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Date October 6, 2021 **Report No.** 2021-632

To Chair and Members
City of Brantford Committee of Adjustment

From Sarah Hague
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.	A37/2021
APPLICANT	Mazher Latif
OWNER	Noshaba Latif
LOCATION	118 Usher Street

3.0 Recommendation

- A. THAT Application A37/2021 requesting relief from Section 7.8.2.1.3 Zoning By-law 160-90 to permit a converted dwelling with a lot area of 272 m², whereas 360 m² is required, 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 160-90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the land; and,

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- 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. 2021-632.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 118 Usher Street. A location map is attached as **Appendix A**. The applicant is proposing to create a converted dwelling by turning the basement of the existing single detached dwelling into a separate unit for rental and using the existing single-car driveway to accommodate parking for both units in tandem. A conceptual site plan of the subject lands showing the proposed tandem parking space is attached as **Appendix B**. 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, whereas tandem parking is not permitted for converted dwellings
- Section 7.8.2.1.3 to permit a converted dwelling with a lot area of 272 m² (rounded from 272.8 m²), whereas 360 m² is required.

While the proposed site plan indicates a lot size of 272.8 m², this number has been rounded down by staff to account for any potential minor calculation errors.

5.0 Site Features

The subject lands are located on the south side of Usher Street between Bond Street and Niagara Street at the southern extent of Broad Street. An aerial photo and site photos are attached as **Appendices C** and **D**. The property is immediately surrounded by single detached dwellings, with a 2 to 3 storey apartment building on the north side of Usher and west side of Broad Street, and the Saorsie Co-operative Housing development to the west and City View Park to the northwest, further down Usher Street. The property is currently occupied by a single detached dwelling with a large uncovered deck at the back of the property and a single-car driveway on the west side of the house.

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies and no adverse comments were received. Detailed comments from the Building Department are attached as **Appendix E**. Planning Staff also advise that it appears that the proposed work at 118 Usher Street is internal to the building. However, 118 Usher Street is in an area of archaeological potential; if site alteration is proposed or is found to be necessary, an archaeological assessment and clearance will be required, beginning with a Stage 1 Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists. .

6.2 Public Comments

Notice of public hearing was issued by personal mail (47 notices) and by posting a sign on-site. A map of the area of notification is included as **Appendix F** of this Report. At the date of the preparation of this Report, written comments have been received from two nearby property owners, objecting to the variance for tandem parking. These comments are included as **Appendix G**.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A37/2021 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” on Schedule 3 of the City of Brantford’s Official Plan (**Appendix H**). The “Residential” designation permits a full range of residential dwelling types, including additional residential units, as well as supporting land uses intended to serve local residents. The subject application conforms to the policies set out in 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 types including converted dwellings. The proposal to convert the single detached dwelling into a converted dwelling is in keeping with the intent of the Zoning By-law, but required minor variances for parking and lot area to facilitate the development as proposed.

At the time that this application was submitted, tandem parking was only permitted for accessory dwelling units (and not converted dwellings), which triggered the need for a minor variance. However, on August 24, 2021, City Council passed By-law 166-2021 to amend Zoning By-law 160-90 with a number of housekeeping amendments, one of which included tandem parking for converted dwellings. As the proposed provision is now permitted pursuant to Zoning By-law 160-90 and minor variance for tandem parking is not required.

Aside from the proposed variance for lot area, the subject property will continue to satisfy all other zoning requirements of the RC 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.

As outlined in Section 7.3 of this Report, a variance from Section 6.18.3.10 of Zoning By-law 160-90 to permit tandem parking is no longer required so only the variance from Section 7.8.2.1.3 to permit a converted dwelling with a lot area of 272 m² will be reviewed in this section of the Report.

Section 7.8.2.1.3 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. The single detached dwelling already exists and no additions or exterior renovations are required to accommodate the addition unit. The decrease in minimum lot area for a converted dwelling is minor in nature as it will not change the character of the neighbourhood and 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.

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 3.1.d of the Official Plan promotes the supply of new affordable housing in a variety of locations, dwelling types and tenures. It is the opinion of Planning Staff that the proposal will maintain the general intent and purpose of the Official Plan.

For reasons discussed in Sections 7.2 and 7.3 of this Report, and for the matters outlined above, it is Planning Staff's opinion that the proposed minor variance application for reduced lot area of a converted dwelling meets the intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate development of the lands.


7.5 Conclusion

A site inspection was completed on August 23, 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 development of a new dwelling unit which will contribute to the City's range of housing stock. For the reasons mentioned above, the minor

variance satisfies the criteria of Section 45(1) of the *Planning Act*, and
Staff recommend that application A37/2021 be approved.



Prepared by: Sarah Hague
Planner, Development Planning
Prepared on September 29, 2021



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

Appendix A – Location Map

LOCATION MAP

Application: A37/2021
118 Usher Street

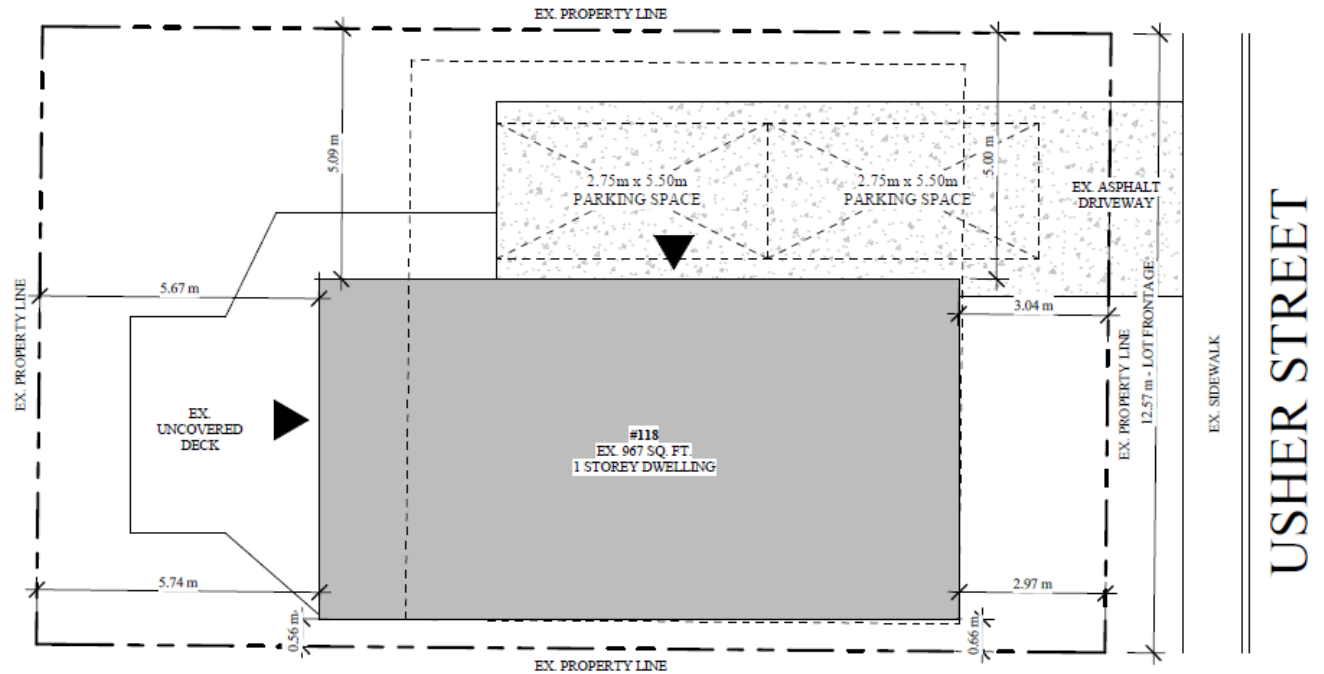


Legend

 SUBJECT LAND



Appendix B – Site Plan



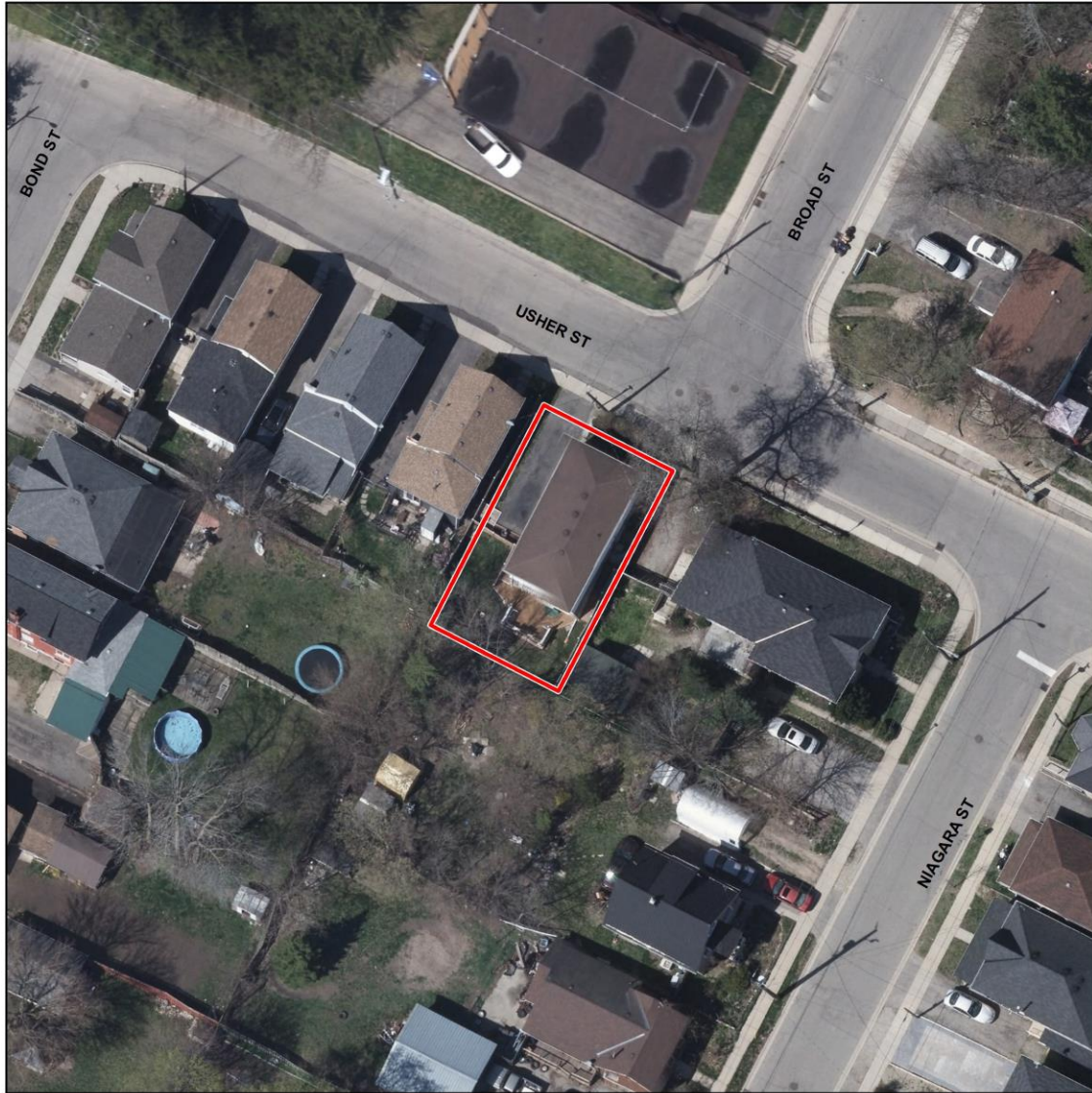
① SITE PLAN
1/8" = 1'-0"

SITE PLAN AND BUILDING STATISTICS		
Zoning	RESIDENTIAL CONVERSION - RC	
	Required	Existing / Proposed
Lot Area	360.0 sq.m	272.8 sq. m
Lot Frontage	9.0 m	12.57m
Lot Coverage	40.0%	32.9%
Required Floor Area	n/a	n/a
Required Bldg Area	70 sq. m/unit	179.6 sq. m
Front Yard Setback	as existing	2.97m
Rear Yard Setback	7.5m	5.67m
Int. Side Yard Setback	0.6m	0.56m/5.00m
Ext. Side Yard Setback	0.6m	n/a
Building Height	3 storeys	EX.
Landscaped Open Space	20.0%	34.3%

Appendix C – Aerial Photo

AERIAL PHOTO

Application: A37/2021
118 Usher Street



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix D – Site Photos



Photo 1: View of the Subject Property looking south

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°A XX/2021

SITE: 118 Usher St.

APPLICANT:

COMMENTS:

BYLAW: 160-90 ZONE: RC

- A minimum lot area of 350m² is required for converted dwellings.
- Tandem parking currently not permitted for converted dwellings.
- Any proposed construction will require that a building permit be applied for and approved through this department.

Marta Schultz
Municipal Building Official

8/10/21
Date

Appendix F – Area of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: A37/2021
118 Usher Street



Legend

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



Appendix G – Public Comments

From: David Rodgers [REDACTED]
Sent: Monday, September 20, 2021 11:00 AM
To: Clerks Office
Cc: [REDACTED]
Subject: Re file #A37/2021 variance app usher st

[Next](#) [Last](#)

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Hi. Usher street has no street parking. People are parking there on the sidewalk anyways. Tandem parking will cause more problems on usher and the adjoining streets. I reside on bond street and see many people who don't live there parking here and causing huge problems for residents to park currently and in the past.

I have a driveway and cant pull out of my driveway with a truck , I cant keep a small tent trailer or boat There because the street becomes blocked. I have called police and bylaw numerous times. Young street has become dangerous to drive onto from niagra street. It full and only one car can pass through making a left onto to young is a blind turn creating potential head on collisions. Parking in this area should require permit parking due to the hospital and lack of driveways. There's contractors that park trailers on the street another person with a camper who leaves it parked on ocassian. Snow plowing is almost none existant because of congested parking as well, my wife has been stuck in the snow in this block because the snow plow can't clear it due to parking. In summary tandem parking will just create more illegal parking on Usher and or congestion on adjacent streets.

Public Comment #1

-----Original Message-----
From: Georgina [REDACTED]
Sent: Monday, September 20, 2021 6:19 PM
To: Clerks Office
Subject: 118 Usher St.

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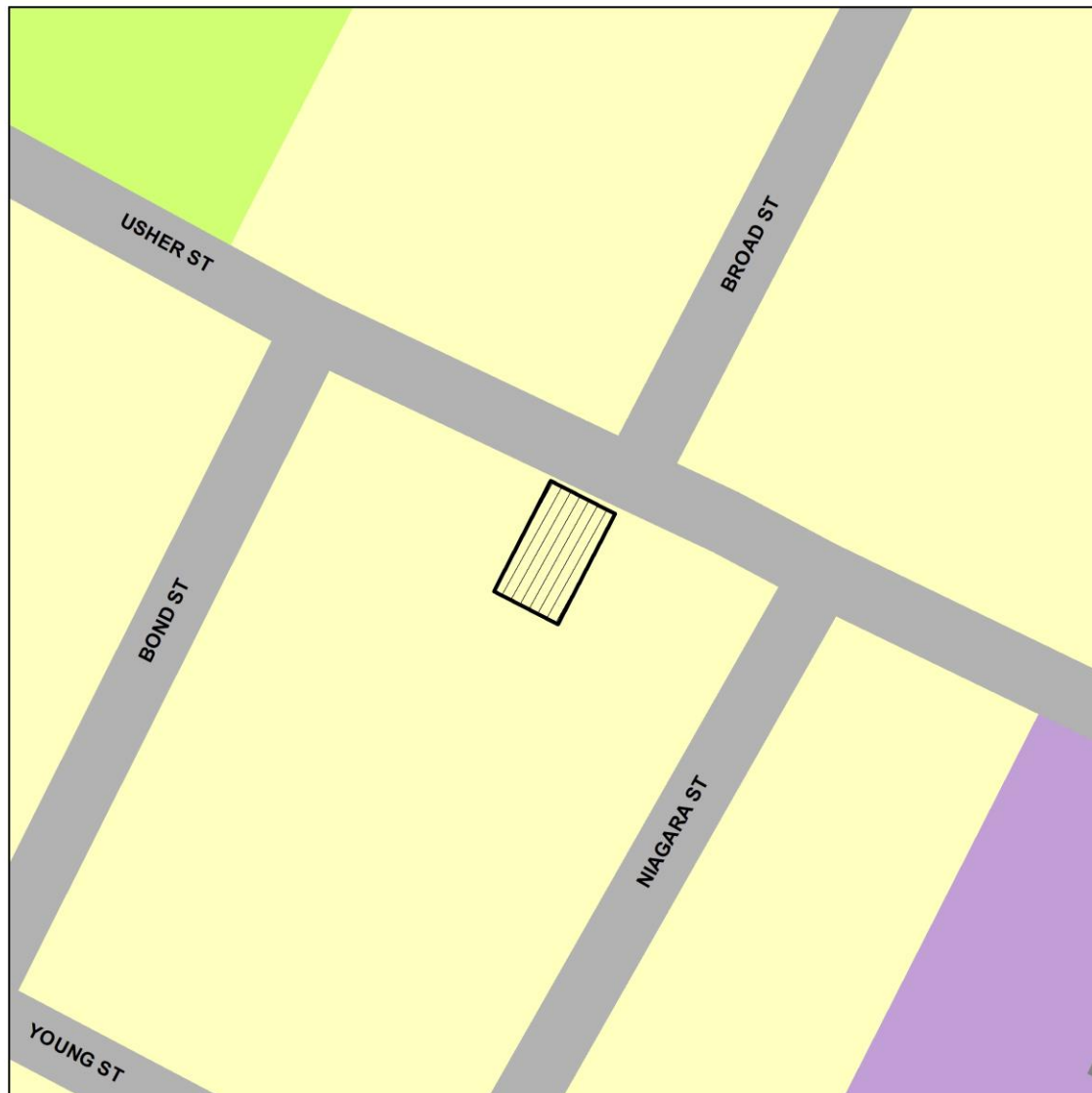
We do not approve making this single dwelling home in to two apartments making it a money grabber for the owner. There is not enough parking for two families on the property therefore creating parking on Broad Street which is a real problem especially in the winter months this has been done by others around doing the same example the house on the left of this property. The house originally was built as a single family dwelling there are no homes on Usher street that aren't owned outright they are all rentals. People tend not to vent renters and some cause problems. Consider that we will not approve this division on this HOME at this time.

Public Comment #2

Appendix H – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A37/2021
118 Usher Street



Legend

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 I – Zoning

ZONING

Application: A37/2021
118 Usher Street



Legend

-  Subject Land
-  Zone Boundary

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

- RC Residential Conversion
- R4A Residential Medium Density Type A
- R4B Residential Medium Density Type B
- RHD Residential High Density
- OS1 Open Space Type 1
- # Exception Number

