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Date January 14, 2021 **Report No.** 2021-16

To Chair and Members
City of Brantford Committee of Adjustment

From Sean House
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.	A02/2021
AGENT/APPLICANT	Domenic Reale
OWNER	Susanna Reale
LOCATION	345 Marlborough Street

3.0 Recommendation

- A. THAT Application A02/2021 seeking relief from Section 7.4.2.1.2 of Zoning By-law 160-90 to permit a minimum lot width of 10 m, whereas a minimum lot width of 12 m is required 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 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 Sections 6.2 of Report No. 2021-16

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 345 Marlborough Street. A location map and conceptual site plan are attached as **Appendices A and B**. The applicant is proposing to demolish the existing building and construct two single detached dwellings. To facilitate the development, the applicant is seeking relief from Section 7.4.2.1.2 of Zoning By-law 160-90: to permit a minimum lot width of 10 m, whereas 12 m is required. No consent application is required as the lots currently exist. The land is described in accordance with and is within a registered plan of subdivision as per Section 50 (3) (a) of the *Planning Act*.

5.0 Site Features

The subject lands are located on Marlborough Street, east of Stanley Street, with a combined area of approximately 773 m². The lands are occupied by a single detached dwelling. The subject lands are surrounded by single detached dwellings in all directions. Holy Cross School is located further northeast of the subject lands. An aerial photo and photographs of the subject lands are attached as **Appendices C and D**.

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies. No adverse comments were received. Detailed comments from the Building and Engineering Departments are attached as **Appendices E and F**. The Building Department noted that within all Residential Zones, a minimum of 50% of the front yard shall be maintained as landscaped open space. The conceptual site plan that was originally submitted was in contravention of this requirement. The applicant has since revised their drawing (**Appendix B**) to comply with this requirement.

6.2 Public Response

Notice of public hearing was issued by personal mail (43 notices) and by posting a sign on-site. Attached as **Appendix G** is a plan illustrating the notification area. At the time of writing of this Report, one adjacent property owner contacted Staff for clarification about the application. Staff provided the property owner with a detailed site plan and answered questions about the proposal. The property owner expressed concerns that the proposed interior side yard is not wide enough and that the proposed reduction in lot width is not minor in nature. Staff note that the required interior side yard in the R1C Zone is 1 m on each side when an integral garage is provided. The subject proposal includes an integral garage and an interior side yard of 1.24 m, thus meeting the requirements of the R1C Zone. In regard to the proposed minor variance being minor in nature, an analysis is included in Section 7.4 of this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A02/2021 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 depends on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for 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 Official Plan (see **Appendix H**). This designation allows for a variety of residential uses including single detached, semi-detached, duplex and triplex dwellings. The proposed application conforms to the policies set

out in the Official Plan, which is discussed further in Section 7.4 of this Report.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned “Residential Type 1A Zone (R1A)” in Zoning By-law 160-90 (see **Appendix I**). The R1A Zone permits single detached dwellings and accessory buildings. The subject application requires relief from Section 7.4.2.1.2 of Zoning By-law 160-90 to permit a minimum lot width of 10 m, whereas a minimum lot width of 12 m is required. Aside from the reduced lot width, the parcels would conform to all other regulations of the Zoning By-law.

7.4 Planning Analysis

The Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met when evaluating the merits of a minor variance application. To be recommended for approval, a minor variance must maintain the general intent and purpose of the Official Plan and Zoning By-law, be minor in nature, and desirable for the appropriate development and use of the land.

It is the opinion of Planning Staff that the minor variance requested for reduced lot width from 12 m to 10 m is minor in nature as the lots currently exist and will be able to accommodate an appropriate single detached dwelling with appropriate side and rear yards. The minor variance is appropriate for the development of the lands as both lots can provide adequate outdoor amenity space, vehicle access, landscaping and snow storage, while contributing to a mix of housing options within the neighbourhood. There are many examples of 10 m wide lots within the immediate neighbourhood, including the abutting lot to the east.

The minor variance meets the general intent and purpose of Zoning By-law 160-90 and the Official Plan by facilitating the development of two single detached dwellings which are consistent with the existing character of the neighbourhood. The original plan of subdivision (RP-399) pre-dates the current zoning, which is why there is a disparity between the two. As the lots have already been created and registered with the Land Registry Office, this minor variance recognizes an existing situation. Staff is of the opinion that the proposed minor variance meets the four tests of Section 45 (1) of the *Planning Act*.

7.5 Conclusion

A site inspection was completed on December 11, 2020. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. The proposal will contribute to a broad range of housing options in Brantford in accordance with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan. It is Planning Staff's opinion that the variances satisfy the four tests as defined under the *Planning Act*. The application is minor in nature, appropriate for the development and use of the lands, and meets the intent of the Zoning By-law and Official Plan. Planning Staff recommend that application A02/2021 be approved.



Sean House,
Development Planner,
Prepared on: January 7, 2021



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


Appendix A – Location Map

LOCATION MAP

Application: A02/2020
345 Marlborough Street

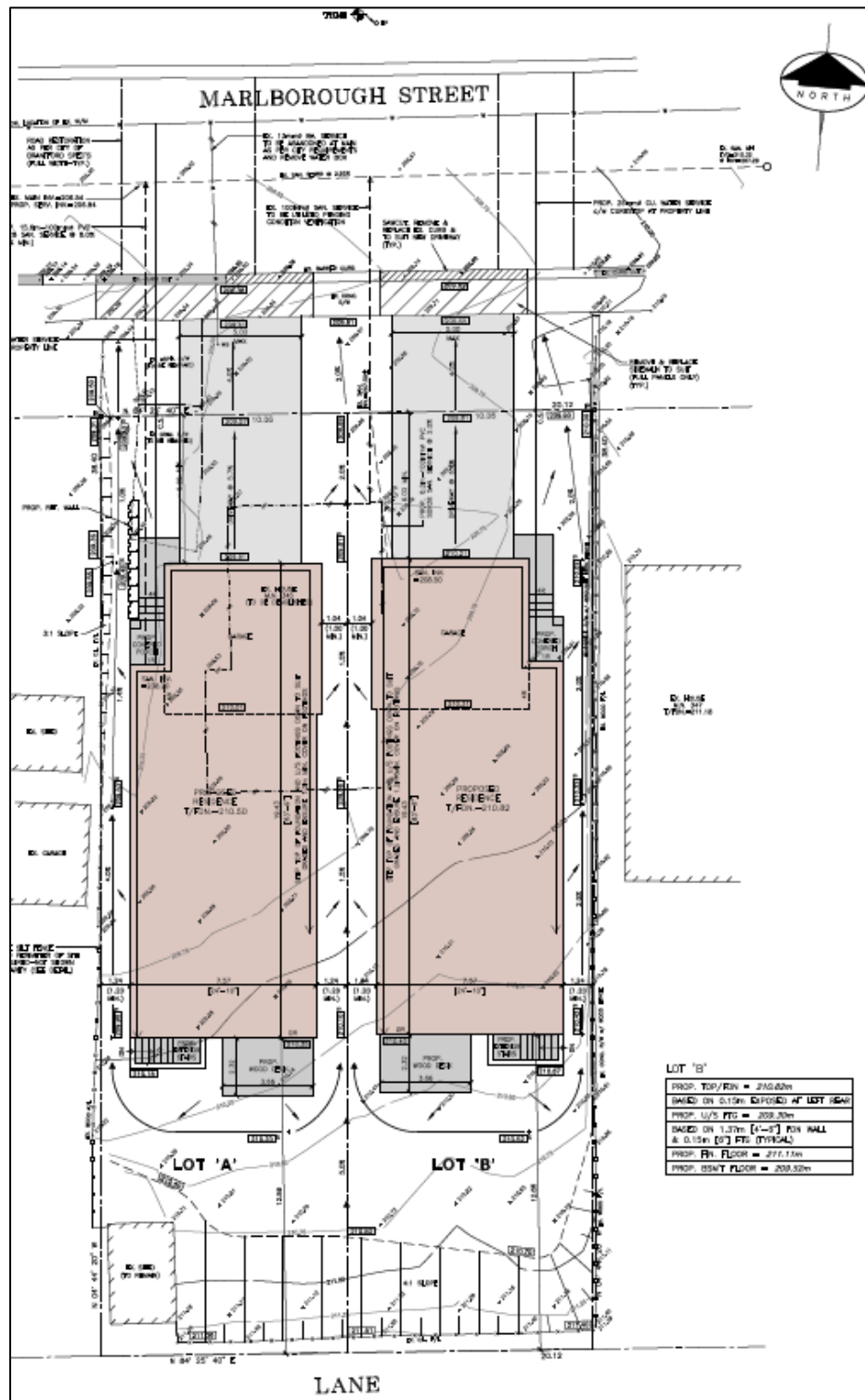


Legend

 SUBJECT LAND



Appendix B – Conceptual Site Plan




Appendix C – Aerial Photograph

AERIAL PHOTO

Application: 02/2021
345 Marlborough Street



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix D – Site Photographs



Figure 1: Subject Lands

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 **A02-2021**

SITE: **345 Marlborough Street**

TO PERMIT:

APPLICANT: **Domenic Reale**

COMMENTS:

BYLAW: 160-90 ZONE: R1C

- Relief from Section 7.4.2.1.2 of Zoning By-law 160-90 is required to permit a minimum lot width of 10 m, whereas 12 m is required.
- Within all Residential Zones, a minimum of 50% of the front yard shall be maintained as landscaped open space.
- Existing shed on Lot A will not be permitted to remain on the lot once the principal use (Single Detached Dwelling) is demolished.
- Building or demolition permit must be issued prior to any construction or demolition.

Marta Schultz
Senior Plans Examiner

12/9/2020

Appendix F – Engineering Department 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.:		A02/2021	
DATE DUE TO PLANNING		December 11, 2020	
OWNER:		Susanna Reale	
APPLICANT / AGENT		Domenic Reale	
ADDRESS		345 Marlborough Street	
TRANSPORTATION			

➤ 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.:	A02/2021
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OWNER:	Susanna Reale
APPLICANT / AGENT	Domenic Reale
ADDRESS	345 Marlborough Street
ENVIRONMENTAL SERVICES	

I reviewed the minor variance application and associated Site Plan—as prepared by J.H. Cohoon Engineering—on behalf of Environmental Services and have no objections regarding the proposed variance; however I'd like to offer the following water comments for consideration when applying for a Site Plan Control Application:

1. City records do not indicate the size or material of the existing service; The Owner must confirm the existing service size and material; The proposed dwellings can be serviced by the 150 mm Asbestos Cement watermain in Marlborough Street;
2. The minimum permitted service size is 25 mm; If the existing service is less than 19 mm then it must be removed and replaced with a 25 mm service;
3. Indicate the location of the water meter on the drawing. The water service must be brought to grade immediately after passing under the footing and the water meter placed in this location;
4. The Owner must obtain Water Service Connection Permits 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;
5. Any section of the 150 mm AC watermain in Marlborough Street exposed during construction, including all points where a service crosses or connects to the AC main, shall be replaced with Polyvinylchloride pipe. Any section of watermain placed on fill shall have joints restrained for the full width of the fill area;
6. If the existing service to 345 Marlborough cannot be used, the Owner will be required to remove the existing water service and curb stop during demolition of the existing building. The service must be removed from the main to preserve water quality and prevent leaks and the curb stop removed to avoid confusion;
7. If applicable, at the time of Demolition Permit application, the Owner will be required to submit a deposit for removal of the water service; the deposit will be based on the current Corporation approved rate. The Owner can apply to the City's Water Customer Service Department to have the deposit returned once the water service removal is inspected to the satisfaction of the City;
8. 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;
9. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code;

On behalf of Environmental Services—Solid Waste, I would like to offer the following solid waste management conditions:

10. The property developer or owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy; and
11. The property developer or owner is responsible for collection, haulage and disposal of all waste from the property until such time as the site is approved for collection services.

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.:		A02/2021	
DATE DUE TO PLANNING		December 11, 2020	
OWNER:		Susanna Reale	
APPLICANT / AGENT		Domenic Reale	
ADDRESS		345 Marlborough Street	
DEVELOPMENT ENGINEERING			


General Comments

1. A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 28-2011.
2. A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections.

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

*ADDITIONAL COMMENTS MAY BE 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: 02/2021
345 Marlborough Street



Legend

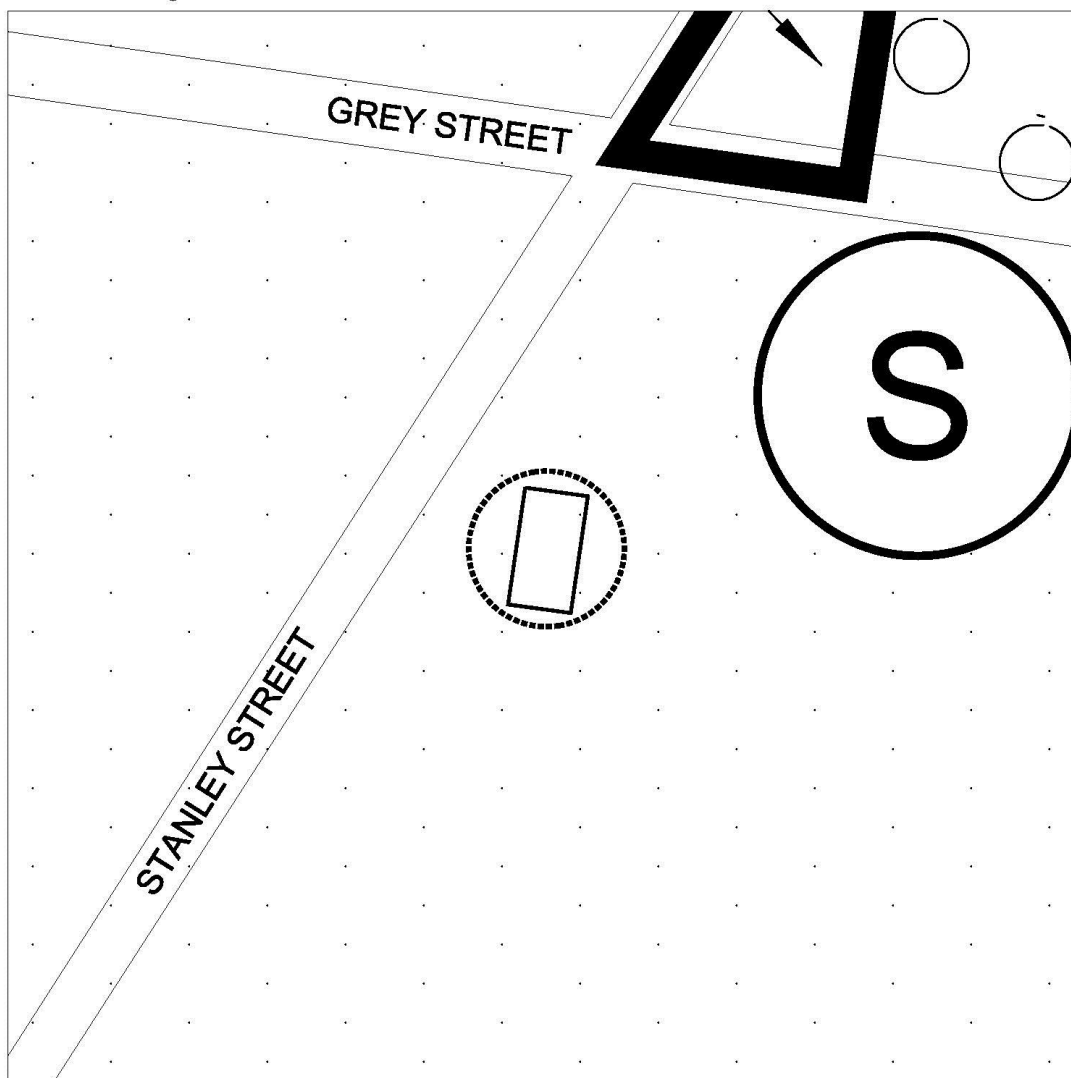
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix H – Official Plan Map

OFFICIAL PLAN

Application: 02/2021
345 Marlborough Street



LEGEND

SUBJECT LAND

- 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 Map

ZONING

Application: 02/2021
345 Marlborough Street



Legend

-  Subject Land
-  Zone Boundary

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

- R1C Residential Type 1C (12 metre)
- RC Residential Conversion
- R4A Residential Medium Density Type A
- I2 Institutional School
- C7 Convenience Commercial
- # Exception Number

