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Date January 14, 2021 **Report No.** 2021-37

To Chair and Members
City of Brantford Committee of Adjustment

From Brynne O'Neill
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO. A01/2021

AGENT Shawn Sawatzky, Tropical Sunrooms

APPLICANT/OWNER Kerry and Lynn Cloet

LOCATION 23 Heath Street

3.0 Recommendation

- A. THAT Application A01/2021 requesting relief from Section 7.4.2.1.6 to permit a rear yard of 5.1 m for the proposed sunroom and associated staircase, whereas a minimum rear yard of 7.5 m is required; and Section 7.4.2.1.3 to permit a maximum lot coverage of 47% whereas a maximum of 40% is permitted for the proposed sunroom, BE APPROVED; and
- 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 SHAL 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. 2021-37.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 23 Heath Street. The applicant is proposing to convert 24 m² of an existing second storey deck into a three season sunroom. To facilitate the development as proposed, the applicant is seeking relief from the following Sections of Zoning By-law 160-90:

- Section 7.4.2.1.6 to permit a rear yard of 5.1 m for the proposed sunroom and associated stairs, whereas a minimum rear yard of 7.5 m is required;
- Section 7.4.2.1.3 to permit a maximum lot coverage of 47%, whereas a maximum of 40% is permitted.

The property is designated “Residential Area – Low Density” in the Official Plan, and zoned “Residential Type C (R1C) Zone”. A location map and site plan illustrating the proposed development are attached as **Appendices A and B**.

5.0 Site Features

The subject lands are located on the west side of Heath Street, within a residential neighbourhood. Single detached dwellings surround the property to the north, east and south. Abutting the rear of the property to the west are lands intended for the future development of a recreational complex, however the portion of lands closest to the subject property will remain as natural open space. The subject property has an area of 420 m², and contains a single detached dwelling which is one storey along the street, but the site slopes down towards the rear of the property resulting in a basement walkout. Given this difference in elevation from front to rear, there is currently a second storey rear wood deck, a portion of which is proposed to form the sunroom. There are currently overhead beams which were used to erect sunshades in the summer months. The applicant has advised that they will be removed should the

application be approved. 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 appropriate departments and agencies. No adverse comments or objections were received from the commenting agencies. The Building Department noted the proposed addition will be reviewed at the Building Permit stage for compliance with the Ontario Building Code. 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 (28 notices) and by posting a sign on-site. At the date of the preparation of this Report, no responses have been received. A map of the area of notification is included as **Appendix G** of this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A01/2020 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (PPS) and A Place to Grow: 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.

7.2 City of Brantford Official Plan

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

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned “Residential Type 1C (R1C) Zone” in Zoning By-law 160-90 (**Appendix J**). The R1C Zone permits single detached dwellings. Section 7.4.2.1.6 requires a minimum rear yard of 7.5 m, and Section 7.4.2.1.3 permits a maximum of 40% lot coverage. Variances are required to these two sections of the By-law. The subject lands comply with all other regulations of the Zoning By-law.

7.4 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.

Section 18.11.2 of the Official Plan 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 so that adequate landscaping can be provided. The variances continue to allow for adequate landscaping and vehicular access to be provided, as there are no proposed changes to the front yard. Planning Staff are satisfied that the general intent of the Official Plan is maintained.

The intent of the lot coverage requirements in the Zoning By-law is to ensure that the massing of a dwelling is consistent with the surrounding neighbourhood, and to ensure adequate outdoor amenity space. The intent of minimum rear yards in the Zoning By-law is similar, in that it ensures adequate outdoor amenity space, as well as to ensure there are no privacy or overlook concerns to existing dwellings or their amenity area. Planning Staff is of the opinion that the proposed variances meet the general intent of the Zoning By-law. The proposed variances are required

to enclose a portion of an existing second storey deck. Once the deck is enclosed with a roof and walls it is considered part of the structure, whereas the existing deck is not. Enclosing an existing deck does not increase the opportunity for privacy and overlook concerns, and it is currently an existing useable space. The proposed variance for lot coverage is required as the conversion of the portion of the deck into a three season sunroom means the area is being covered with a roof and enclosed. This results in an area that must be included in coverage calculations as per the Zoning By-law. Outdoor amenity space is still being provided below the deck, as well as the remainder of the rear yard which will be unchanged. Finally, the massing of the dwelling will remain similar to what already exists. The enclosure of the deck will not be visible from the street and does not impact the neighbouring dwellings as it is located further back in the yard than the neighbouring dwellings.

The application is minor in nature because it is not expected to have an adverse impact on adjacent properties. The minor variances are desirable for the appropriate development and use of the land as it will allow for the creation of a 'sunroom' addition, and Staff is of the opinion that there will be no negative impacts to the neighbouring dwellings as a result of this proposal. Additionally the lands to the west are open space which results in no negative impacts to the west of the site. The increase in lot coverage from 40% to 47% is required to redevelop the existing second storey deck as a sunroom, however the deck is already existing, and therefore the impacts of enclosing the deck is minimal. The area where the sunroom is proposed is located at the rear of the dwelling. The neighbourhood consists of single detached dwellings on both sides of the subject property are two storeys in height, whereas the subject dwelling is one storey and extends further into the rear yard. The sunroom is located adjacent to the rear yards of the adjacent dwellings. In Staff's opinion, the proposed 5.1 m rear yard will continue to provide adequate outdoor amenity space, and does not present any privacy or overlook concerns as there are no dwellings located behind the subject property. Further, below the second storey deck, there is a covered outdoor amenity space which is not considered as the rear yard in relation to the required 7.5 m rear yard, but is additional useable outdoor space that the resident's utilize.

It is Planning Staff's opinion that the application meets the intent of the Official Plan and Zoning By-law, is minor in nature and appropriate for the development of the lands.

7.5 Conclusion

A site visit was conducted on December 15, 2020. 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 enclosure of an existing second storey deck, with no negative impacts on the surrounding neighbourhood. For the reasons mentioned above, the minor variances satisfy the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A01/2021 be approved.



Prepared by: Brynne O'Neill, MCIP, RPP
Development Planner
Prepared on: January 7, 2021

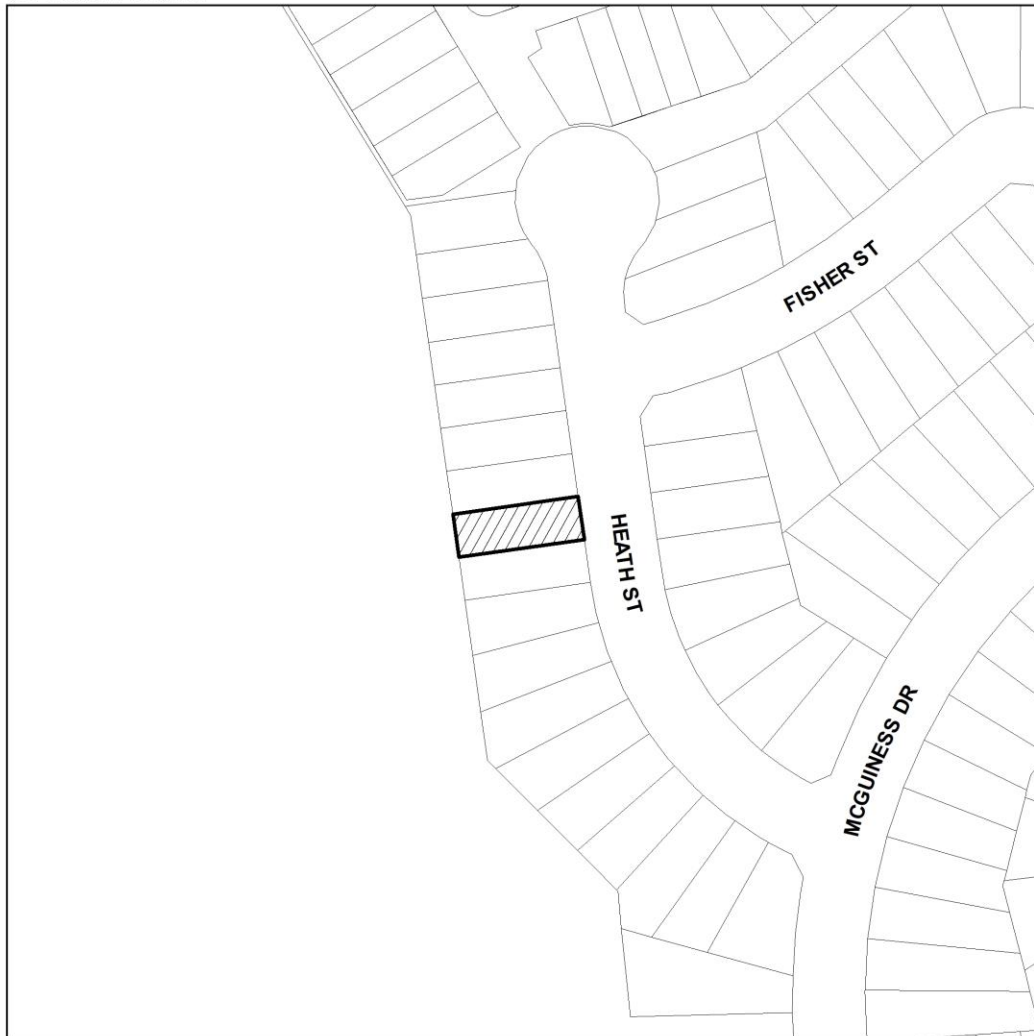
Prepared o , 2021

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

Appendix A – Location Map

LOCATION MAP

Application: A01-2021
23 Heath Street



Legend

 SUBJECT LAND



[illegible]

Architectural floor plan showing the existing house and proposed sunroom addition. The plan includes the following elements and dimensions:

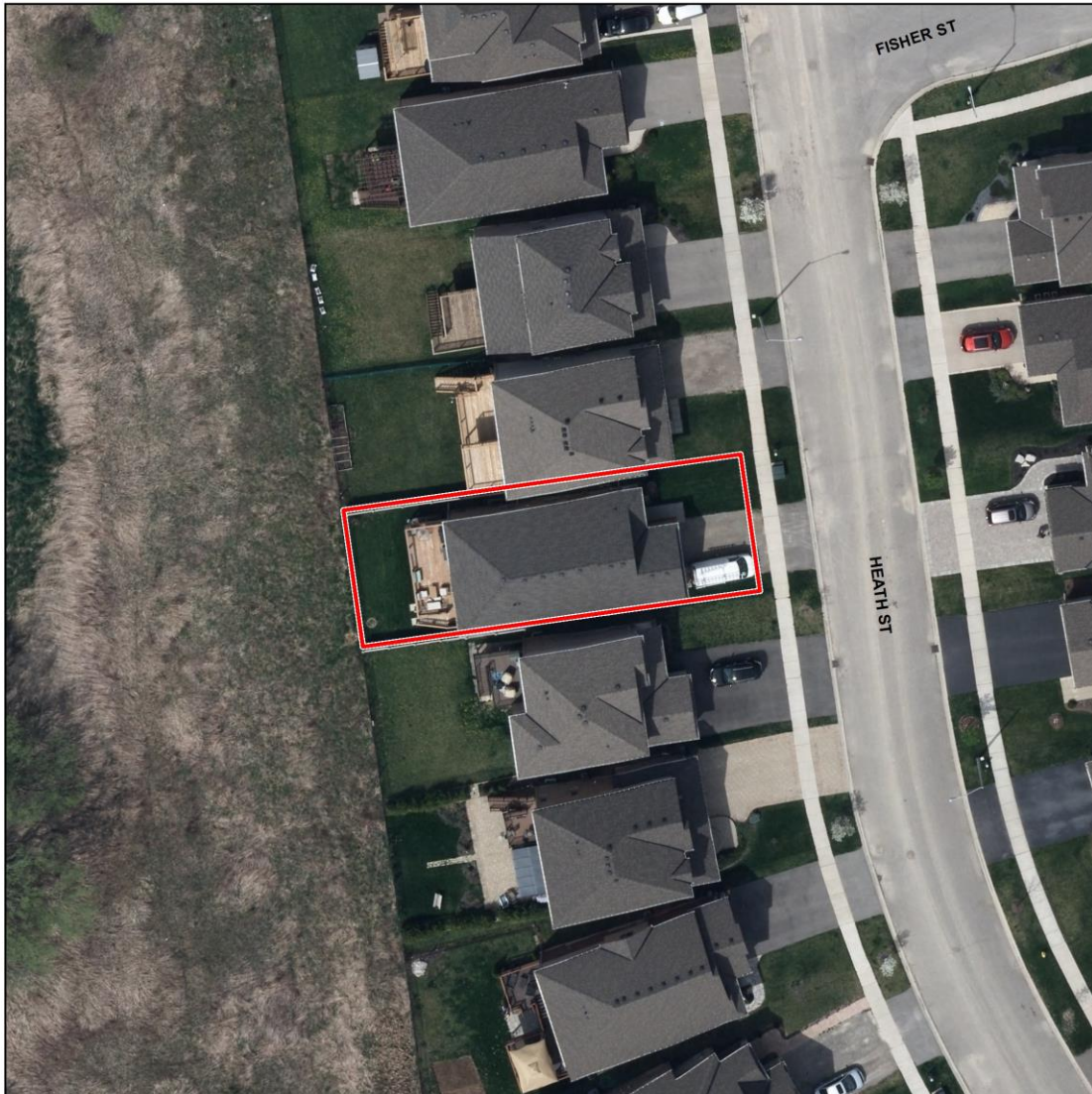
- EXISTING HOUSE:** The main structure at the top of the plan.
- EXISTING THERMAL DOORS TO REMAIN:** Indicated by arrows pointing to the existing door frames.
- EXISTING DECK TO REMAIN:** The deck area on the left side of the plan.
- PROPOSED 3 SEASON UNHEATED SUNROOM ON EXISTING DECK:** The new addition, shown with dashed lines.
- EXISTING LANDING & STAIRS TO REMAIN:** The staircase area on the right side of the plan.
- Dimensions:**
 - Overall width: 30'-5 3/4" (1.29)
 - Overall depth: 12'-3" (3.74)
 - Deck width: 4'-11 1/4" (1.5)
 - Deck depth: 4'-1 3/4" (1.41)
 - Sunroom width: 21' (6.4)
 - Staircase width: 4'-6 1/2" (1.34)
 - Staircase depth: 4' (1.22)

Figure 2: Deck & Sunroom Details


Appendix C – Aerial Photograph

AERIAL PHOTO

Application: A01-2021
23 Heath Street



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix D – Site Photographs



Figure 3: Existing Dwelling

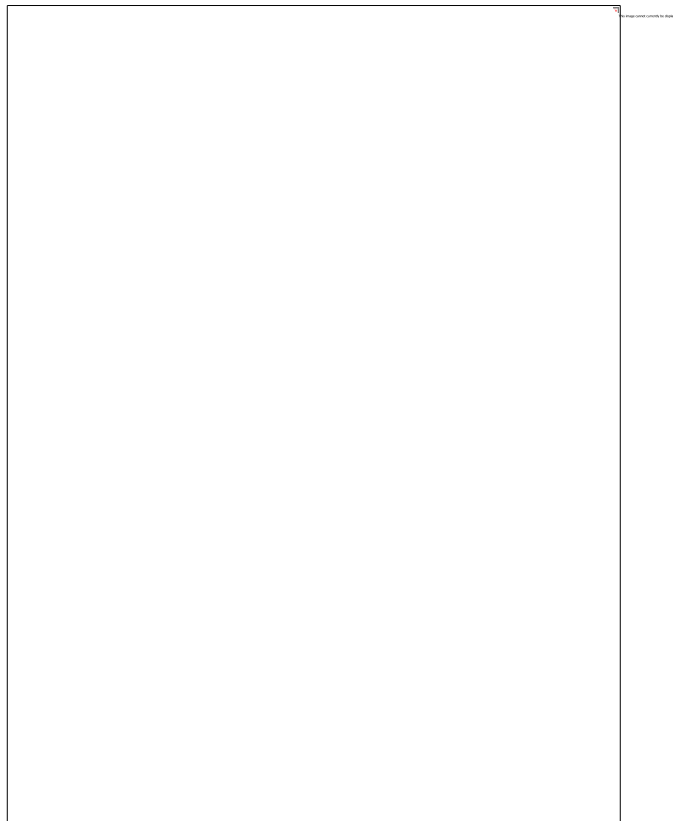


Figure 4: Existing Deck

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^o A01-2021

SITE: 23 Heath Street
TO PERMIT: Various
APPLICANT: Kerry and Lynn Cloet

COMMENTS:

BYLAW: 160-90 ZONE: R1C

- Relief from Section 7.4.2.1.6 of the Zoning Bylaw 160-90 is required to permit a rear yard of 5.1 m for the proposed sunroom, whereas a minimum rear yard of 7.5 m is required.
- Relief from Section 7.4.2.1.3 of the zoning bylaw is required to permit maximum lot coverage of 47% whereas a maximum of 40% is permitted.
- If the stair is new, it is permitted to encroach a maximum of 1.5m into the rear yard of 7.5m.
- Plans will be reviewed during building permit stage for compliance with Building Code requirements with respect to framing, spatial separations, permitted unprotected openings, etc.

Marta Schultz
Senior Plans Examiner

12/9/20

Appendix F – Engineering Comments



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<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"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		A01/2021	
DATE DUE TO PLANNING		December 11, 2020	
AGENT		Tropical Sunrooms	
APPLICANT / OWNER		Kerry and Lynn Cloet	
ADDRESS		23 Heath Street	
TRANSPORTATION			

1. No comment.

Jacob McDonald, C.E.T.
Transportation Technologist



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<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"/> SITE PLAN APPROVAL	<input checked="" type="checkbox"/> MINOR VARIANCE
<input type="checkbox"/> CONSENT APPLICATION	<input type="checkbox"/> SEVERANCE
<input type="checkbox"/> OTHER -	
FILE NO.:	A01/2021
DATE DUE TO PLANNING	December 11, 2020
AGENT	Tropical Sunrooms
APPLICANT / OWNER	Kerry and Lynn Cloet
ADDRESS	23 Heath Street
ENVIRONMENTAL SERVICES	

I reviewed the subject noted application and associated sketch—as prepared by Tropical Sunrooms Inc.—on behalf of Environmental Services and have no objections or concerns.

Jennifer Elliott, LET, C.E.T.
Senior Project Manager, Environmental Services



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**


<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"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		A01/2021	
DATE DUE TO PLANNING		December 11, 2020	
AGENT		Tropical Sunrooms	
APPLICANT / OWNER		Kerry and Lynn Cloet	
ADDRESS		23 Heath Street	
DEVELOPMENT ENGINEERING			

➤ No comments.

Adam Quibell, P.Eng., C.Tech.
Development Engineering Reviewer

*ADDITIONAL COMMENTS MAY BY ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED *

December 14, 2020
DATE


Gary Peever, P.Eng.,
Manager, Development Engineering

Appendix G – Area of Notification

AREA OF PUBLIC NOTIFICATION

Application: A01-2021
23 Heath Street



Legend

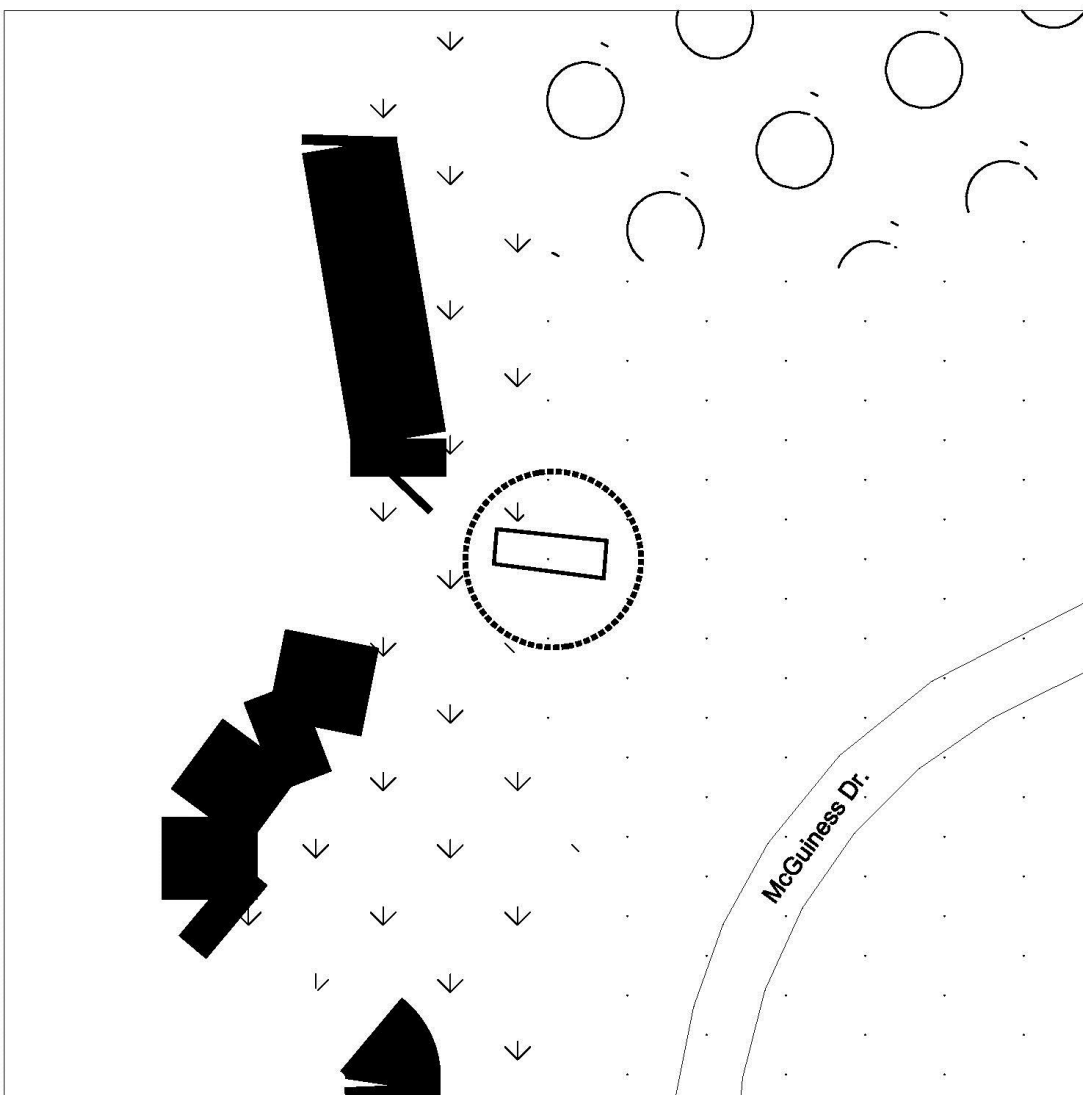
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



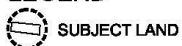
Appendix H – Official Plan

OFFICIAL PLAN

Application: A01-2021
23 Heath 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: A01-2021
23 Heath Street



Legend

-  Subject Land
-  Zone Boundary

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

- R1C Residential Type 1C (12 metre)
- R4A Residential Medium Density Type A
- PUD Planned Unit Development Type 1
- # Exception Number

