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Date October 6, 2021 **Report No.** 2021-639

To Chair and Members
City of Brantford Committee of Adjustment

From Sean House, MCIP, RPP
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.	A33/2021
APPLICANT/OWNER	Joseph Petiti
LOCATION	21 Slater Street

3.0 Recommendation

- A. THAT Application A33/2021 requesting relief from the City of Brantford Zoning By-law 160-90 to permit a maximum lot coverage of 14% for an accessory building, whereas a maximum lot coverage of 10% is permitted BE APPROVED;
- 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 lands; 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2021-639.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 21 Slater Street. A location map is attached as **Appendix A**. The applicant is proposing to construct a detached garage approximately 80 m² in area and 4.4 m in height at the southern end of the property. To facilitate construction, the applicant requires relief from Section 6.3.1 of Zoning By-law 160-90 to permit a maximum lot coverage of 14% for an accessory building, whereas 10% is the maximum lot coverage permitted. A conceptual site plan and elevation illustrating the proposed accessory building are attached as **Appendices B and C**.

5.0 Site Features

The subject lands are located on the southeast corner of the Slater Street and Roberts Avenue intersection. An aerial photo and site photographs are attached as **Appendices D and E**. A single detached dwelling occupies the site which fronts on to Slater Street. The subject lands are surrounded by single detached dwellings in all directions.

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 Public Works Departments are attached as **Appendices F and G**.

6.2 Public Response

Notice of public hearing was issued by personal mail (43 notices) and by posting a sign on-site. At the time of writing this Report no public comments or objections have 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 A33/2021 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 Envisioning Our City: 2051

The subject lands are designated "Residential Designation" on Schedule 3 of the City of Brantford's Official Plan (**Appendix I**). The "Residential" designation permits a full range of residential dwelling types and accessory buildings, including the existing single detached dwelling and proposed garage. The subject 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 1B (R1B)" in Zoning By-law 160-90 (**Appendix J**). The R1B Zone permits single detached dwellings and accessory uses, buildings and structures. Aside from the increase in maximum lot coverage, the proposed development will continue to satisfy all zoning requirements of the R1B Zone.

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 increase in maximum lot coverage is considered minor in nature as it is not expected to have an adverse impact on neighbouring properties. The proposed minor variance is desirable for the appropriate use and development of the lands as similar accessory buildings are found throughout the neighbourhood, including directly south of the proposed building.

The intent of this regulation is to ensure that accessory buildings and structures are not excessive in size and that sufficient open space is provided on the property. Planning Staff are of the opinion that the proposed accessory building is not excessive in size at 80 m² (14 % lot coverage) and that adequate open space is still provided on the subject property. Further, the proposal is considered compatible with the character of the neighbourhood in accordance with Section 5.1 c) of the Official Plan, Development Proposal Review. Multiple corner lots within the vicinity of the subject lands share a similar layout of an accessory building with access through the exterior side yard. A Site Alteration Permit will be required for any modifications made to the site as defined by the Site Alteration By-law 28-2011. Planning Staff are of the opinion that the general intent of the Official Plan is maintained as the Residential designation permits the single detached dwelling which this proposed garage is accessory thereto.

It is noted that an accessory building currently exists on the subject lands. The applicant has been advised that this building counts towards the total lot coverage for accessory buildings on the property. Should this application be approved, the existing accessory building will need to be demolished or otherwise removed before a building permit can be issued for the proposed garage.

7.5 Conclusion

A site inspection was completed on September 24, 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 construction of an accessory building which is a permitted use. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommend that application A33/2021 be approved.



Prepared by: Sean House MCIP, RPP
Development Planner
Prepared on: September 29, 2021



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

Appendix A – Location Map

LOCATION MAP

Application: A33/2020
21 Slater Street

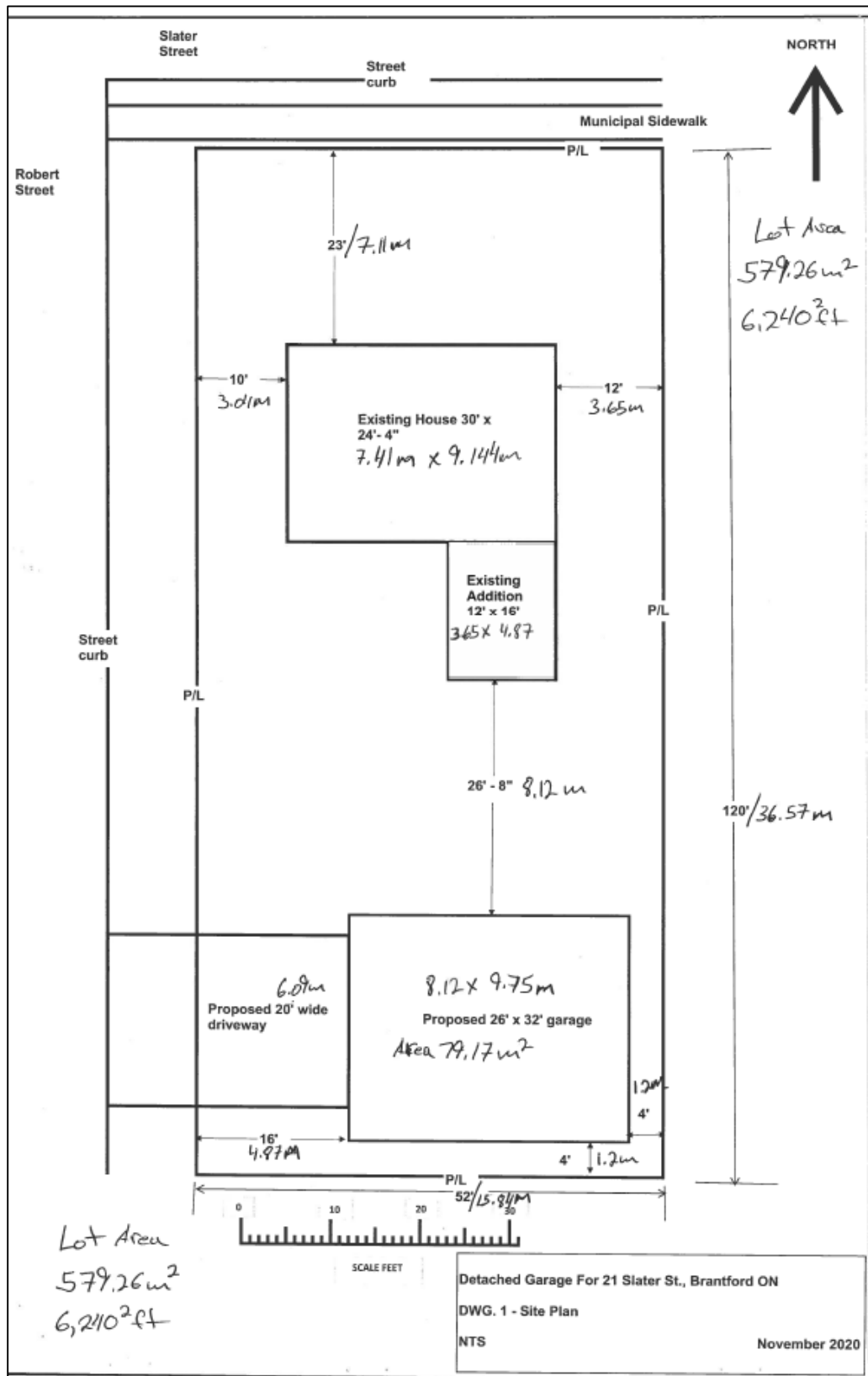


Legend

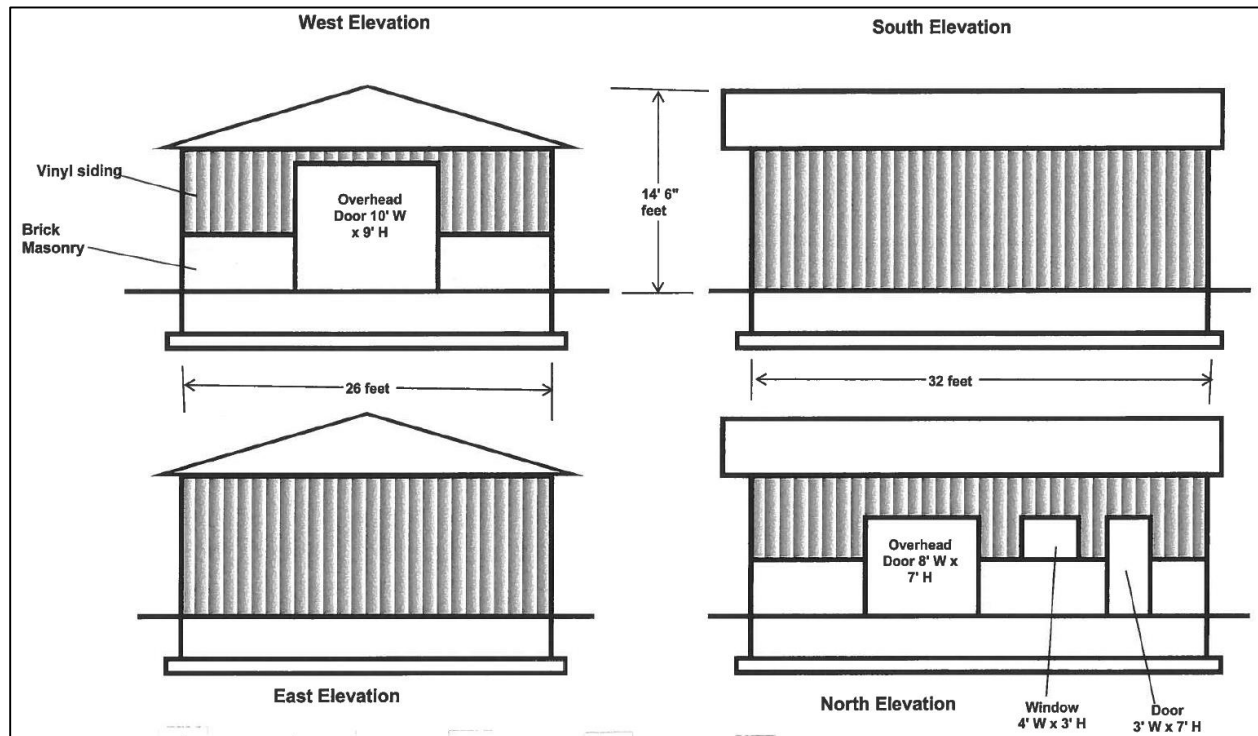
 SUBJECT LAND



Appendix B – Conceptual Site Plan



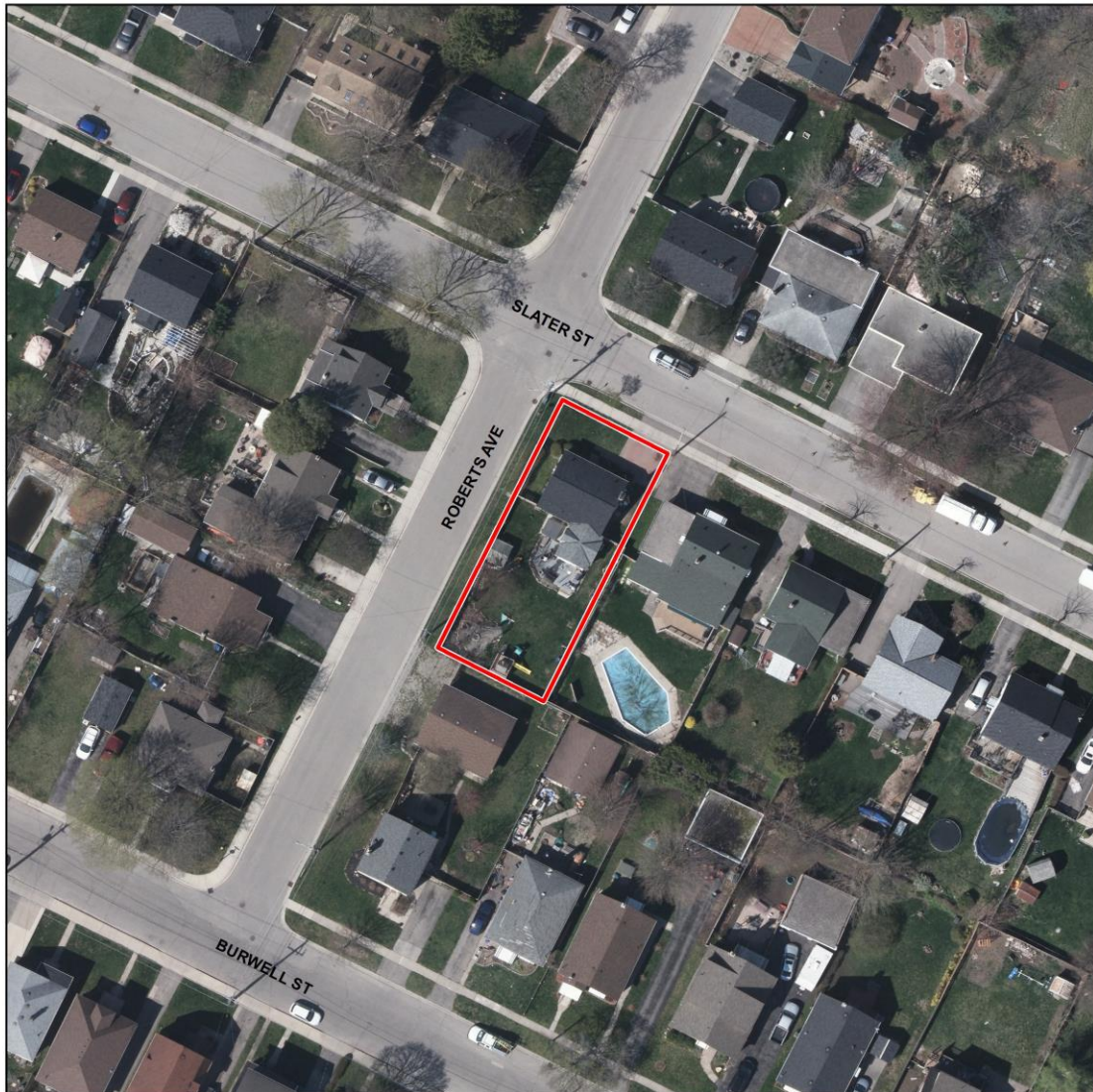
Appendix C – Conceptual Elevations




Appendix D – Aerial Photo

AERIAL PHOTO

Application: A33/2020
21 Slater Street



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix E – Site Photos



Photo 1: 21 Slater Street



Photo 2: Approximate location of proposed garage

Appendix F – Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

_____ MINOR VARIANCE	_____ SEVERANCE
_____ DRAFT PLAN OF SUBDIVISION	_____ ZONING BYLAW AMENDMENT
_____ OFFICIAL PLAN AMENDMENT	_____ DRAFT PLAN OF CONDOMINIUM
_____ RENTAL HOUSING PROTECTION ACT	_____ SITE PLAN CONTROL APPROVAL
	_____ RELIEF FROM PART LOT CONTROL

APPLICATION / SUBMISSION N^o A-33/2021

SITE: 21 Slater Street

APPLICANT: Joseph Petiti

COMMENTS:

BYLAW: 160-90 ZONE: R1B

- The proposed detached garage is 14% lot coverage whereas the Zoning bylaw Section 63 maximum lot coverage of all accessory buildings and structures shall be 10%. Variance is required.
- Any proposed construction will require that a building permit be applied for and approved through this department.

Shelly Kunkel
Shelly Kunkel
Senior Plan Examiner

September 10th, 2021
Date

Appendix G – Public Works 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.:		A33/2021	
DATE DUE TO PLANNING		September 10, 2021	
APPLICANT / OWNER		Joseph Petiti	
ADDRESS		21 Slater Street	
TRANSPORTATION			

1. All work proposed within the road allowance for the purpose of constructing, altering, or extending a driveway approach will require the contractor to obtain a Driveway Permit Application from the City of Brantford.
2. Any work proposed within the road allowance will require the contractor to obtain a temporary road/lane closure permit and adhere to the guidelines provided in Book 7 of the Ontario Traffic Manual.
3. Any existing driveway and curb cut that will not be utilized by the proposed driveways shall be restored to proper boulevard and curb.

Sivana Younan
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 -		
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ADDRESS		21 Slater Street	
ENVIRONMENTAL SERVICES			

I reviewed the subject noted application and Site Plan—as prepared by Joseph Petiti 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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DEVELOPMENT ENGINEERING			

- 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.

Nathan Xuereb, C. Tech.
Development Engineering Reviewer

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

September 14, 2021
DATE


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

Appendix H - Area of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: A33/2020
21 Slater Street



Legend

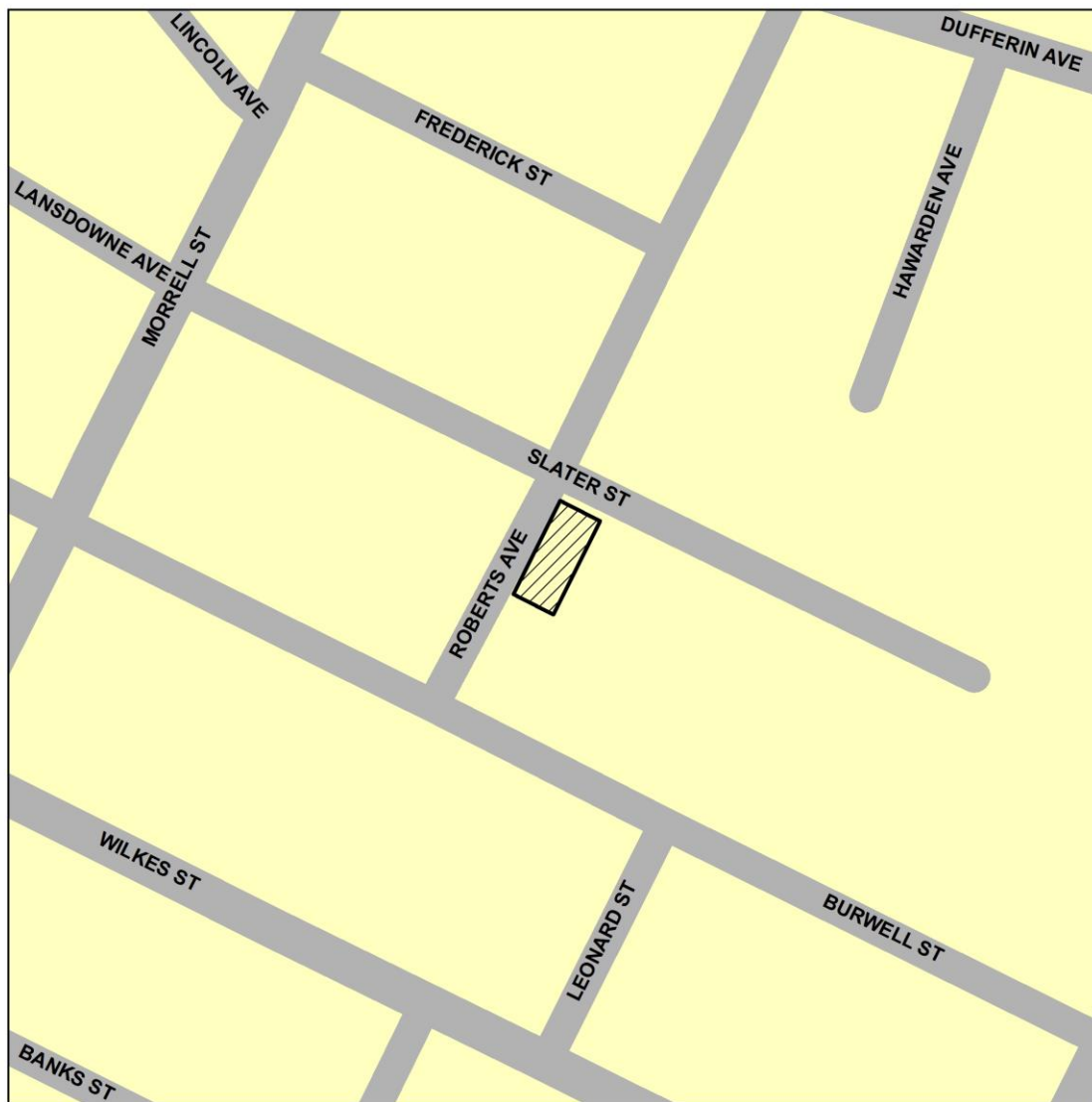
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land




Appendix I – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A33/2020
21 Slater Street



Legend

 Subject Land

Land Use

 Agricultural Designation

 Core Natural Areas Designation

Neighbourhoods

 Residential Designation


 Major Institutional Designation

 Parks and Open Space Designation


Strategic Growth Areas


 Downtown Urban Growth Centre Designation

 Major Commercial Centre Designation

 Intensification Corridor Designation

Employment Areas

 Prestige Employment Designation

 General Employment Designation


Symbols


 Sanitary Landfill Site


 Water Treatment Facility

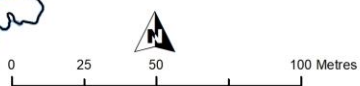
 Wastewater Treatment Facility

 Municipal Works Yard

 Transit Bus Barns

 Downtown Transit Terminal

 VIA Rail Station



Appendix J – Zoning

ZONING

Application: A33/2020
21 Slater Street



Legend

-  Subject Land
-  Zone Boundary

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

- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- M2 General Industrial
- # Exception Number

