



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date December 1, 2021 **Report No.** 2021-750

To Chair and Members
City of Brantford Committee of Adjustment

From Alexandra Mathers, MCIP, RPP
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.	A43/2021
APPLICANT/OWNER	2687656 Ontario Limited
LOCATION	43 Maitland Street

3.0 Recommendation

- A. THAT application A43/2021 seeking relief from Zoning By-law 160-90 for the lands municipally addressed as 43 Maitland Street, BE REFUSED for the following variances:
- Section 6.18.1.1.6 to permit a parking space with a length of 4.8 m whereas 5.6 m is required;
 - Section 6.18.3.9 to permit 45 percent landscaped open space within the front yard whereas 50 percent is required; and
 - Section 7.8.2.1.1 to permit a lot area of 260 m², whereas 360 m² is required for a converted dwelling; and,

-
- B. THAT the reason(s) for refusal of the minor variances are as follows: the proposed variances are not in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is not considered minor in nature and is not 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 submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2021-750.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 43 Maitland Street. A location map and site sketch illustrating the proposed development are attached as **Appendices A** and **B**. The applicant is proposing to convert the existing single detached dwelling into a converted dwelling. In order to facilitate the development as proposed, the applicant is seeking relief from the following sections of the Zoning By-law 160-90:

- Section 6.18.1.1.6 to permit a parking space with a length of 4.8 m whereas 5.6 m is required;
- Section 6.18.3.9 to permit 45 percent landscaped open space within the front yard whereas 50 percent is required; and,
- Section 7.8.2.1.1 to permit a lot area of 260 m², whereas 360 m² is required for a converted dwelling.

5.0 Site Features

The subject lands are located on the east side of Maitland Street, south of Grey Street. A single detached dwelling exists on the property. No additions are proposed as a result of the conversion. The applicant has begun work on the building façade and interior, however these renovations are limited in scope (demolition, framing), and the applicant provided that the framing would be the same regardless if the dwelling continues as a single detached dwelling or if the conversion is approved. The neighbourhood is comprised of mostly single detached dwellings. Industrial and commercial uses exist north and northeast of

the property. An aerial photo and site photographs are attached as **Appendices C and D**.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all appropriate departments and agencies. Transportation Staff provided that the length of a passenger vehicle is 5.6 m as stated in Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads, and that the parking space reduction to 4.8 m in length may result in a vehicular overhang. This vehicular overhang would encroach onto the City right-of-way for Maitland Street. This comment is further discussed in Section 7.4 of this Report. 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 have been received. One individual reached out to Planning Staff with questions regarding the scope of the variance and wondering if the proposed variance would apply to their property. Planning Staff explained that the proposed variance would not apply to their lands, and they had no further comments. A map of the area of notification is attached as **Appendix G** of this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A43/2021 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 not consistent with the direction set out in the PPS, and does not conform to the Growth Plan. The Official Plan is the most important vehicle for implementation of Provincial Policy and, as discussed below in Section 7.4, the application does not conform to the Official 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 and accessory buildings, including single detached and converted dwellings, as well as supporting land uses intended to serve local residents. The subject application’s conformity to the policies set out in the Official Plan 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) Zone” in Zoning By-law 160-90 (see **Appendix I**). While the RC Zone permits converted dwellings, the proposed development requires relief from several regulations in Zoning By-law 160-90 relating to parking space length, minimum lot area, and minimum front yard landscaped open space as listed in Section 4 of this Report. The existing yards, lot coverage, encroachment and lack of parking space is considered non-complying for the existing dwelling as the development of the lot predates the Zoning By-law.

7.4 Planning Analysis

The Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met when evaluating the merits of a minor variance application. To be recommended for approval, a minor variance must maintain the general intent and purpose of the Official Plan and Zoning By-law, be minor in nature, and desirable for the appropriate development and use of the land. If a minor variance fails even one of the four tests, the application should not be approved.

The conversion of the single detached dwelling to a converted dwelling requires a total of three variances from Zoning By-law 160-90, including a variance for parking, lot area, and front yard landscaped open space.

A fundamental element of the Official Plan is the concept of compatible development. Section 5.1 of the Official Plan defines compatible development as “*development that respects or enhances the character of the community, without causing any undue, adverse impacts on adjacent properties.*” Section 5.1.c. of the Official Plan explains that for a development to be considered compatible, the use, height, massing, orientation and landscape characteristics of nearby properties should be properly considered. The Neighbourhoods Residential designation also provides under Section 5.2.1 (e) that an additional residential dwelling unit is permitted, subject to the provision of adequate on-site parking, and compliance with applicable Zoning By-law, Building Code and Fire Code requirements.

In Planning Staff’s opinion, compatibility is a fundamental element of the Official Plan and the proposed variances would not constitute compatible or appropriate development. The proposed parking space length would not provide the required parking space for the converted dwelling as it is unable to accommodate vehicle storage. The proposed parking space may create overhang onto the municipal right-of-way which creates an adverse impact on the neighbourhood and on City lands. Further, due to the size restrictions of the lot and the continuation of the building layout, the parking space can only be provided within the front yard, and the applicant is proposing to widen the driveway to accommodate the new space, which in turn reduces the amount landscaped open space provided within the front yard to less than what is required by the Zoning By-law. The Official Plan speaks to the orientation and landscape characteristics of neighbouring properties. The majority of lots within this neighbourhood provide parking within the side yard or rear yard for corner lots, and the proposed widening of the driveway would deviate further in regards to parking location and landscaping character in the area. In Planning Staff’s opinion the lot is unable to accommodate sufficient front yard landscaping as well as the required parking, and therefore the variances are not appropriate or compatible development of the lot, and do not meet the intent of the Official Plan.

The variance to permit a parking space length of 4.8 m is required pursuant to Section 6.18.1.1.6 of the Zoning By-law. The purpose of this variance is for the applicant to be able to provide the required parking space for the additional unit proposed. The proposed reduction in length is approximately 0.8 m, which would allow for the required parking space to be provided within the front yard.

The intent of Section 6.18.1.1.6 of the Zoning By-law is to ensure that a parking space is appropriate in length and width to accommodate vehicle storage, the opening of vehicle doors and the entering and exiting of a vehicle. Transportation Staff had provided comment on the length of the parking space, providing that the TAC Geometric Design Guide for Canadian Roads (2017) under Chapter 2, Table 2.4.1 outlines a 5.6 m length for passenger vehicles. The Zoning By-law was previously amended through a technical amendment (PZ-18-18, Report No. 2019-185) to reduce the length of standard off-street parking spaces from 6.0 m to 5.6 m. Staff reviewed comparator municipalities, and discussed with technical Staff and related documents and recommended a reduction to the current 5.6 m required length. Based on this review, the proposed parking space length of 4.8 m does not provide adequate length for vehicle storage as per transportation guidelines and the intent of the Zoning By-law is not maintained. Further, the proposed parking space length of 4.8 m will create an overhang of a vehicle into the municipal right-of-way. This encroachment of 0.8 m would impact the municipal right-of-way and would be the use of City owned lands for private use. While neighbouring properties dwellings encroach onto City property due to their non-complying status, the proposed would further create new concerns within the municipal right-of-way which are unacceptable. It is Planning Staff's opinion that the proposed variance is not minor in nature.


The intent of Section 6.18.3.9 of the Zoning By-law is to ensure that sufficient landscaped open space is provided within the front yard. The applicant is proposing to reduce the area of landscaped open space in order to accommodate additional a proposed paved driveway area and the associated parking space. As the proposed parking space is not sufficient in size to provide the vehicle storage, the reduction in landscaped open space would be not supported by Staff as it does not provide any value to the lot by reducing the landscaped area.

As previously mentioned, it is Planning Staff's opinion that the proposed converted dwelling is unable to accommodate the required parking or landscaped open space and considered an over intensification of the lot and inappropriate. The proposed variance is not minor in nature and does not meet the intent of the Zoning By-law.

As the proposed minor variances do not meet the four tests of the *Planning Act*, Staff recommend that application A43/2021 be refused.

7.5 Conclusion

A site inspection was completed on November 16, 2021. Upon completion of this visit and review of all relevant policies, Planning Staff are not supportive of the proposed minor variances. The proposed variances would result in a converted dwelling on a lot that is unable to accommodate the requirements of the Zoning By-law and would impact the municipal right-of-way negatively. Planning Staff are of the opinion that the proposed variances are not minor nature, are not appropriate development or use of the land, and do not meet the intent of the Official Plan or Zoning By-law. Planning Staff recommend that application A43/2021 be refused.



Prepared by: Alexandra Mathers MCIP,
RPP

Development Planner

Prepared on: November 25, 2021



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

Appendix A – Location Map

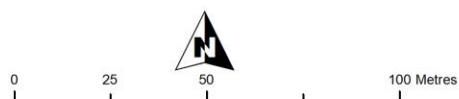
LOCATION MAP

Application: A43/2021
43 Maitland Street



Legend

 SUBJECT LAND



PROPOSING 2 PARKING SPACES
2.75m X 4.8m EACH ,
WHEREAS 2.75 x 5.6 IS
REQUIRED.

**SEEKING RELIEF TO
ALLOW (2) VEHICLES TO
PARK INSIDE THE "FRONT
YARD" WHEREAS (1) IS
CURRENTLY PERMITTED.**

**EXISTING
1 STOREY BRICK HOUSE**

**SEEKING RELIEF TO
ALLOW 2 UNIT DWELLING
ON A PROPERTY WHERE THE
ZONING REQUIRES
A MIN. OF 360 SQ. METERS .WE
HAVE A LOT OF
261 SQ. M.**

NEW DRIVEWAY

EXISTING DRIVEWAY

PROPERTY LINE BASED ON SURVEY

MIN. 50% LANDSCAPED FRONT YARD

**EXISTING CONC. WALK TO
BE RENOVATED AS REQ'D**

EXISTING CHAIN LINK FENCE

43 MAITLAND - EXISTING

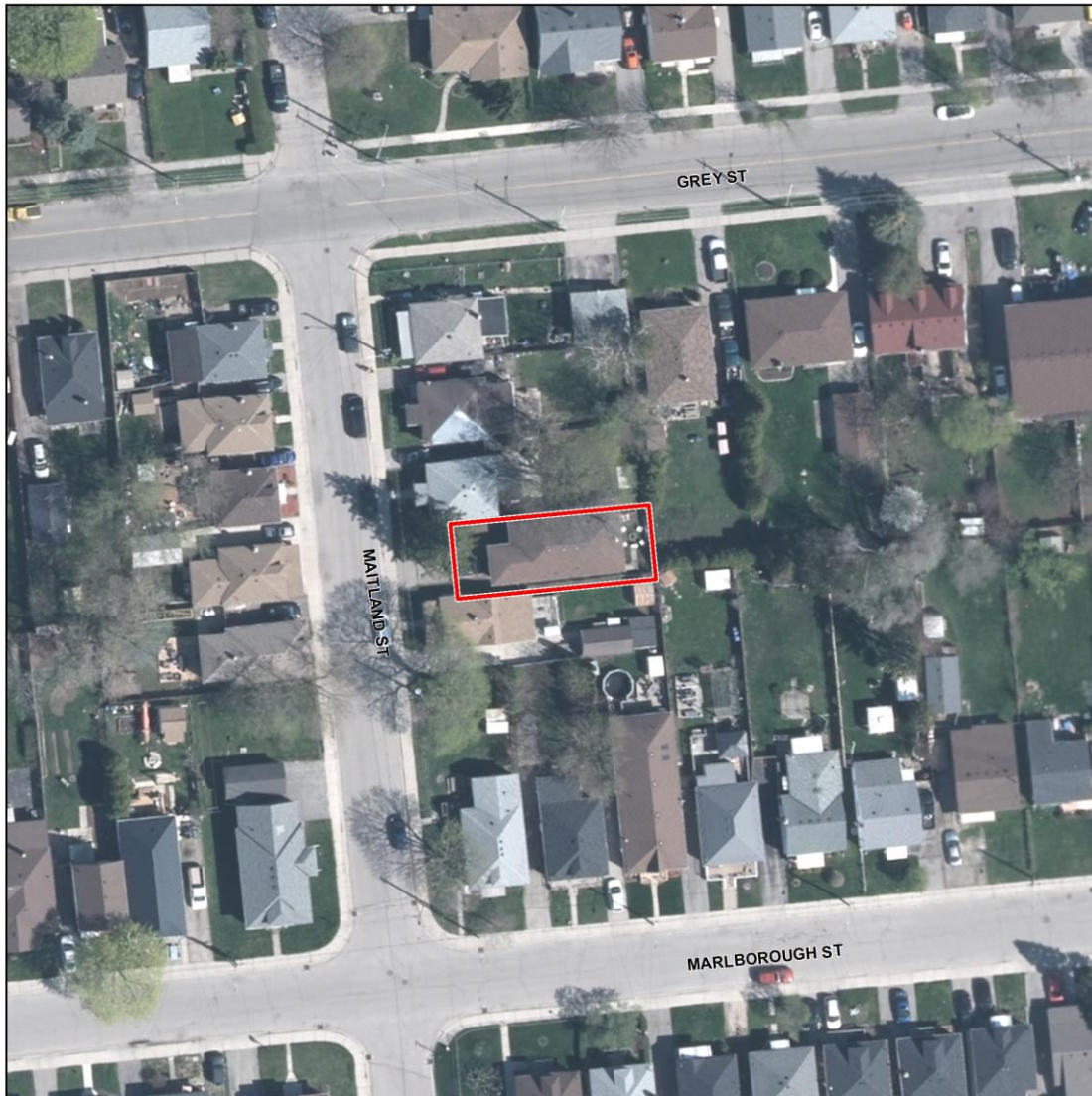
ZONING	RC- ALLOWS CONVERSIONS
--------	------------------------

Dimensions:
 15'-5" [4.69]
 4'-2" [1.27]
 4'-1" [1.22]
 25' [7.62]
 3'-8" [1.38]
 4'-1" [1.22]
 15'-9" [4.81]
 18' [5.5]
 33'-2" [10.1]
 25.84 (84'-9")

Appendix C – Aerial Photo

AERIAL PHOTO

Application: A43/2021
43 Maitland Street



Legend

 Subject Land

Aerial Photo from spring 2020



Appendix D – Site Photograph



Photo of existing single detached dwelling currently under renovations.

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°

SITE: **43 Maitland**

APPLICANT:

COMMENTS:

BYLAW: 160-90 ZONE: RC

- A minimum lot area of 260m² is required, whereas 260 m² is provided.
- Variance is required for the proposed parking space length of 4.8m, whereas 5.6 is required.
- 45% of front yard to be maintained as a landscape open space
- Any proposed construction will require that a building permit be applied for and approved through this department.

Marta Schultz
Municipal Building Official

11/23/21
Date

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.:	A43/2021
DATE DUE TO PLANNING	November 9, 2021
APPLICANT	2687656 Ont. Ltd.
ADDRESS	43 Maitland Street
TRANSPORTATION	

1. The length of a passenger vehicle as stated within the TAC manual is 5.6 m. Therefore, the reduction to 4.8m may result in vehicular overhang.

Sivana Younan
Transportation Technologist

ENVIRONMENTAL SERVICES

I reviewed the subject noted application and proposed 2 Unit Conversion plan—as prepared by Ralph Noack—on behalf of Environmental Services and have no objections or concerns but offer the following comments:

1. City Records indicate that the property is currently serviced by a 19 mm copper lateral;
2. If the existing service is determined to be inadequate then the Owner will be required to remove the existing water services and curb stops not utilized for this development. The service must be removed from the main to preserve water quality and prevent leaks and the curb stops removed to avoid confusion;
3. The existing curb stop must be protected at all times during construction and if repaving occurs when widening the driveway;
4. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code; and
5. 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.

Jennifer Elliott, LET, C.E.T., Dipl.M.M.
Manager of Capital and Development, Environmental Services

DEVELOPMENT ENGINEERING

> No comments.

Nathan Xuereb, C. Tech.
Development Engineering Reviewer

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

November 19, 2021
DATE


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

Appendix G – Area of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: A43/2021
43 Maitland Street



Legend

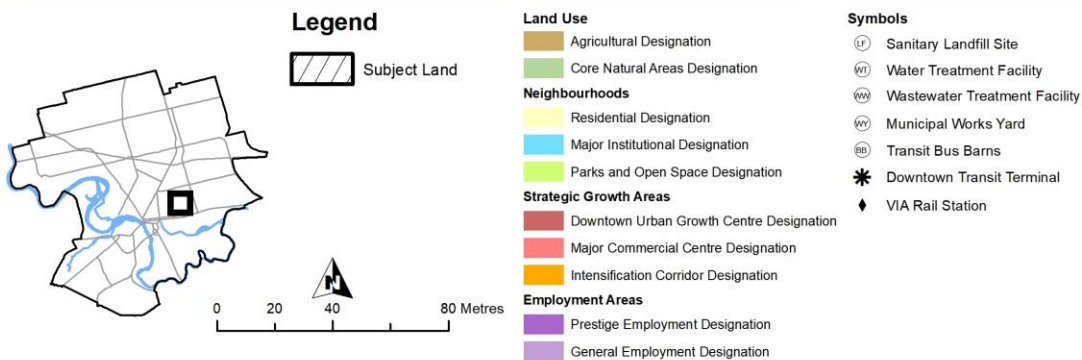
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix H – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A43/2021
43 Maitland Street





Appendix I – Zoning

ZONING

Application: A43/2021
43 Maitland 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)
- RC Residential Conversion
- R4A Residential Medium Density Type A
- I2 Institutional School
- C7 Convenience Commercial
- # Exception Number

