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Date March 4, 2021 **Report No.** 2021-176

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.	A11/2021
AGENT	John Labinowicz
APPLICANT/OWNER	Lisa Anne Labinowicz
LOCATION	3 Allwood Street

3.0 Recommendation

- A. THAT Application A11/2021 seeking relief from Section 7.3.2.1.6 of Zoning By-law 160-90 to permit a rear yard of 1.8 m, whereas 7.5 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 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:

“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. 2021-176.”

4.0 Purpose and Description of the Application

A minor variance application has been received for the lands municipally addressed as 3 Allwood Street. The applicant is proposing to expand their existing attached garage into a double car garage. To facilitate the development as proposed, the applicant is seeking relief from Section 7.3.2.1.6 of Zoning By-law in order to permit a rear yard of 1.8 m, whereas 7.5 m is required. While the site plan for the proposed addition indicates a rear yard of 1.88 m, this number has been rounded down by Staff to account for tolerances during the construction process.

The property is designated “Residential Area – Low Density” in the Official Plan, and zoned “Residential Type 1 B (R1B) Zone” in Zoning By-law 160-90. A location map and site plan illustrating the addition are attached as **Appendices A and B**.

5.0 Site Features

The subject lands are located at the northwest corner of Allwood Street and Waddington Street. An aerial photo and site photographs are attached as **Appendices C and D**. The property is located in a neighbourhood comprised mostly of single detached dwellings. Highway 403 is located south of the subject lands. The Wayne Gretzky Sports Centre and North Park Collegiate and Vocational School are located further to the west and northwest. Commercial and institutional uses are located along Fairview Drive to the north. A single detached dwelling fronting Waddington Street occupies the property.

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 Staff had requested a site grading and drainage plan in order to illustrate the drainage for the site. The provided grading and drainage plan provided a solution that can be incorporated into the proposed garage addition, and Development Engineering Staff are satisfied with the provided plan (see **Appendix E**).

Building, Site Alteration and Driveway permits will be required for the proposed addition and Road Excavation and Road Occupancy permits if required. Detailed comments from Building and Engineering Departments are attached as **Appendices F** and **G**.

6.2 Public Response

Notice of public hearing was issued by personal mail (23 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 H** of this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A11/2021 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 I**). 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 variance meets the intent of the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "Residential Type 1 B (R1B) Zone" in Zoning By-law 160-90 (**Appendix J**). The R1B Zone permits single detached

dwelling. The proposed variance is to permit a rear yard of 1.8 m, whereas 7.5 m is required. 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.

The proposed reduced rear yard is considered minor in nature and appropriate use and development of the lands as it is not expected to have an adverse impact on the neighbouring properties.

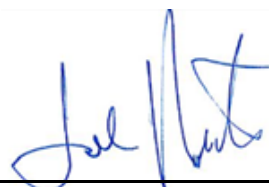
The intent of the minimum rear yard provision is to ensure that sufficient amenity space is provided. The subject lands have a unique lot and building configuration. The property is considered a corner lot with frontage along both Allwood Street and Waddington Street. The front lot line is considered as the Allwood Street frontage. The single detached dwelling is L-shaped, with the principal façade addressing the Allwood Street right-of-way, with the driveway access and garage off of the Waddington Street right-of-way. The existing rear yard is 6.15 m deep, and is currently not used as the main amenity space for the subject lands. Due to the shape of the single detached dwelling and the lot facing two streets, the interior side yard functions as amenity space for the dwelling unit and is approximately 90 m² in size. The owner currently uses this space as amenity space and has built a deck and planted a hedge along the north lot line in order to create additional privacy for their amenity space. Planning Staff are of the opinion that the interior side yard provides adequate amenity space for the dwelling unit. The proposed 1.8 m rear yard will allow for sufficient access to the interior side yard and is sufficient for the proposed drainage solution as illustrated on the grading and drainage plan (see **Appendix E**). No windows are proposed on the west elevation of the proposed garage expansion and provide an additional privacy measure for the neighbouring lot (see **Appendix K**). Planning Staff are of the opinion that the proposed rear yard will not create a negative impact on the surrounding properties and that the general intent of the Zoning By-law and Official Plan is maintained.

7.5 Conclusion

A site inspection was completed on February 18, 2021. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The minor variance will facilitate the expansion of the existing attached garage into a double car garage. For the reasons mentioned above, the minor variance satisfied the criteria of Section 45(1) of the *Planning Act*, and Staff recommend that application A11/2021 be approved.



Prepared By: Alexandra Mathers
Development Planner
Prepared on: February 25, 2021

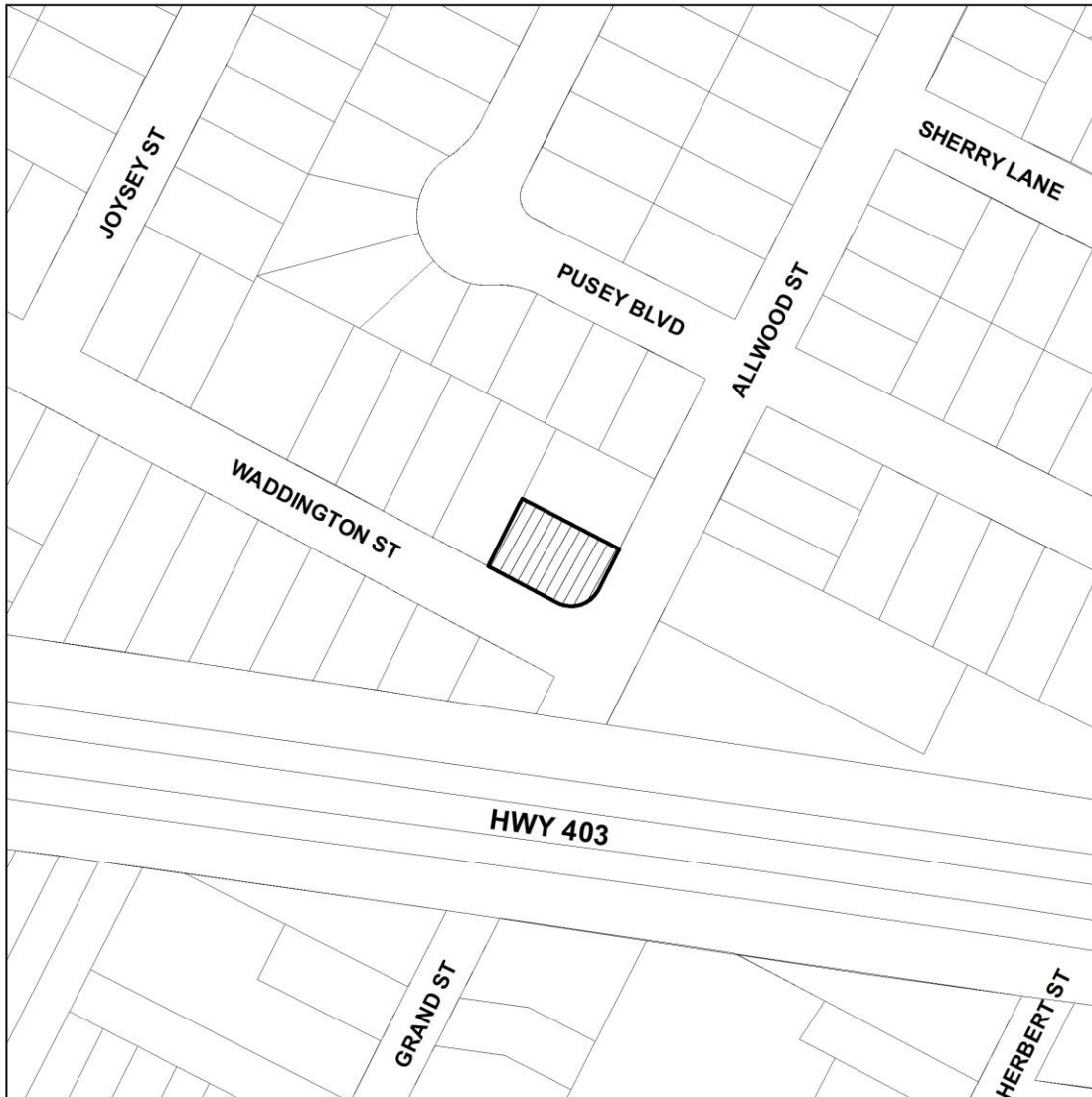


Reviewed By: Joe Muto, MCIP, RPP
Manager of Development Planning

Appendix A – Location Map

LOCATION MAP

Application: A11/2021
3 Allwood Street



Legend

 SUBJECT LAND



Appendix C – Aerial Photo

AERIAL PHOTO

Application: A11/2021
3 Allwood Street



Legend

 Subject Land

Aerial Photo from Spring 2017

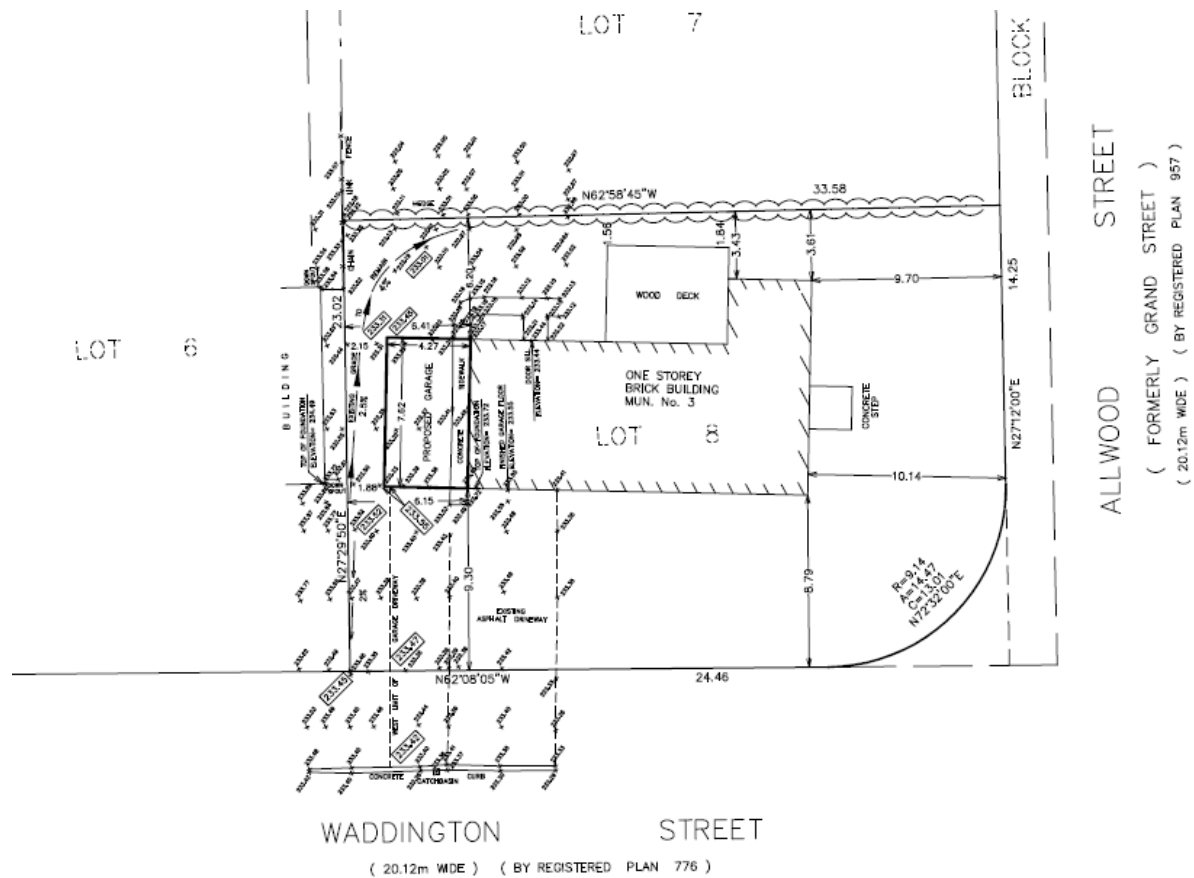


Appendix D – Site Photograph



Photo from Waddington Street illustrating the location of proposed garage expansion and existing rear yard.

Appendix E – Grading and Drainage Plan



Appendix F – 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°.....A11/2021

SITE: 3 Allwood St

APPLICANT: Lisa Anne Labinowicz

COMMENTS:

BYLAW: 160-90 ZONE: R1B

- Variance is required to permit a rear yard of 1.8m, whereas 7.5m is required.
- Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may be applicable to any new development.

Marta Schultz
Senior Plan Examiner

2/23/21
Date

Appendix G – 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.:		A11/2021	
DATE DUE TO PLANNING		February 5, 2021	
APPLICANT / OWNER		Lisa Anne Labinowicz	
AGENT		John Labinowicz	
ADDRESS		3 Allwood 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.:		A11/2021	
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APPLICANT / OWNER		Lisa Anne Labinowicz	
AGENT		John Labinowicz	
ADDRESS		3 Allwood Street	
ENVIRONMENTAL SERVICES			

- I reviewed the subject noted application and associated survey—as prepared by Lisa Anne Labinowicz—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 -	
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ADDRESS	3 Allwood Street
DEVELOPMENT ENGINEERING	

Conditions

- No conditions.

General Information

- 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.
- A Driveway Permit will be required for any new proposed driveways.
- A Road Excavation Permit will be required for any proposed excavation within the municipally owned road.
- A Road Occupancy Permit will be required for any proposed work within the municipally owned road.

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

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

February 18, 2021
DATE


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

Appendix H – Area of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: A11/2021
3 Allwood Street



Legend

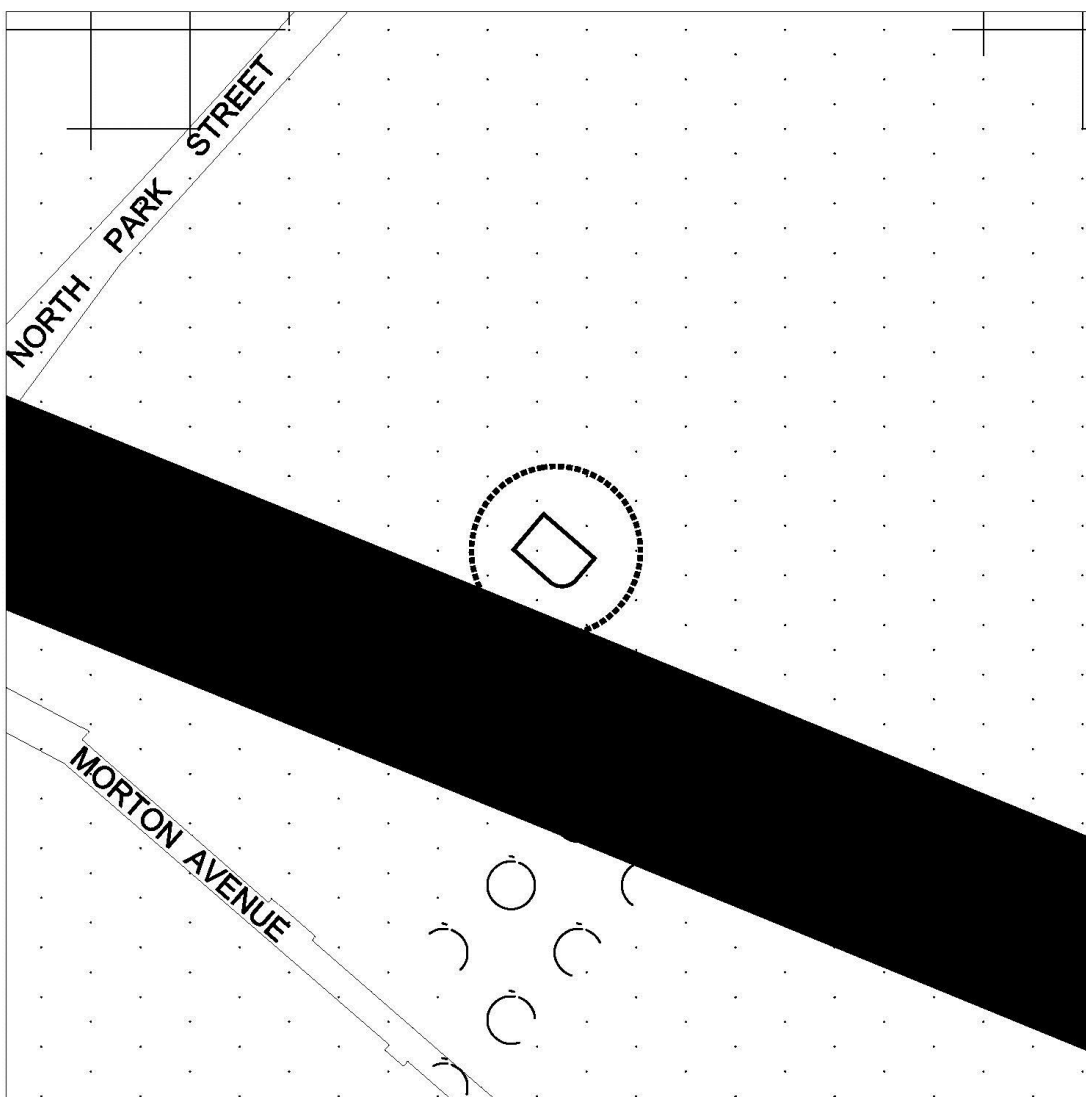
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix I – Official Plan

OFFICIAL PLAN

Application: A11/2021
3 Allwood 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 J – Zoning By-law

ZONING

Application: A11/2021
3 Allwood 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
- R4A Residential Medium Density Type A
- # Exception Number



Appendix K – Elevations

