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**Date** November 14, 2019 **Report No.** 2019-723

**To** Chair and Members  
City of Brantford Committee of Adjustment

**From** Sean House  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

## 2.0 Topic

**APPLICATION NO.** A36/2019

**AGENT** Brandon Barnim

**APPLICANT/OWNER** Elizabeth Caro

**LOCATION** 12 Inverness Street

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## 3.0 Recommendation

- A. THAT Application A36/2019 requesting relief from the City of Brantford Zoning By-law 160-90 to permit a minimum side yard of 0.55 m for an integral carport, whereas 1 m is required where an integral garage or integral carport is provided, BE APPROVED, conditional upon the installation of rain gutters on the carport and directing any downspouts away from the adjacent property to the satisfaction of the Planning and Public Works Departments;
- 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,

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the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject 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:

*“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. 2019-723.”*

## 4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 12 Inverness Street. A location map is attached as **Appendix A**. The applicant is proposing to construct a carport on the westerly side of the existing semi-detached dwelling (refer to **Appendix B** for the proposed site plan and elevation). To facilitate the development as proposed, the applicant is seeking relief from the following section of Zoning By-law 160-90:

- Section 7.6.2.1.7.2 to permit a minimum side yard of 0.55 m, whereas 1 m is required where an integral garage or integral carport is provided.

## 5.0 Site Features

The subject lands are located in a court on the south side of Inverness Street. The lands have an area of 568 m<sup>2</sup> with an existing semi-detached dwelling that is one-storey in height. The subject lands are located in an established residential neighbourhood consisting of a mix of single detached and semi-detached dwellings. Provincial Highway No. 403 is located further south of the site.

An aerial photo and site photographs are attached as **Appendices C** and **D**.

## 6.0 Input from Other Sources

### 6.1 Technical Comments

This application was circulated to all applicable departments and agencies. No adverse comments or objections were received from the commenting agencies. A building permit will be required for the proposed carport, and the Development Engineering Services has advised that any proposed downspouts be directed away from the adjacent property. The installation of rain gutters and directing downspouts away from the

adjacent property has been made a condition of approval, as outlined in Sections 3 and 7.3 of this Report. Detailed comments from Building and Engineering Departments are attached as **Appendices E and F**.

## **6.2 Public Response**

Notice of public hearing was issued by personal mail (49 notices) and by posting a sign on-site. A plan illustrating the notification area is attached as **Appendix G**. The neighbouring resident contacted Staff by phone with questions regarding the application. Staff clarified various aspects of the application to the caller and provided them with the detailed plans and drawings of the proposal. The resident reserved their opportunity to express an objection until after reviewing the plans. Staff will confirm at the Committee of Adjustment meeting regarding this matter if any written objections have been received since the preparation of this Report.

## **7.0 Planning Staff Comments and Conclusion**

### **7.1 City of Brantford Official Plan**

The subject lands are designated “Residential Area – Low Density” in the City’s Official Plan (**Appendix I**). The “Residential Area – Low Density” designation permits a range of low density dwelling types including single detached, semi-detached, duplex, triplex and converted dwellings.

### **7.2 City of Brantford Zoning By-law 160-90**

The subject lands are zoned “Residential Type 2 Zone (R2)” in Zoning By-law 160-90 (**Appendix J**). The R2 Zone permits single detached, semi-detached, duplex and converted dwellings. Aside from the deficient interior side yard for the proposed carport, the proposal complies with the remaining development regulations of the Zoning By-law.

### **7.3 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.

The application is minor in nature as it will have no adverse impacts on adjacent properties. Planning Staff recommends modifying the minor variance application to include the engineering requirement that the applicant install rain gutters and direct any downspouts away from the adjacent property to the satisfaction of the Planning and Public Works Departments. The purpose of this is to mitigate any potential drainage impact. The applicant has been informed of this condition and is in agreement. The application is desirable for the appropriate development and use of the land as it will facilitate the construction of a permitted use that is in keeping with the character of the neighbourhood. Properties in the immediate area also contain attached garages or carports. Further, because of the lot's unique shape, there is limited lot width towards the front of the property. The reduced interior side yard will increase the area available for maneuvering vehicles into and out of the proposed carport.

The general intent and purpose of a minimum interior side yard for a carport in the Zoning By-law is to provide appropriate grading between the structure and the adjacent property, and not impede access to the rear yard. As the area is already paved, there will be no changes to the grading of the area. Further, by nature of the carport being open at both the front and rear of the structure, access to the rear yard will not be impeded. The proposal complies with the remaining development regulations of the Zone, including the encroachments of eaves into the required yard. It is Planning Staff's opinion that the proposed carport meets the intent of the Zoning By-law.

Section 18.11.2 of the Official Plan also lists criteria for minor variance applications, including if the adequate provision is made for vehicular access and off-street parking on the lot and that building coverage is not excessive. Planning Staff are satisfied that the general intent of the Official Plan is maintained as the proposed minor variance will not impede vehicular access or off-street parking on the lot, and will continue to meet the minimum lot coverage requirements.

## **7.4 Conclusion**

A site visit was conducted on October 30, 2019. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A36/2019 be approved.



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Prepared By: Sean House  
Development Planner  
Prepared on: November 7, 2019



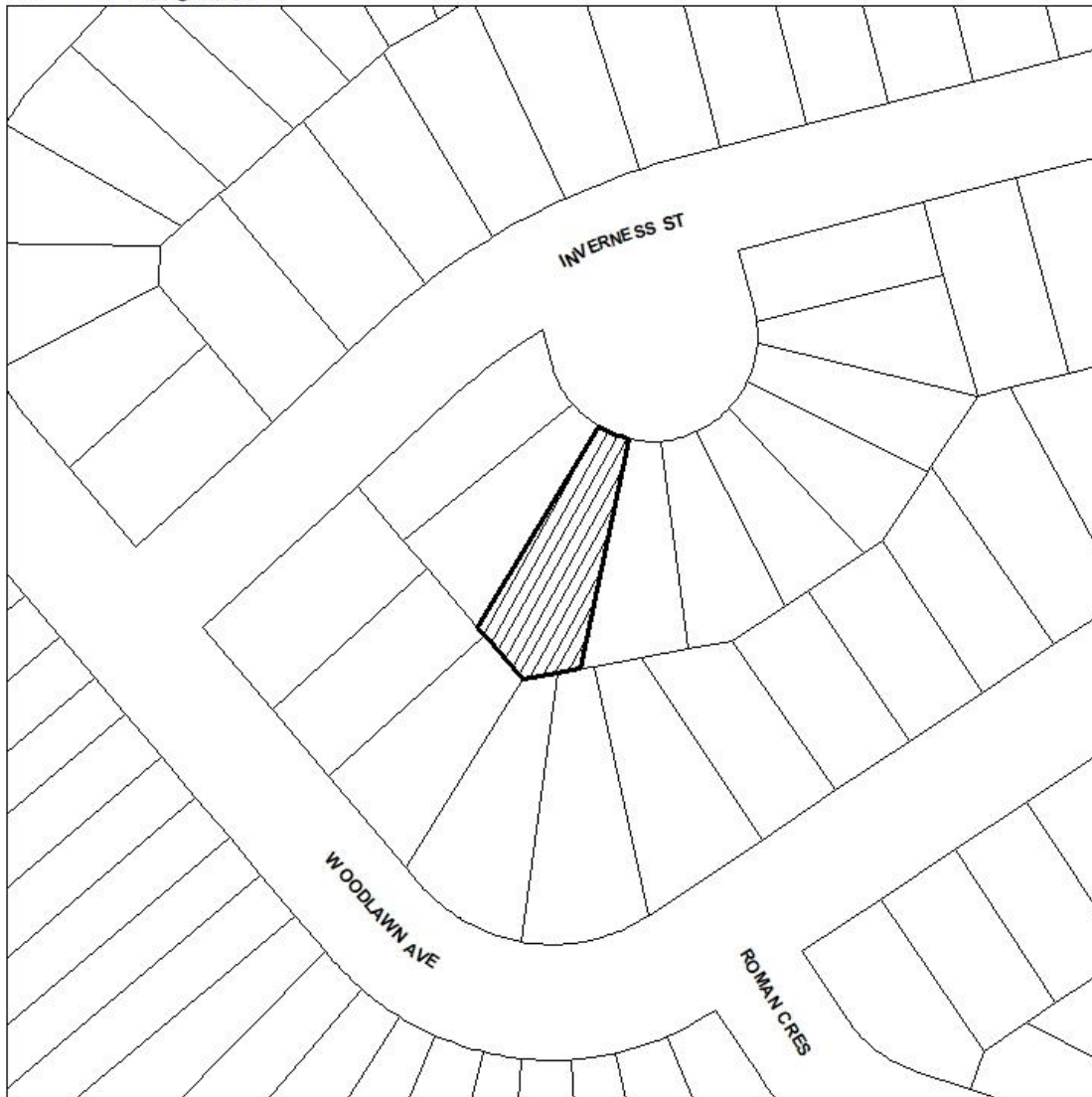
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Reviewed By:  
Joe Muto, MCIP, RPP  
Manager of Development Planning

## Appendix A – Location Map

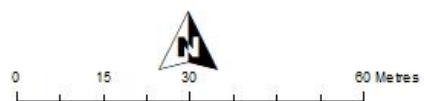
### LOCATION MAP

Application: A36/2019  
12 Inverness Street

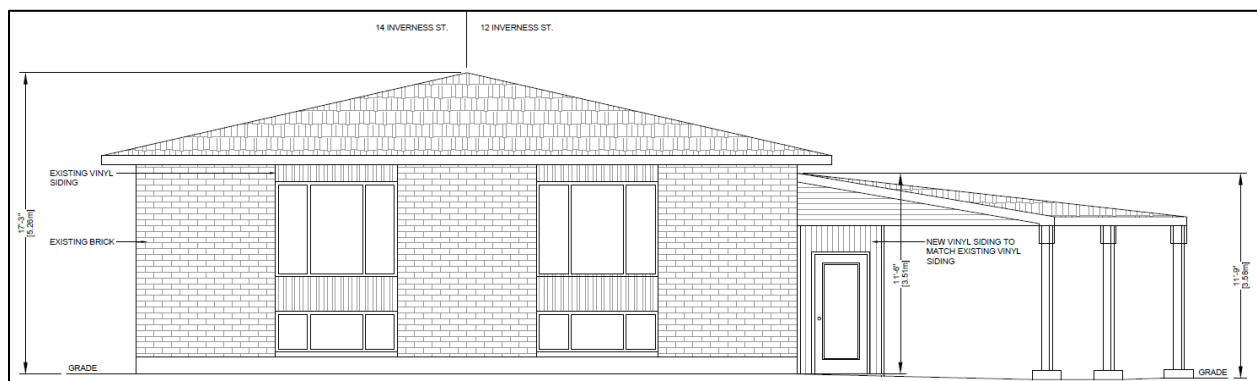
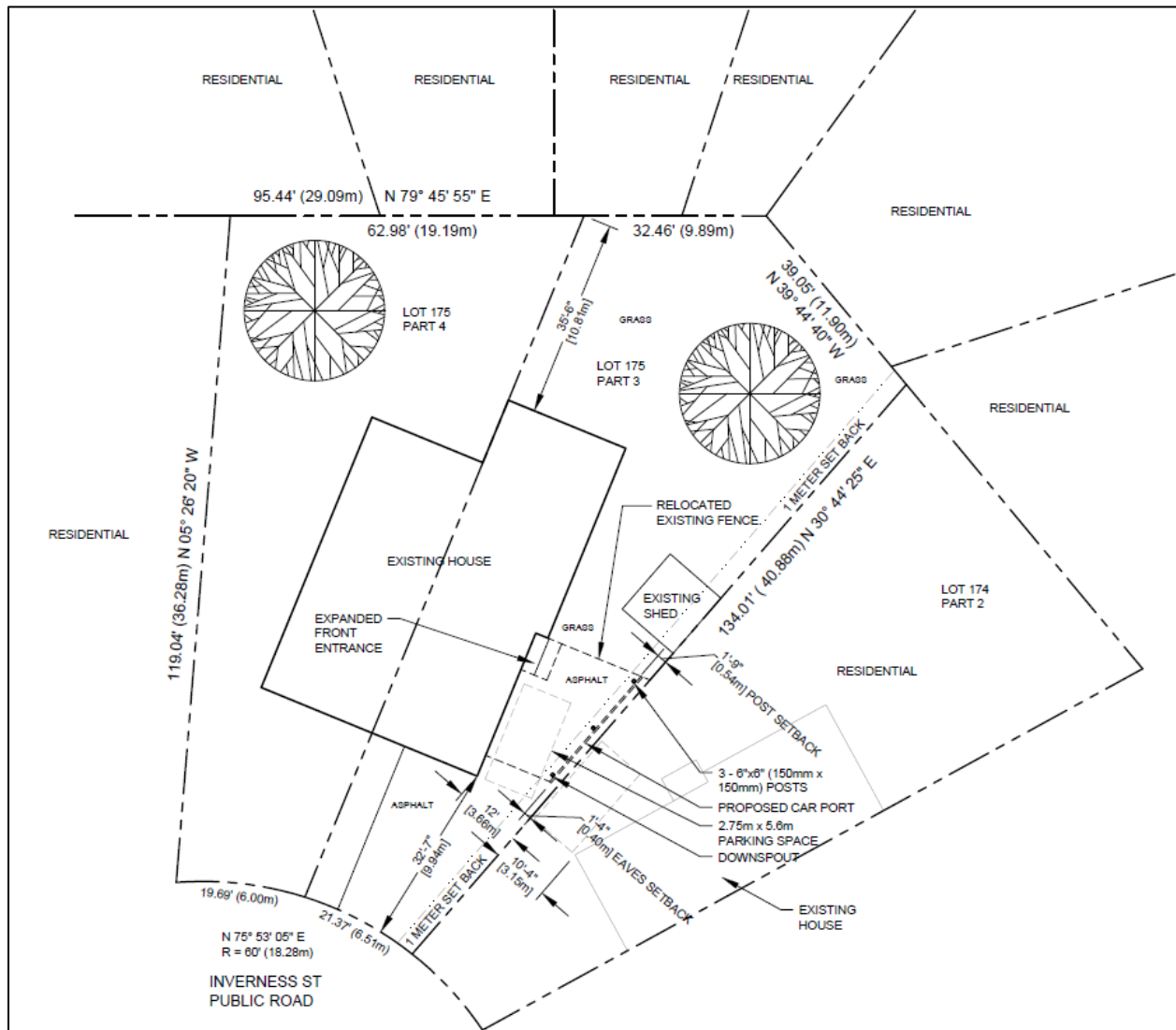


#### Legend

 SUBJECT LAND



## Appendix B – Concept Site Plan and Elevations






## Appendix C – Aerial Photograph

### AERIAL PHOTO

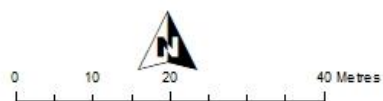
Application: A36/2019  
12 Inverness Street



### Legend

 Subject Land

Aerial Photo from Spring 2017





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## Appendix D – Site Photographs

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Photo 1: Existing semi-detached dwelling at 12 Inverness Street (carport proposed for right side of dwelling).



Photo 2: Location where carport is proposed to be constructed

## Appendix E – Building Department Comments



### BUILDING DEPARTMENT

#### PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/> MINOR VARIANCE	<input type="checkbox"/> SEVERANCE
<input type="checkbox"/> DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/> ZONING BYLAW AMENDMENT
<input type="checkbox"/> OFFICIAL PLAN AMENDMENT	<input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/> RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/> SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N<sup>o</sup> ..... A36/2019

**SITE:** 12 Inverness Street

**TO PERMIT:** Reduced Site Yard

**APPLICANT:** Elizabeth Caro

**COMMENTS:**

BYLAW: 160-90      ZONE: R2

Relief from section 7.6.2.1.7.2 is required to permit a minimum side yard of 0.5 m, whereas 1 m is required where an integral carport is provided.

Any proposed construction will require that a building permit be applied for and approved through this department. A condition of the approval shall be to comply with the Zoning By-law for both the severed and retained parcels.

The proposal appears to comply with the remaining development regulations for the noted zone

A handwritten signature in black ink, appearing to read "Russ Thomson".

Russ Thomson, MAATO, CBCO, CPSO  
Chief Building Official

October 21, 2019  
Date

Handwritten initials in blue ink, possibly "RCS".

## Appendix F – Engineering Comments

No. A36/2019

### COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: OCTOBER 17, 2019

NAME OF APPLICANT / OWNER: Elizabeth Caro

AGENT: Brandon Barnim

ADDRESS: 12 Inverness Street

NATURE OF APPLICATION: Variance Application

#### ENGINEERING DEPARTMENT REQUIREMENTS:

1.	Land required for road widening purposes	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.	Ingress and Egress satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3.	Off-street parking satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.	Sanitary sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5.	Storm sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6.	Water Service available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

#### COMMENTS OR REMARKS:

##### 1. TRAFFIC/PARKING

- No comment.

T. KU, P.ENG., PTOE  
MANAGER, TRANSPORTATION AND PARKING SERVICES

##### 2. TRANSIT SERVICES

- Transit has no issues with this minor variance circulation.

E. VANDERMADE  
MANAGER OF TRANSIT

No. A36/2019

COMMITTEE OF ADJUSTMENT APPLICATION  
ENGINEERING SERVICES STAFF REPORT

HEARING DATE: OCTOBER 17, 2019

NAME OF APPLICANT / OWNER: Elizabeth Caro

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4.	Sanitary sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5.	Storm sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6.	Water Service available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

COMMENTS OR REMARKS:

3. WATER

I reviewed the minor variance application and Survey Plan, dated September 13, 2019, with no revisions, as prepared by Seberras Engineering Group—on behalf of Environmental Services and have no objections; however offer the following comments;

1. City records indicate that dwelling is located on lands, in part, within Water Intake Protection Zone #2 (IPZ2). The Applicant must complete and submit a Source Water Protection: Restricted Land Use Declaration Form to the City's Coordinator, Water Compliance.

J. SPAGNUOLO, C.E.T.  
SENIOR PROJECT MANAGER

4. DEVELOPMENT ENGINEERING

- Ensure any proposed downspouts are directed away from the adjacent property.



G. PEEVER, P. ENG.,  
MANAGER, DEVELOPMENT ENGINEERING

October 21, 2019  
DATE

 Oct 25/19  
I. HANS, P. ENG., PMP  
DIRECTOR, ENGINEERING SERVICES  
PUBLIC WORKS COMMISSION



## Appendix G – Area of Notification

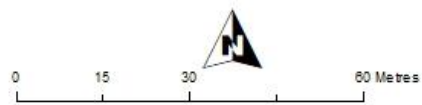
### AREA OF PUBLIC NOTIFICATION

Application: A36/2019  
12 Inverness Street



#### Legend

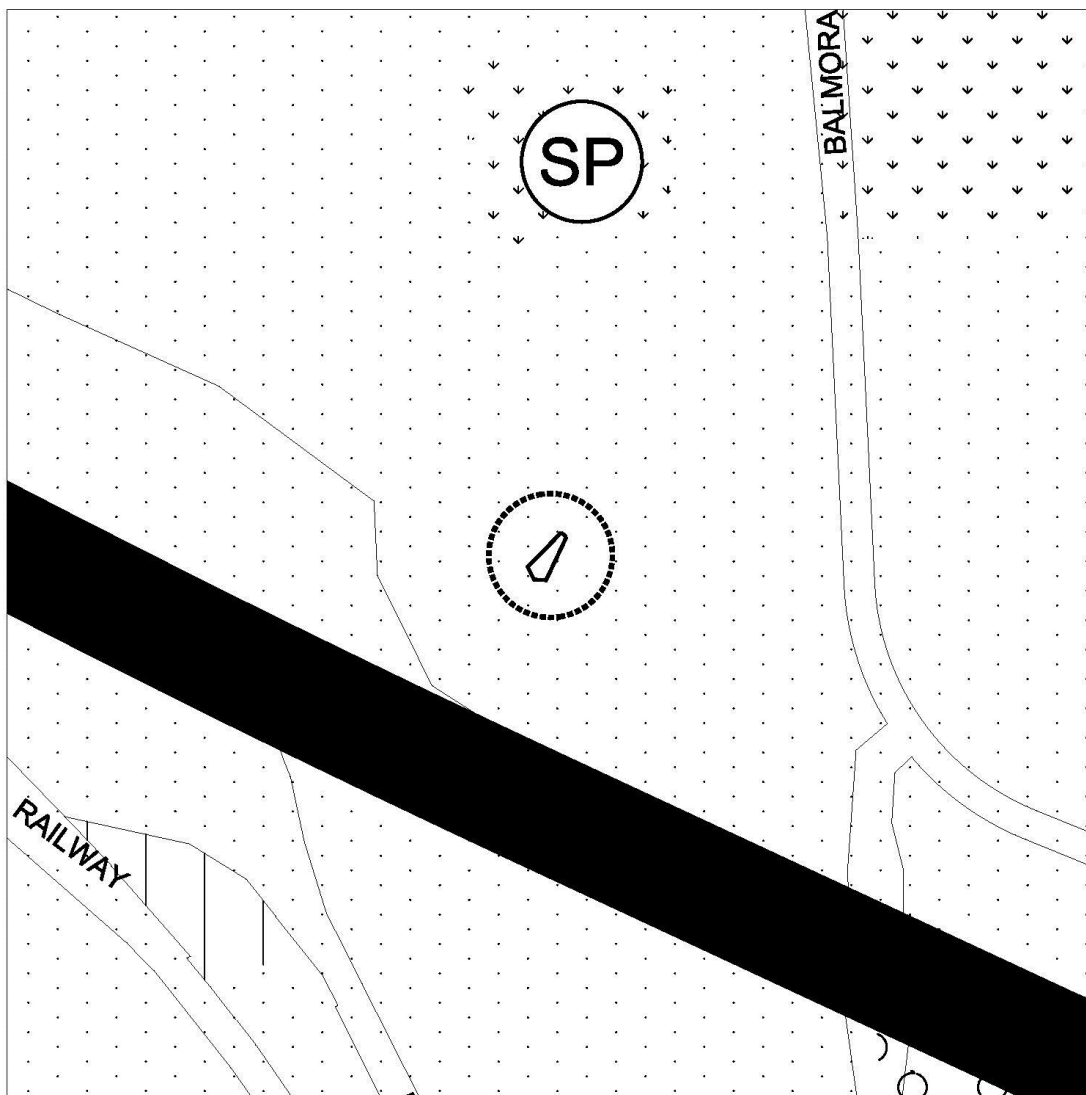
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



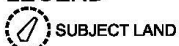
## Appendix H – Official Plan Map

### OFFICIAL PLAN

Application: A36/2019  
12 Inverness Street



#### LEGEND



- LOW DENSITY RESIDENTIAL AREA
- MEDIUM DENSITY RESIDENTIAL AREA
- HIGH DENSITY RESIDENTIAL AREA
- GENERAL INDUSTRIAL AREA
- MIXED INDUSTRIAL COMMERCIAL AREA
- BUSINESS PARK AREA
- MAJOR INSTITUTIONAL
- MAJOR OPEN SPACE

- CORE COMMERCIAL AREA
- COMMUNITY CENTRE COMMERCIAL AREA
- GENERAL COMMERCIAL AREA
- MIXED COMMERCIAL RESIDENTIAL AREA
- DISTRICT CENTRE COMMERCIAL AREA
- NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HIGHWAY COMMERCIAL AREA
- NEW FORMAT COMMERCIAL AREA

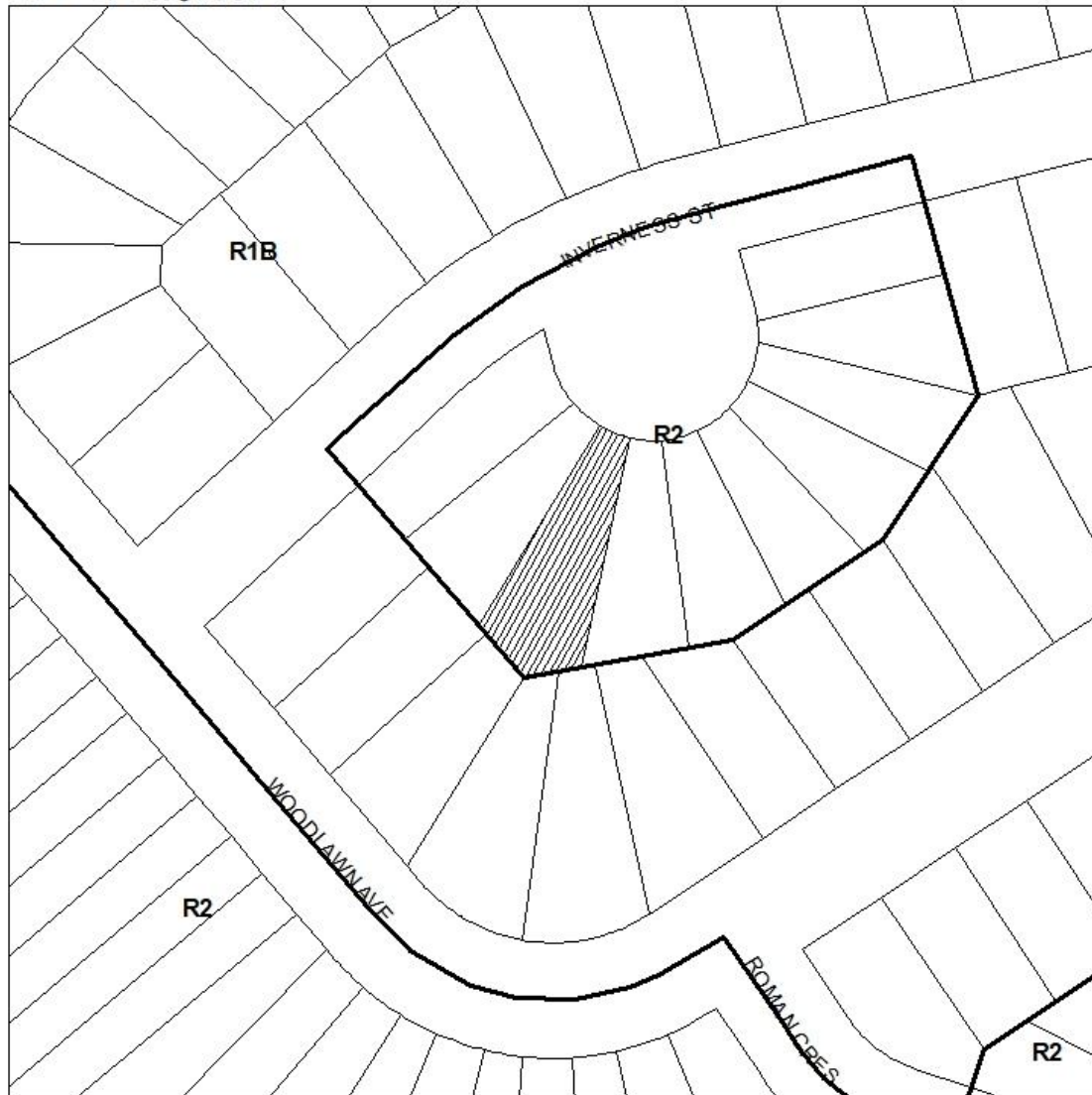
- CEMETERY
- ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- SPECIALIZED PARK and OPEN SPACE
- COMMUNITY PARK and OPEN SPACE
- NEIGHBOURHOOD PARK and OPEN SPACE





## Appendix I – Zoning

### ZONING

Application: A36/2019  
12 Inverness Street



#### Legend

-  Subject Land
-  Zone Boundary

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

R1B Residential Type 1B (15 metre)

R2 Residential Type 2

-3 Exception Number

