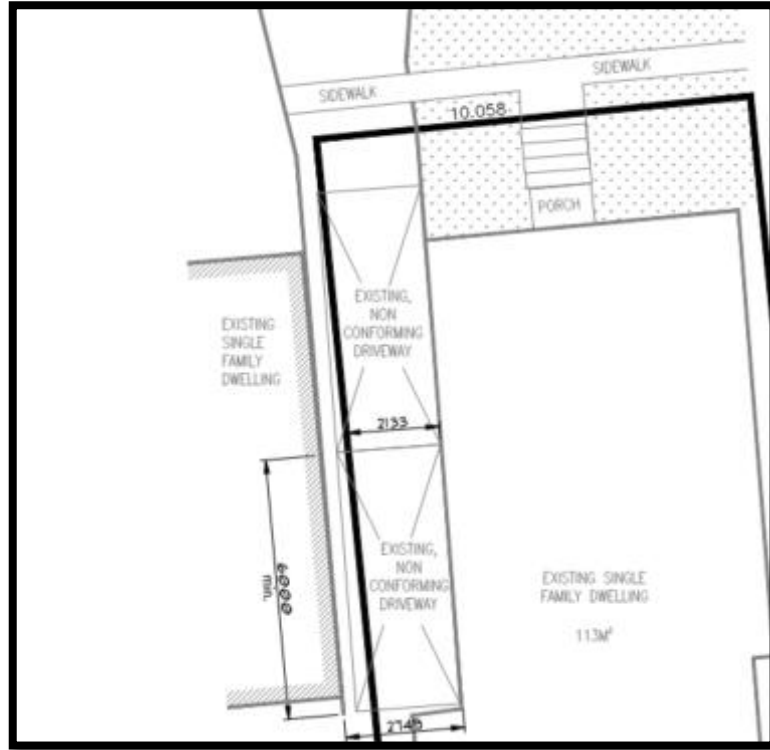
- A. THAT minor variance application A20-2024 seeking relief from Section 6.3.2.1 of Zoning By-law 160-90 to permit a maximum accessory building height of 5.20 m, whereas 4.50 m is otherwise permitted, BE APPROVED;
- B. THAT minor variance application A20-2024 seeking relief from Section 6.32.4 of Zoning By-law 160-90 to permit no parking space for the proposed Accessory Dwelling Unit, whereas one is otherwise required, BE APPROVED;

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- C. THAT the reasons for the approval of the minor variance are as follows: the proposed variance is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature, and desirable for the appropriate development of the subject lands; 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 2024-268.”*

4.0 Purpose and Description of Application

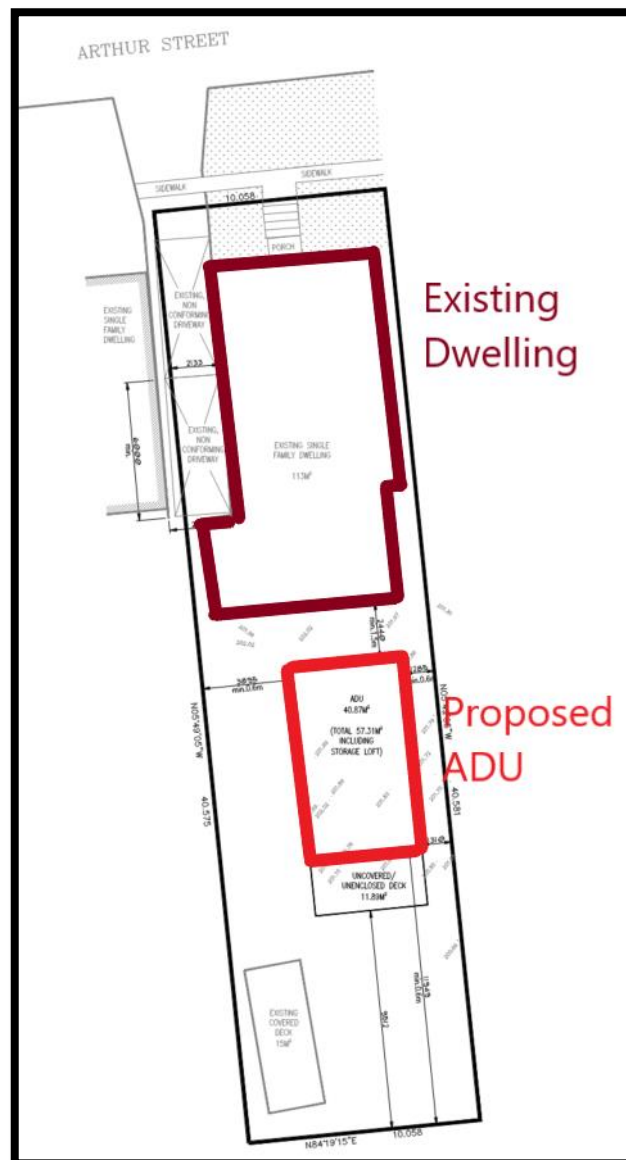
The applicant has submitted a minor variance request that, if approved, would increase the maximum accessory structure building height from 4.50 m to 5.20 m and reduce the minimum parking requirement from one space to zero spaces. The applicant is seeking to facilitate the construction of an Accessory Dwelling Unit in a proposed detached accessory structure in the rear yard. The need for additional height arises from the applicant’s intention to utilize the bottom floor of the accessory structure for the Accessory Dwelling Unit, and the second storey for storage purposes. Currently, there is no existing parking space available at 131 Arthur Street for the principle dwelling due to the proximity of the dwelling to the side property lines, which renders the property incapable of accommodating a parking spot with the required width of 2.75 m, as stipulated by the Zoning By-law.

Figure 1 - Existing Driveway



So, although insufficient length exists for two tandem parking spaces (one for the existing primary dwelling and one for the proposed accessory dwelling), there is insufficient width, prompting the applicant's request for relief. For visual reference, **Figure 1** depicts the existing driveway configuration, while **Figure 2** illustrates the proposed Accessory Dwelling Unit.

Figure 2 - Existing Dwelling and Proposed ADU



5.0 Site Features

The subject property comprises a single detached dwelling occupying approximately 113 m² and an accessory structure in the rear yard that is approximately 15 m². Situated on the south side of Arthur Street, east of Rawdon Street, the property (approximately 412 m²) falls within the Residential designation, as shown in **Appendix A**, and is zoned Residential Conversion (RC) as outlined in **Appendix B**. Surrounding the subject lands are primarily residential properties in the form of single detached dwellings to the south and west. Across Arthur Street is the Major Ballachey Public School, and to the east

of the property is Iroquois Park. Approximately 130 m east of the subject lands is an approximate 13,700 m² multi-tenant industrial building. **Figure 3** is a photo taken during a recent site visit.

Figure 3 - Proposed ADU Location



6.0 Input from Other Sources

6.1 Technical Comments

Staff circulated this application technical review on March 15, 2024, and the following is a summary of the pertinent feedback:

Canada Post commented that a mailbox for the Accessory Dwelling Unit would need to be on the front house and labelled with the additional unit number beside the existing mailbox, if approved.

Enbridge Gas commented that they reserve the right to amend or remove development conditions and asked that the developer call before commencing work, if approved.

Environmental Services staff shared that if approved, all materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and the Ontario Building Code.

Grand Erie District School Board commented that because the proposed development and related parking deficiency is directly across from the Major Ballachey Public School, they are concerned that if approved, the variance may impact staff parking and safe pedestrian walking routes to school for students. They also ask that the developer advise the Grand Erie District School Board of any works that may impact traffic in this area, should the application be approved.

Housing Staff stated that they are in support of Accessory Dwelling Units and their ability to support the City of Brantford's housing initiatives and provide additional density in existing neighbourhoods.

Operations Staff requested that the applicant obtain an approved Right-of-Way Activity Permit, if the application is approved.

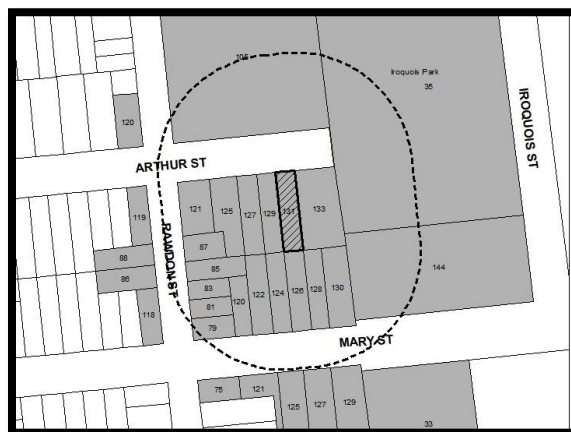
Transportation Staff commented that the subject dwelling is already constrained by a lack of an appropriately sized driveway. An accessory dwelling unit will further compound this issue. On-street parking is not to be used as justification for a parking reduction. On-street parking is provided for general use of surrounding properties, can be restricted at any time at the City's discretion, and cannot be dedicated to an individual property. As a result, Transportation staff cannot support the variance to parking as proposed.

Planning Staff held discussions with both Accessibility and Building Department Staff to confirm that neither the Building Code, Zoning By-law, nor Accessibility Act establish minimum width requirements for access to an Accessory Dwelling Unit in the rear yard.

6.2 Public Comments

Staff circulated thirty (30) property owners within 60 m of the subject lands on April 11, 2024, as shown in **Figure 7**. At the time of writing this Report, Staff have received one public comment noting concerns regarding the availability of parking.

Figure 4 - Notification Map



7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

Table 1 - Four Tests of a Minor Variance for Building Height

Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the sought variance. While the proposed height of 5.20 m is slightly taller than the existing single-storey dwelling, it remains in line with the variability of housing heights along Arthur Street, which includes both single and two-storey homes. Additionally, the relatively narrow lot and minimal increase in residential housing density suggest the impact on the street view and neighbouring properties would be minor.
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	The requested variance appears to conform with the general intent and purpose of the Zoning By-law. The Residential Conversion zone aims to encourage diverse residential housing types and redevelopment, aligning with the proposed development of an accessory dwelling unit.
3. That the general intent and purpose of the Official Plan is maintained	The proposed variance and development of an accessory dwelling unit would contribute additional housing and support efforts to address affordability concerns within the City and Province. This is in line with the Official Plan’s objective to promote diverse and accessible housing options on lands designated Residential.

Four Tests	Discussion
<p>4. That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<p>The proposed variance for increased maximum building height for the Accessory Dwelling Unit would be desirable for the site. Although the Accessory Dwelling Unit may negatively impact neighbouring property owner’s privacy, particularly in their rear yards, this impact is offset by the desirable impact of providing additional housing on existing residential lands. Furthermore, potential privacy impacts would be further screened at the Building Permit stage through spatial separation calculations as per the Ontario Building Code. The proposed Accessory Dwelling Unit would fit the character of the neighbourhood and would constitute appropriate and desirable use of the subject lands.</p>

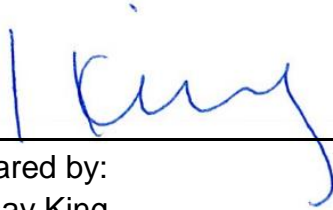
Table 2 - Four Tests of a Minor Variance for Parking Relief

Four Tests	Discussion
<p>1. That the requested variance is minor in nature</p>	<p>“Minor” is determined by impact, not by the value of the sought variance. Staff note several factors that make it feasible for this ADU to be inhabited by someone who does not own or use a vehicle, but instead relies on active transportation. There is adequate space in the rear yard for bicycle parking, and there are sidewalks not only on Arthur Street, but within the neighbourhood. The subject lands are within approximately 600 m from the nearest grocery store, and within approximately 400 m from various restaurants and personal service stores. There are two bus stops within approximately 360 m, and another bus stop within 660 m. Lastly, there is on-street parking available that may ostensibly be used for visitors. With this in mind, staff consider the requested relief from one required parking space minor.</p>
<p>2. That the intent and purpose of the Zoning By-law 160-90 is maintained</p>	<p>The requested variance appears to conform with the general intent and purpose of the Zoning By-law. The Residential Conversion zone aims to encourage diverse residential housing types and redevelopment. Given the existing building footprint, there is not adequate space for a legal parking space as per Section 6.18 of the Zoning By-law, as such relief is required to facilitate residential conversion.</p>
<p>3. That the general intent and purpose of</p>	<p>Staff are of the opinion that the requested relief from the required parking space is in line with the general intent and</p>

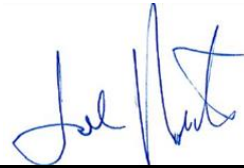
Four Tests	Discussion
the Official Plan is maintained	purpose of the Official Plan which supports the use of <i>“active transportation modes, including walking and cycling”</i> and that further, these modes are <i>“recognized as safe, convenience and appealing options for travelling around the City.”</i> (Principle 8) By permitting the development of an ADU without parking, the City would be encouraging reduced reliance on vehicles, and reduced emission of greenhouse gases, which is in line with Section 3.5 (a)v. which supports <i>“the implementation of the City’s Climate Change Action Plan which sets targets for reducing greenhouse gas emissions”</i> .
4. That the variance is desirable for the appropriate development and use of the land, building or structure	The proposed variance for relief from the required parking space would be desirable for the site as it would facilitate an additional dwelling space in a neighbourhood where active transportation is feasible. Staff also note that the use of the existing parking space, primarily on 131 Arthur but that encroaches on 129 Arthur Street, is not permitted and may be reported to Property Standards (By-law Enforcement) Staff. The fact that 131 Arthur Street has no legal parking spot been clearly communicated to the applicant.

7.2 Conclusion

After careful consideration of the technical comments and site characteristics, including a site inspection conducted on April 10, 2024, Planning Staff are of the opinion that the benefits of the proposed development outweigh any potential negative impacts. Because the surrounding lands have adequate infrastructure, staff consider active transportation a viable option for the proposed ADU inhabitant(s), despite the voiced concerns from Development Engineering Transportation Staff. Planning Staff are supportive of application A20-2024 and recommend approval.



Prepared by:
Lindsay King
Development Planner
Prepared on: April 24, 2024

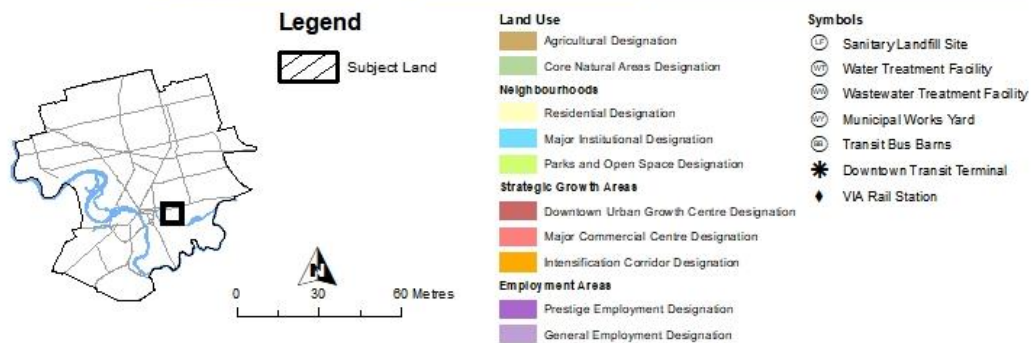
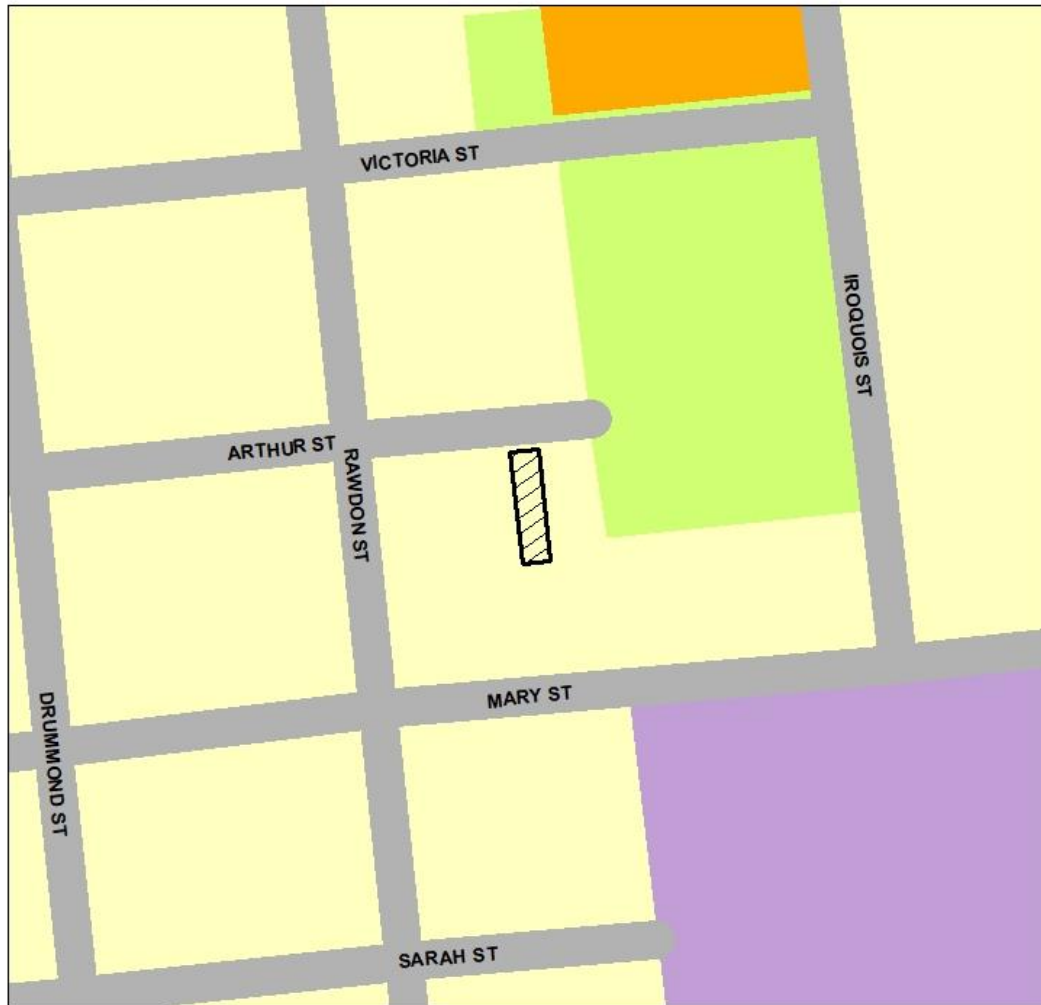


Reviewed by:
Joe Muto, RPP, MCIP
Manager of Development Planning

APPENDIX A – OFFICIAL PLAN DESIGNATION

OFFICIAL PLAN EXCERPT MAP

Application: A20-2024
 131 Arthur Street



APPENDIX B - ZONING

ZONING

Application: A20-2024
131 Arthur Street



Legend

- Subject Land
- Zone Boundary

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

- RC Residential Conversion
- I2 Institutional School
- OS1 Open Space Type 1
- # Exception Number

