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Date January 14, 2021 **Report No.** 2021-75

To Chair and Members
City of Brantford Committee of Adjustment

From Alexandra Mathers
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO. A06/2021

AGENT Sadee Piper, White Willow Design

APPLICANT/OWNER Outbox Homes Inc.

LOCATION 181 Murray Street

3.0 Recommendation

- A. THAT Application A06/2021 seeking relief to permit tandem parking for a converted dwelling, whereas tandem parking is not permitted; to permit a tandem parking space within the front yard, whereas only one parking space is permitted within the front yard; and to permit a minimum lot area of 230 m², whereas 360 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 160-90, 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:

“Regards has been had for all written and oral submissions received from the public before the decision was made in relation this planning matter, as discussed in Section 6.2 of Report No. 2021-75.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 181 Murray Street. The applicant is proposing to convert the existing single detached dwelling into a converted dwelling with a total of two units. To facilitate the development as proposed, the applicant is seeking relief from the following Sections of Zoning By-law 160-90:

- Section 6.18.3.10 to permit tandem parking for a converted dwelling, whereas tandem parking is not permitted for a converted dwelling;
- Section 6.18.3.3 to permit a tandem parking space to be located within the front yard, whereas only one parking space is permitted within the front yard; and,
- Section 7.8.2.1.1.3 to permit a lot area of 230 m², whereas 360 m² is required for a converted dwelling.

The property is designated “Residential Area – Low Density” in the City’s Official Plan, and zoned “Residential Conversion (RC) Zone” in Zoning By-law 160-90. A location map and site plan illustrating the proposed conversion and parking are attached as **Appendices A and B**.

5.0 Site Features

The subject lands are located on the east side of Murray Street, north of Darling Street. An aerial photo and site photographs are attached as **Appendices C and D**. The property is located in a neighbourhood comprised of mostly single-detached dwellings, triplex and converted dwellings. Further to the west of the subject lands is Charlie Ward Park. The subject lands are an existing lot with an area of 242 m², and a single detached dwelling is located on the property. No survey was provided as part of the application. The provided site plan is based off of a Municipal Property Assessment Corporation (MPAC) assessment map which provided an area of 242.8 m². While the site plan indicates a lot area of 242 m², this number has been rounded down to account for tolerances in lot

area, as no survey was provided. The applicant has been advised of this, and understands that they will be proceeding at their own risk. No additions are proposed as a result of this application.

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. Development Engineering had requested that the applicant fill out the Wastewater Allocation Request form, which was subsequently submitted and reviewed, and Development Engineering is now satisfied. 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. At the date of the preparation of this Report no comments had 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 A06/2021 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 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 variety of low density dwelling types including single detached, semi-detached, duplex and triplex dwellings, and converted dwellings. The minor variances meet the intent of the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned “Residential Conversion (RC) Zone” in Zoning By-law 160-90 (**Appendix I**). The RC Zone permits a range of low density residential dwelling uses including converted dwellings. The proposed conversion of the existing single-detached dwelling to a converted dwelling creates a situation where additional lot area and parking are required. The proposed variances are to permit a smaller lot area of 230 m² for a converted dwelling, and to permit tandem parking for a converted dwelling which is proposed to be located partially within the front yard. The building is existing and no addition is proposed as part of this application. The front yard setback and encroachments are existing and considered legal non-conforming and would not require relief from the Zoning By-law. The subject lands comply with all other regulations of the By-law.

7.4 Planning Analysis and Conclusion

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.

7.4.1 Parking Variances

The use of the existing driveway in the front yard for proposed tandem parking is minor in nature as it is not expected to have an adverse impact on adjacent properties. Permitting tandem parking within the existing driveway will allow for the required two off-street parking spaces for the converted dwelling and reduce the number of cars parked on the street.

The Official Plan lists criteria for minor variance applications, including if the building is in keeping with the adjacent development, adequate provisions are made for off-street parking and adequate landscaping can be provided on the lot. The proposed variances would provide the required off-street parking and adequate landscaping can still be provided. Planning Staff are of the opinion that the general intent of the Official Plan is maintained.

Section 6.18.3.10 of Zoning By-law 160-90 provides that tandem parking spaces shall be prohibited, with the exception of bed and breakfast establishments, home occupations and accessory dwelling units where tandem parking spaces shall be permitted.

This section of the Zoning By-law was recently amended to allow for tandem parking for accessory dwelling units in order to ensure consistency with the *Planning Act*, more specifically, the changes brought forward through Bill 108, the *More Homes More Choice Act*, 2019. These changes under Bill 108 added regulations to remove barriers for establishing additional dwelling units including permitting tandem parking for an additional dwelling unit. The recent amendments to the Zoning By-law focused solely on accessory dwelling units and did not consider changes to the permitted parking for converted dwelling units. While these changes did not permit tandem parking for converted dwellings, it did allow it for accessory dwelling units, which is similar to the proposed converted dwelling with a total of two units. It is Planning Staff's opinion that permitting tandem parking for the proposed converted dwelling would remove barriers to establishing an additional dwelling unit as it would permit the use of the existing building and driveway to be used without changes to the existing lot and would align with Provincial policy. Planning Staff are of the opinion that the proposed variance is appropriate and desirable use of the land as it will permit an additional dwelling unit, which provides an additional housing alternative.

The intent of not permitting tandem parking is to ensure that each parking space is accessible at all times. Permitting tandem parking on the subject lands will allow for the additional parking space to be provided on the lot while maintaining the existing building and driveway. The subject lands are also in close

proximity (10 minute walk) from downtown Brantford and has access to transit within the immediate area. Planning Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

Section 6.18.3.3 of the Zoning By-law provides that the required parking space shall not be located in a minimum front yard, except for single-detached, semi-detached, duplex, townhouse, accessory dwelling or converted dwelling, where the required parking space cannot be provided behind the front wall of the main building to a maximum of one parking space per property. The intent of this section of the Zoning By-law is to limit the amount of parking spaces within the front yard and ensure that landscaped open space is provided within the front yard. A small portion of the proposed tandem parking space is provided within the front yard. A tandem parking space *“shall mean two parking spaces, one behind another, which are accessed by the same driveway or traffic aisle”* as defined in Zoning By-law 160-90. The proposed tandem parking space does not meet the one parking space requirement under Section 6.18.3.3 and while there is additional room for the tandem parking space to be provided behind the front wall of the existing building, the proposed parking space would impact the existing side yard entrance for the proposed second dwelling unit. The proposed location of the tandem parking space will be within the existing driveway and will not impact the front yard landscaped open space. Planning Staff are of the opinion that the intent of the Zoning By-law is maintained, and supports this request.

7.4.2 Lot Area for a Converted Dwelling

The decrease in minimum lot area for a converted dwelling is minor in nature as it is not expected to have an adverse impact on adjacent properties. The application is desirable for the development and use of the land as the lot will still provide area for off-street parking. The proposed infill development makes efficient use of land and the existing building stock in Brantford.

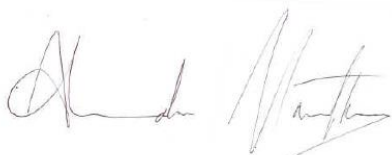
Section 7.8.2.1.1.3 of the Zoning By-law 160-90 establishes a minimum lot area requirement to ensure that a lot is large enough to accommodate a converted dwelling, off-street parking and

amenity space. It is Planning Staff's opinion that the lot area is adequate to accommodate the additional dwelling unit as it provides the required off-street parking and amenity space, and is of the opinion that the proposed variance meets the intent of the Zoning By-law.

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 Official Plan.

7.5 Conclusion

A site visit was conducted on December 17, 2020. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The minor variances 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 recommend that application A06/2021 be approved.



Prepared by: Alexandra Mathers
Development Planner
Prepared on: January 8, 2021



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

Appendix A – Location Map

LOCATION MAP

Application: A06/2021
181 Murray Street

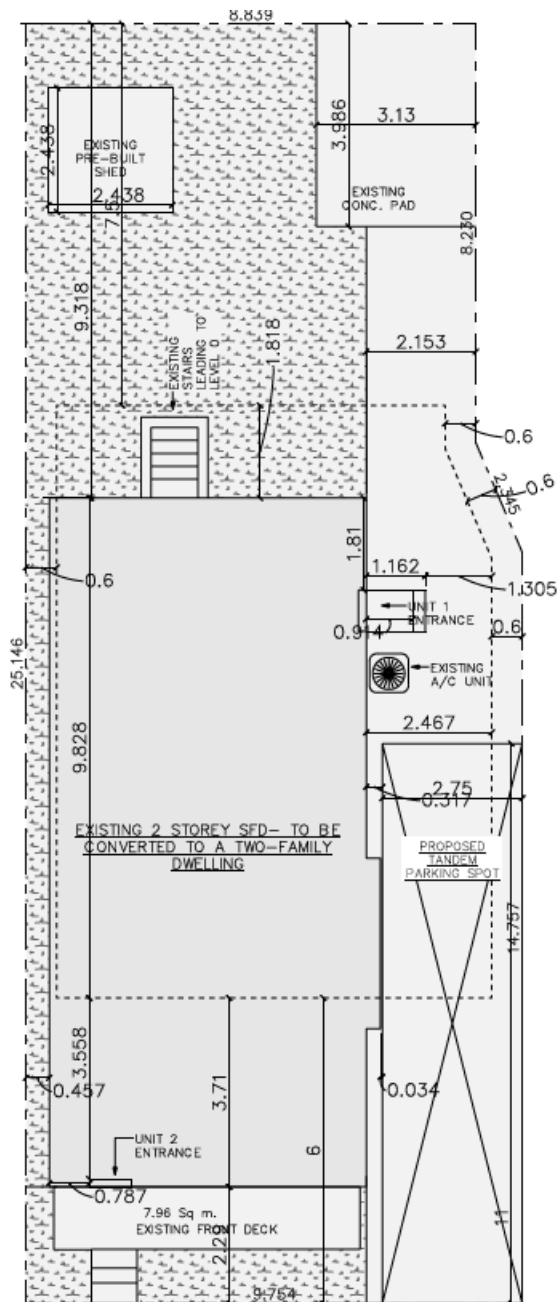


Legend

 SUBJECT LAND



Appendix B – Site Plan



Front Landscaped Area
Existing Total: 22.34 sq. m.
Landscaped Area: 6.84 sq. m.

30% of the Front Yard Area is Landscaped

Appendix C – Aerial Photograph

AERIAL PHOTO

Application: A06/2021
181 Murray Street



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix D – Site Photograph



Photo looking towards the existing single detached dwelling and driveway at 181 Murray Street.

Appendix E – Building 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° A06-21

SITE: 181 Murray Street
TO PERMIT: Various
APPLICANT: Sadee Piper

COMMENTS:

BYLAW: 160-90 ZONE: RC

- Relief is required from section 6.18.3.3 of the Zoning Bylaw 160-90 to permit the tandem parking space within the front yard.
- Relief is required from Section 6.18.3.10 of the Zoning bylaw 160-90 to permit a tandem parking space for a converted dwelling
- Relief is required from the Section 7.8.2.1.3 of the zoning bylaw 160-90 to permit a lot area of 248 m² whereas 360 m² is required.
- Building Permit must be obtained prior to any proposed construction.

Marta Schultz
Senior Plans Examiner

11/24/2020

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.:		A06/2021	
DATE DUE TO PLANNING		December 11, 2020	
OWNER:		Justin Creighton	
APPLICANT / AGENT		Sadee Piper	
ADDRESS		181 Murray Street	
TRANSPORTATION			

- Options should be considered such that misuse of on-street parking does not result from the tandem configuration (eg. wording in the rental agreement).

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.:	A06/2021
DATE DUE TO PLANNING	December 11, 2020
OWNER:	Justin Creighton
APPLICANT / AGENT	Sadee Piper
ADDRESS	181 Murray Street
ENVIRONMENTAL SERVICES	

I reviewed the subject noted application and associated survey—as prepared by Sadee Piper—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.:	A06/2021
DATE DUE TO PLANNING	December 11, 2020
OWNER:	Justin Creighton
APPLICANT / AGENT	Sadee Piper
ADDRESS	181 Murray 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 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 Public Notification

AREA OF PUBLIC NOTIFICATION

Application: A06/2021
181 Murray Street



Legend

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



Appendix H – Official Plan

OFFICIAL PLAN

Application: A06/2021
181 Murray 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
- 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

ZONING

Application: A06/2021
181 Murray Street



Legend

-  Subject Land
-  Zone Boundary

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

RC Residential Conversion
- # Exception Number

