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Date January 14, 2021 **Report No.** 2021-17

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.	A04/2021
APPLICANT/AGENT	Ken Bekendam
OWNER	Niroshan Madavan
LOCATION	16 Arthur Street

3.0 Recommendation

- A. THAT Application A04/2021 requesting relief from the City of Brantford Zoning By-law 160-90 to permit a minimum Gross Floor Area of 32 m² for a converted dwelling, whereas a minimum Gross Floor Area of 55 m² 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 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. 2021-17.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 16 Arthur Street. A location map and conceptual site plan are attached as **Appendices A and B**. The applicant is proposing to convert the existing single detached dwelling into three dwelling units. A parking area to accommodate the required off-street parking is proposed at the rear of the site. To facilitate the creation of the third unit, the applicant is seeking relief from Section 7.8.2.8.2 of Zoning By-law 160-90 to permit a Gross Floor Area (GFA) of 32 m² for a converted dwelling, whereas 55 m² is required.

5.0 Site Features

The subject lands are located on the north side of Arthur Street, west of Park Avenue and east of Alfred Street, with a lot area of approximately 824 m². The lands are occupied by a vacant single detached dwelling. The subject lands are surrounded by single detached dwellings in all directions. Shallow Creek Park is located further west 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 the dwelling unit shall be provided with a second and separate means of egress where an egress door from the dwelling unit opens onto an exit stairway serving more than one suite as per the Ontario Building Code. The applicant has been made aware of this requirement and this will be further reviewed through the Building Permit application process. The Development Engineering Department noted that a waste water allocation request form is required, which will also be obtained through the Building Permit.

6.2 Public Response

Notice of public hearing was issued by personal mail (46 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, Staff have received one email (**Appendix G1**) and one phone call in opposition to the proposal. While the adjacent residents have raised valid concerns relating to property standards and maintenance of the subject lands, these concerns are unrelated to the minor variance being considered. Adjacent residents are encouraged to relay their concerns to the City's By-law Enforcement Department.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A04/2021 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 depend 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 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 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 Conversion (RC)” in Zoning By-law 160-90 (**Appendix I**). The RC Zone permits single detached, semi-detached, duplex, triplex and converted dwellings. The subject application requires relief from 7.8.2.8.2 of Zoning By-law 160-90: to permit a Gross Floor Area (GFA) of 32 m² for third dwelling, whereas 55 m² is required. Aside from the reduced gross floor area, the property conforms to 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.

The decrease in Gross Floor Area (GFA) is minor in nature as it is not expected to have an adverse impact on adjacent properties. The required off-street parking for the additional unit is to be provided and no further external alteration to the property is proposed. A site alteration permit is required to facilitate the construction of the parking area. The application is desirable for the appropriate development and use of the land as the dwelling will still provide an appropriately-sized living space. Further, additional floor area is provided beyond the proposed 32 m², however it does not qualify as GFA as that floor area does not meet the minimum ceiling height requirements of the Ontario Building Code.

The Official Plan encourages a wide range of housing types to accommodate the anticipated population. Section 6.2.3.1 of the Official Plan encourages residential intensification and affordable housing. It is the opinion of Planning Staff that the proposal will maintain the general intent and purpose of the City’s Official Plan.

Section 7.8.2.8.2 of Zoning By-law 160-90 requires converted dwellings to have a minimum GFA of 55 m². The intent and purpose of this zoning provision is to ensure that units within converted dwellings provide sufficient living space for occupants. The conversion of the unit will require the approval of a building permit in accordance with the Ontario Building Code. The Ontario Building Code includes regulations for minimum room

sizes within dwelling units, including 13.5 m² for a bedroom, kitchen, living and dining area. The proposed triplex dwelling unit provides a larger area than what is required by the Ontario Building Code, and Staff is satisfied that there will be sufficient living space for the future occupants.

7.5 Conclusion

A site visit was conducted on December 11, 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 appropriate infill development that makes efficient use of land. This type of infill development represents good land use planning that is encouraged by the *Planning Act*, the PPS, the Growth Plan, and the Official Plan. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A04/2021 be approved.



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



Reviewed by: JOE MUTO, RPP, MCIP,
Manager of Development Planning

Appendix A – Location Map

LOCATION MAP

Application: A04/2020
16 Arthur Street

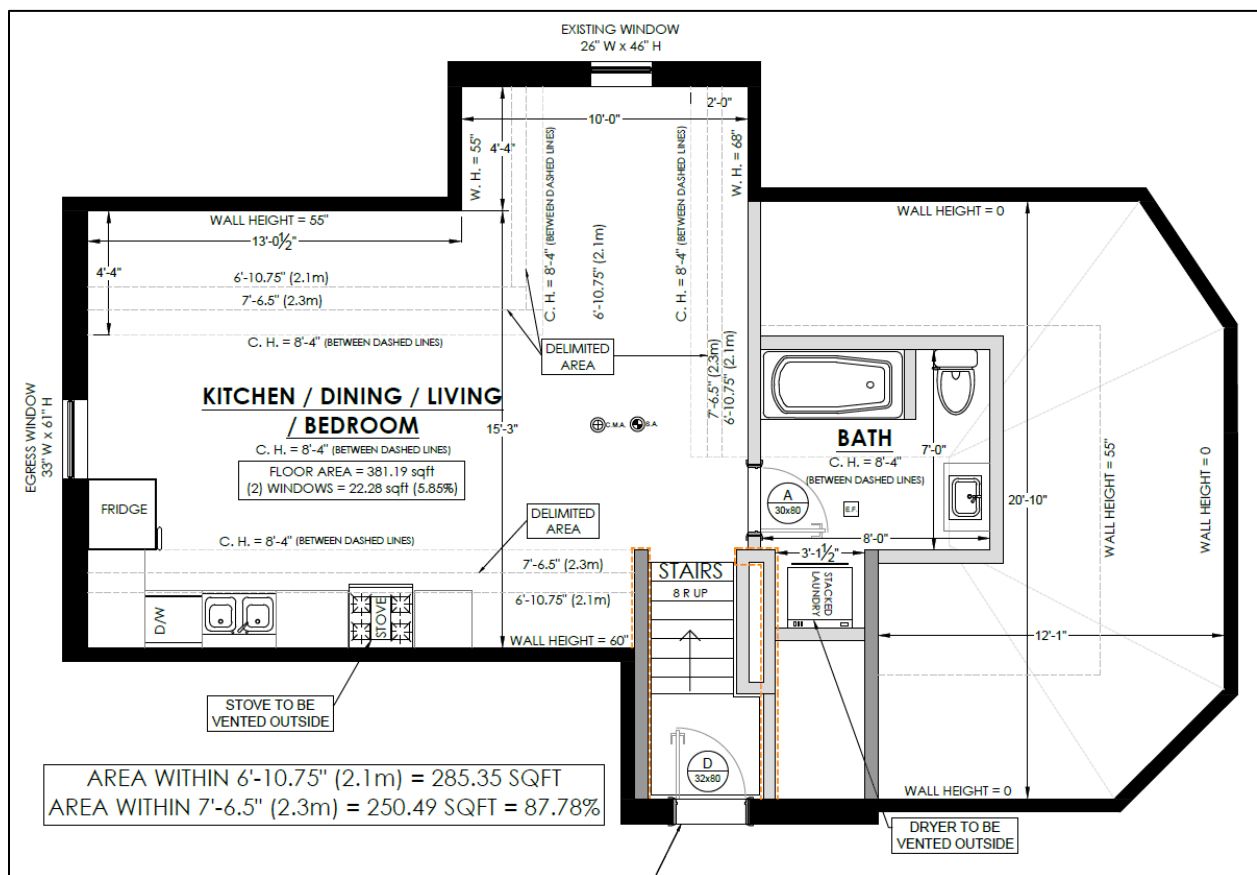
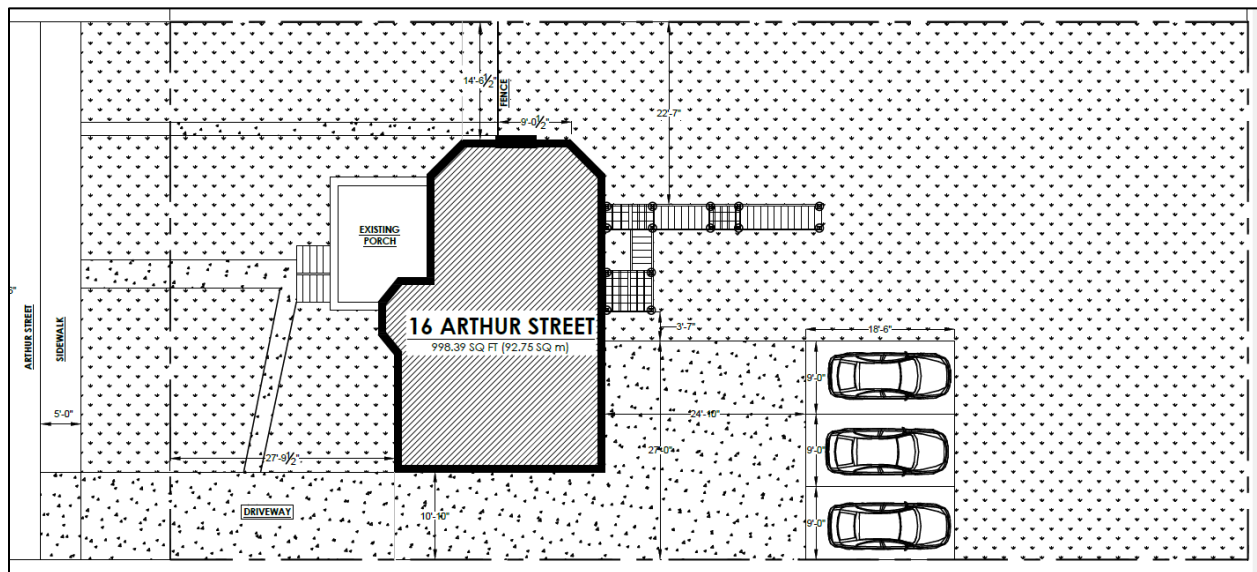


Legend

 SUBJECT LAND



Appendix B – 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 A04/2021

SITE: 16 Arthur street
TO PERMIT: reduction in GFA for third unit in a converted dwelling.
APPLICANT: Ken Bekendam

COMMENTS:

BYLAW: 160-90 ZONE: RC

- Relief from Section 7.8.2.8.2 of Zoning By-law 160-90: to permit a Gross Floor Area (GFA) of 32 m² for third (attic) dwelling unit, whereas 55 m² is required.
- As per OBC 9.9.9.3(1) a dwelling unit shall be provided with a second and separate means of egress where an egress door from the dwelling unit opens onto an exit stairway serving more than one suite. Based on the information provided it appears that the proposed exterior exit stair from the attic unit is shared with another dwelling unit.

Marta Schultz
Senior Plans Examiner

11/24/2020

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.:		A04/2021	
DATE DUE TO PLANNING		December 11, 2020	
OWNER:		Niroshan Madavan	
APPLICANT / AGENT		Ken Beckendam	
ADDRESS		16 Arthur Street	
TRANSPORTATION			

1. Consideration should be given to:

- a. Providing a 6.0m wide driveway access where feasible, eg. in front of the existing building, such that potential for head-on-vehicle conflict is reduced as well as reducing potential impact to the municipal roadway.
- b. Providing a 'hammerhead' at the end of the proposed parking area to facilitate vehicle maneuvering so that vehicles can exit the site forward facing.

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.:	A04/2021
DATE DUE TO PLANNING	December 11, 2020
OWNER:	Niroshan Madavan
APPLICANT / AGENT	Ken Beckendam
ADDRESS	16 Arthur Street
ENVIRONMENTAL SERVICES	

I reviewed the subject noted application and associated documents—as prepared by King Homes—on behalf of Environmental Services and have no objections to the proposed minor variance; however, I would like to offer the following water comments:

1. City records indicate 16 Arthur Street is serviced with a 25mm public x 19 mm private copper lateral from a 150 mm PVC watermain. This service appears to be located 1.7 m Left of the Right side of the existing dwelling and the curb stop 7.2 m Out from same;
2. In accordance with current City standards, the existing 19 mm copper lateral is inadequate to service the proposed development; 25 mm is the current minimum service size permitted in the City. The Owner will be required to submit calculations to demonstrate domestic demand and required service size for the proposed development. The Owner will be required to provide an appropriately sized service to support this development. The Owner will be required to submit a deposit to Water Customer Service for service removal and inspections prior to commencing any work to replace the service. The City inspects all water service connections;
3. The Owner must obtain a Water Service Connection Permit 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;
4. The Owner's Contractor will be required to obtain a Street Excavation Permit prior to commencing any work to replace the water service within the City's road right-of-way;
5. The Owner's Contractor will be required to obtain a Road Occupancy Permit prior to commencing any work within the City's road right-of-way;
6. 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; and
7. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.

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.:		A04/2021	
DATE DUE TO PLANNING		December 11, 2020	
OWNER:		Niroshan Madavan	
APPLICANT / AGENT		Ken Beckendam	
ADDRESS		16 Arthur Street	
DEVELOPMENT ENGINEERING			

Conditions

- Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved


General Comments

- An application for Wastewater Allocation will be required for minor variances resulting in the creation of a new dwelling unit as per City of Brantford Wastewater Allocation Policy.
- The owner will be responsible to assign unit number identifiers to all units as per the newly created City of Brantford Street Naming and Addressing Guide.

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 G1 – Email from Member of Public

Sent: Sunday, January 3, 2021 6:07 PM

To: Sean House

Subject: 16 Arthur street

CAUTION EXTERNAL EMAIL This email originated from outside of the City of Brantford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Service Desk at 519-759-4222 ext. 5555

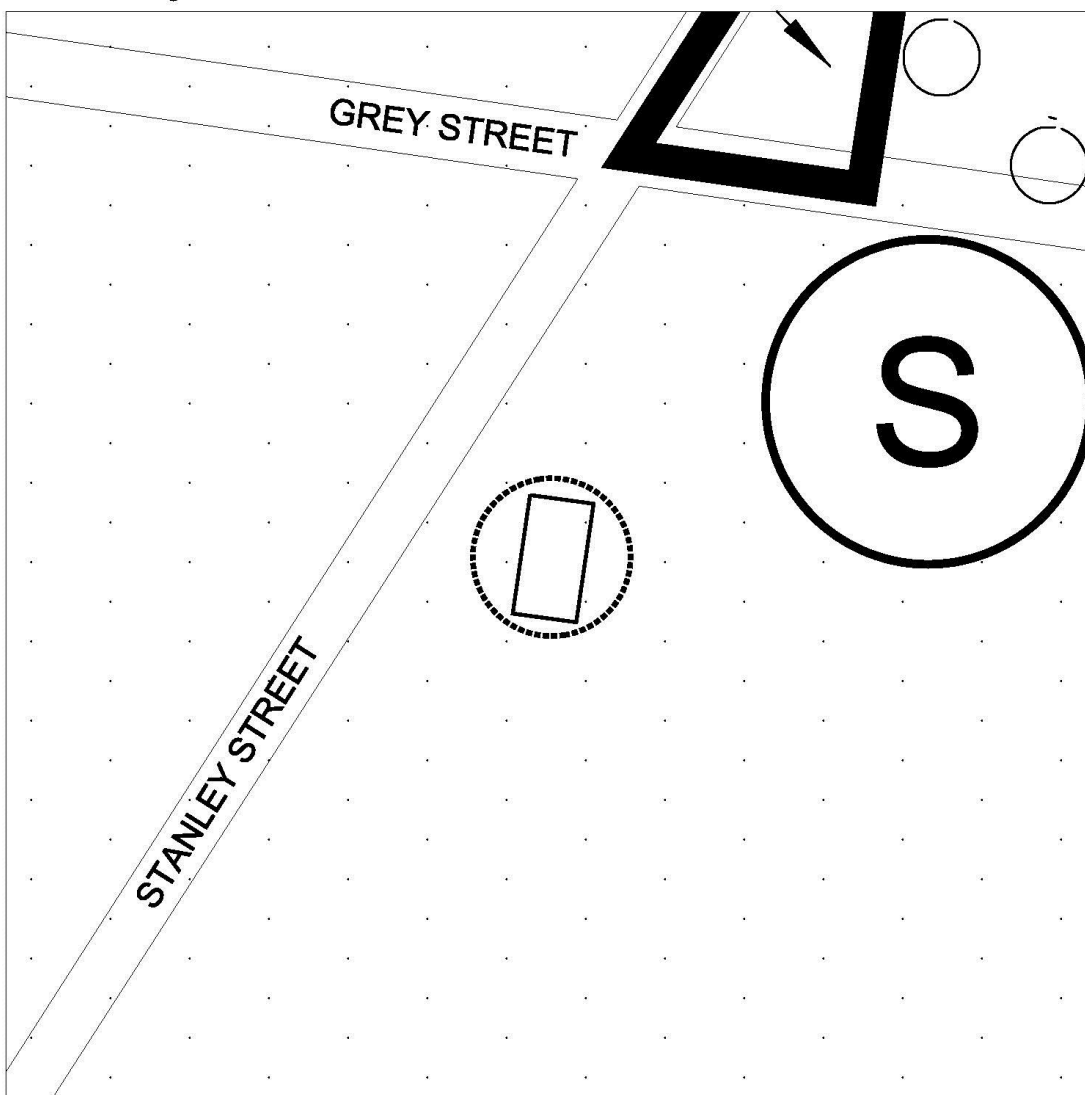
I would like to participate in the virtual meeting via zoom Over the year that it has been owned By Niroshan Madavan there has been very little work done But lots of promises of progress, break in, mess & a fire in nov 25|20

I live directly across from the house in proposed variance at 13 Arthur st Thank you Judy Tranmer

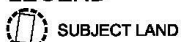
Appendix H – Official Plan Map

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
- CC COMMUNITY CENTRE COMMERCIAL AREA
- GC GENERAL COMMERCIAL AREA
- MCR MIXED COMMERCIAL RESIDENTIAL AREA
- DC DISTRICT CENTRE COMMERCIAL AREA
- NC NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HC HIGHWAY COMMERCIAL AREA
- NFC NEW FORMAT COMMERCIAL AREA

- (C) CEMETERY
- (S) ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- (SP) SPECIALIZED PARK and OPEN SPACE
- (CP) COMMUNITY PARK and OPEN SPACE
- (P) 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

