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Date May 1, 2024 **Report No.** 2024-204
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.: A13-2024
AGENT: Vinlanda Engineering
APPLICANT/OWNER: Bohdan Ilczyna
LOCATION: 27 Brier Place

3.0 Recommendation

- A. THAT application A13-2024 seeking relief from Section 7.2.2.1.5 to permit a portion of the front yard setback of 3.8 m for a portion of the addition, whereas 6 m is otherwise required, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance application A13-2024 are as follows: the proposed variance is in keeping with the general intent and purpose of the Zoning By-law and Official Plan, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; 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:

“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. 2024-204.”

4.0 Purpose and Description of Application

The purpose of the minor variance application is to facilitate the construction of an approximately 45 m² addition to an existing attached single-storey garage. The proposed location of this addition encroaches into a portion of the required front yard, which is otherwise a minimum of 6 m. The applicant requests relief to permit a minimum front yard of 3.8 m, thereby seeking relief from 2.2 m of the required front yard. **Figure 1** shows a concept drawing of the proposed addition, and **Figure 3** shows the rendering that were provided with the application.

Figure 2 – Concept Plan

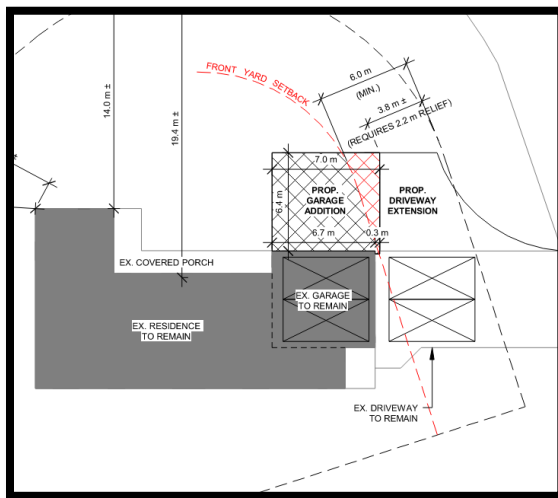
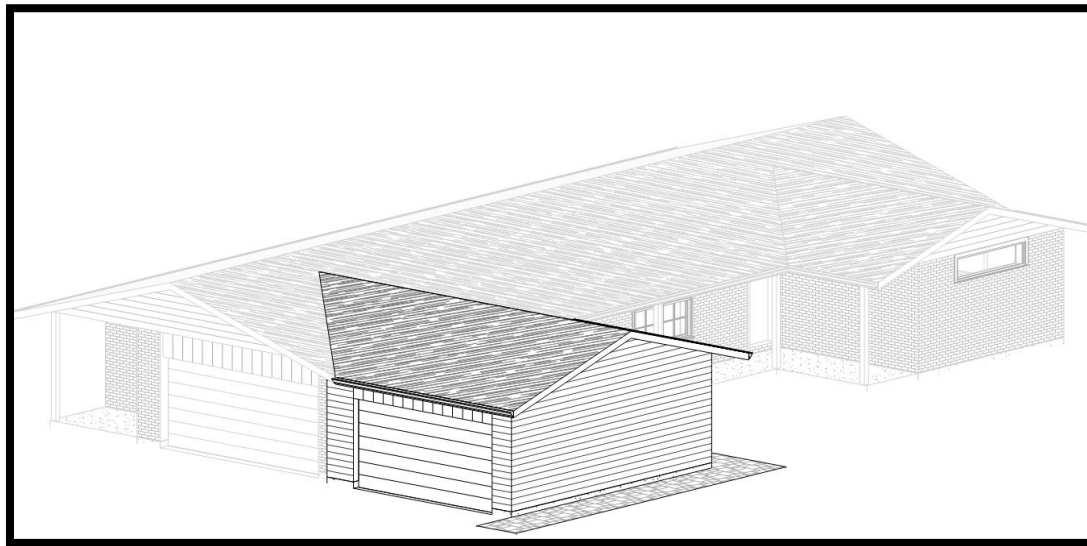


Figure 1 - Aerial



The applicant has chosen this location because of the need for the rear wall of the proposed garage to align with the existing structure to provide sufficient space to park a vehicle. This addition is part of a broader interior renovation project to convert the basement into an additional dwelling unit. The intent of the proposed addition is to provide additional sheltered parking for future tenants to accommodate future parking needs.

Figure 3 - Rendering



5.0 Site Features

The subject property has a lot area of approximately 1,102 m². It is situated in a predominantly residential area characterized by low density single residential dwellings, with some commercial establishments along King George Road to the west. The site has a curved front property line, impacting the required front yard area. The property has six mature trees in the front yard which have root systems that extend onto the public right-of-way, making them “Boundary Trees” and “City Trees” according to the City Tree Protection By-law 28-2023. The property is approximately 800 m north of Highway 403 and west of King George Road. **Figure 4** is a photo of the subject property’s front yard, and **Figure 5** shows the location of the proposed addition, both taken during a recent site visit. The subject lands are surrounded in all directions by single detached dwellings

Figure 4 - Front Yard of 27 Brier Place



Figure 5 - Location of Proposed Addition



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated for technical review on February 23, 2024. The following is a summary of the related feedback received.

Landscaping staff shared that owners must comply with City By-law 38-2023 regarding protection of boulevard trees. They stated that damage to trees/roots may incur penalties outlined in the by-law and recommended that the owners consider that tree roots may extend up to three times the tree's canopy. Planning staff provided By-law 38-2023 to the agent and applicant, and advised they contact Forestry staff before construction, as required pursuant to the By-law.

Environmental Services staff stated that the applicant should ensure that the proposed development does not encroach onto internal private water servicing

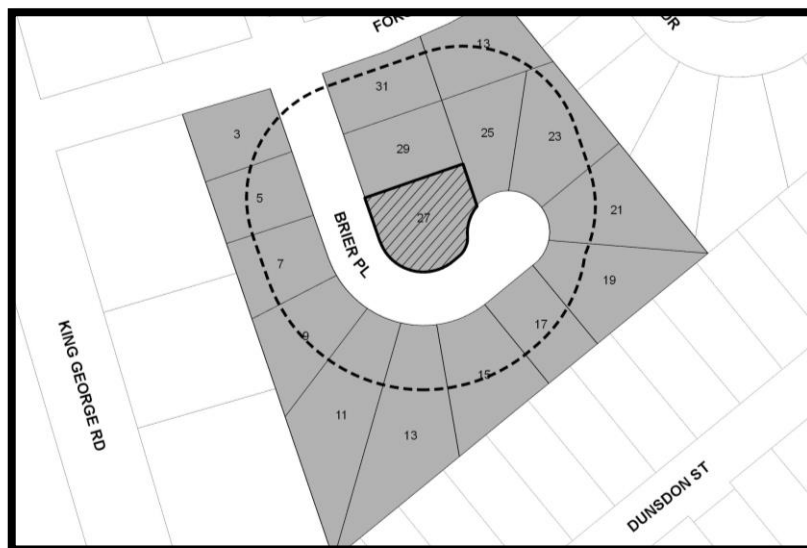
Transportation staff stated that all work proposed will require a right-of-way permit.

The above comments were communicated to the applicant.

6.2 Public Comment

A notice of public hearing was issued by personal mail to 16 property owners within 60 m of the subject lands on March 13, 2024, and by posting a sign on-site. At the time of writing this Report, one members of the public commented that they were concerned about the reduced visibility that would result from the addition, noting that this visibility is currently useful for watching children who play in the cul-de-sac. Planning Staff note that the street is not a recreational space, and are satisfied that the concern related to reduced visibility will not impact pedestrian or vehicular safety given the location and character of the road.

Figure 6 - Notification Map



7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

The property is zoned as Residential Type 1A (R1A) as shown in **Appendix A**, and designated Residential as shown in **Appendix B**. Staff completed a site inspection on March 19, 2024. Upon completion of this site visit and review of the relevant policies, Planning Staff support this application. **Table 1** evaluates the consent application in the context of the four tests of a minor variance.

Table 1 - Four Minor Variance Tests

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. The irregular shape of the property means that there would be adequate front yard space remaining with the proposed relief. Secondly, since the relief requested pertains only to a portion of the front yard setback, and no other variances are sought, sufficient space and privacy will be maintained, ensuring minimal impact on neighbouring properties and character.
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	With the exception of the proposed variance, all other provisions for the R1A Zone will be maintained. Minimum front yard requirements serve to enhance the streetscapes and maintain attractive neighbourhoods. The requested

Four Tests	Discussion
	<p>relief maintains adequate space for front yard usage, given the irregular shape of the property and the availability of sufficient remaining front yard space. By limiting the relief to only a portion of the front yard setback, and for the purposes of the proposed garage addition, Staff are of the opinion that the development would not adversely disrupt the streetscape or the attractiveness of the overall neighbourhood, and that the proposed relief maintains the purpose and intent of Zoning By-law 160-90.</p>
<p>3. That the general intent and purpose of the Official Plan is maintained</p>	<p>The Official Plan states that lands within the Residential Designation may include a full range of residential dwelling types and that areas within the Residential designation will continue to evolve, with compatible development playing a modest role in achieving the City’s overall target for residential intensification in the Built-up Area. Given that the proposed development serves to allow for an additional residential suite, aligning with intensification goals to optimize land use and accommodate growing housing needs, staff are of the opinion that the proposed relief is in keeping with the general intent and purpose of the Official Plan.</p>
<p>4. That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<p>The proposed variance will enhance the property’s functionality by providing sheltered parking and residential intensification, Furthermore, the proposed development maintains the property’s aesthetic appeal and is in keeping with the surrounding residential character.</p>

7.2 Conclusion

The proposal is considered desirable for the site as it would facilitate an additional dwelling suite within an existing residential dwelling. Staff are of the opinion that the proposed development would not disrupt the character of the neighbourhood, and that adequate front yard space and an attractive streetscape would be maintained. For the reasons listed above, staff are supportive of the application and recommend approval.



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

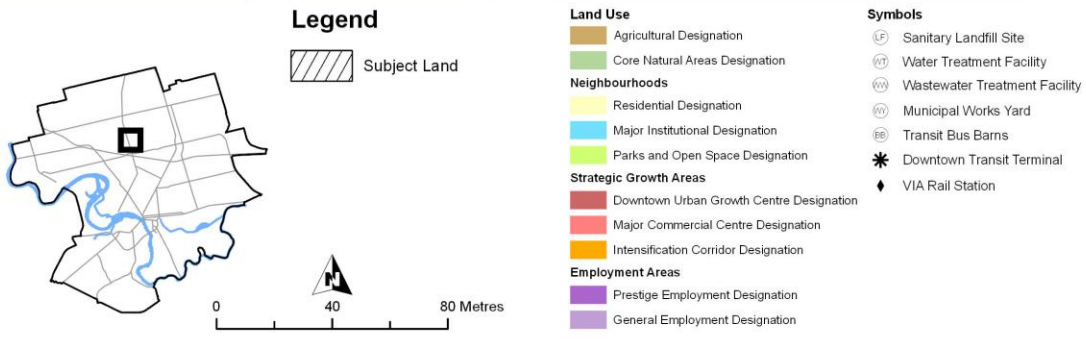
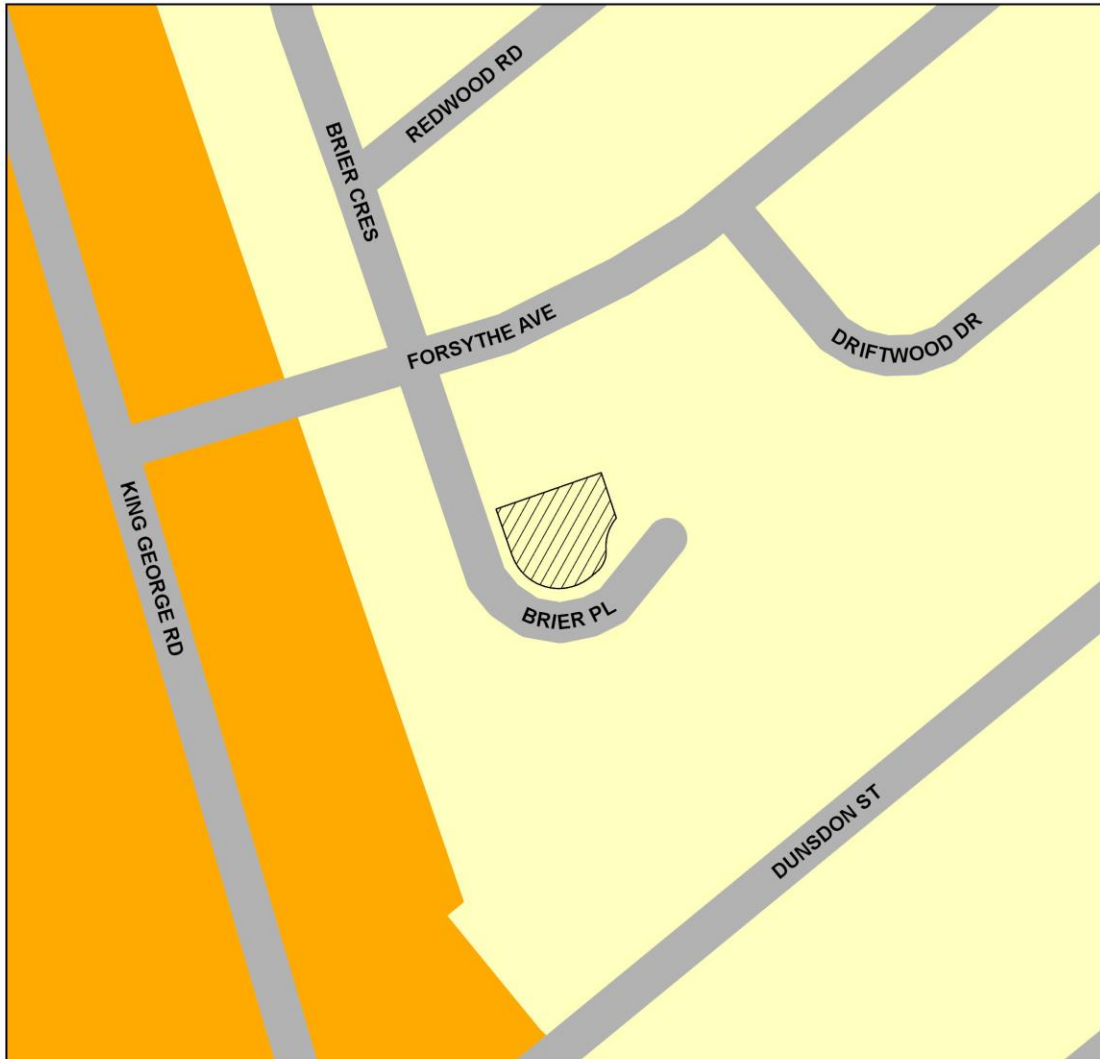


Reviewed by:
Joe Muto, RPP, MCIP
Manager of Development Planning

APPENDIX A – OFFICIAL PLAN DESIGNATION

OFFICIAL PLAN EXCERPT MAP

Application: A13-2024
 27 Brier Place



APPENDIX B – ZONING

ZONING



Application: A 13-2024
27 Brier Place

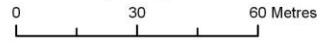


ZONING (Bylaw 160-90) and County of Brant(61-16)
R1A Residential Type 1A (18 metre)
C8 General Commercial
-# Exception Number



Legend

-  Subject Land
-  Zone Boundary



APPENDIX C – PUBLIC COMMENT




Thu 4/4/2024 3:29 PM

Scott Mann

27 Brier Place Variance

To  Lindsay King

 You replied to this message on 4/4/2024 3:33 PM.



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Hi Lindsay,

I am assuming this is probably too late to send as the meeting was last night.

I just wanted to make you aware that there are several residents on the court that have concerns about the visibility of kids playing on the court if an additional garage were to be added to 27 Brier Place. We do have many cars that enter the court quickly and many kids who meet to play. When accounting for the garage and cars parked in the driveway, this has the potential to create an unsafe situation for the kids.

Another resident was going to join the meeting last night to let you know about these concerns, but unfortunately had the time of the meeting wrong. I thought I would reach out just in case it is not too late to have these concerns considered.

Thanks.