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**Date** June 7, 2023 **Report No.** 2023-375

**To** Chair and Members  
City of Brantford Committee of Adjustment

**From** Sarah Hague  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

## 2.0 Topic

**Application No.** A21/2023

**Agent** Arcadis/IBI c/o Odete Gomes

**Owner/Applicant** 2495494 Ontario Inc.

**Location** 242 Mount Pleasant Road

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## 3.0 Recommendation

- A. THAT application A21/2023 seeking relief from Section 7.3.2.1.7.2 of Zoning By-law 160-90 to permit an exterior side yard of 2.0 m, whereas an exterior side yard of 3.0 m is required, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variances are as follows: the proposed variances are 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 subject lands; 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 2023-375.”*

#### 4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 242 Mount Pleasant Street. These lands are being developed to accommodate 19 single detached dwellings. This development has been subject to other planning processes including a Zoning By-law Amendment (File No. PZ-16-2017 received approval on April 24, 2018), Site Plan Control (File No. SPC-34-2018 received final approval on May 7, 2021) and a Draft Plan of Condominium (File No. 29CD-17503 received draft approval on May 2, 2018). The site specific zoning by-law amendment included a Schedule ‘B’, which provided for additional deviations from the zone requirements for certain lots. The Schedule ‘B’ map is included below as **Figure 1**.

At this time, the owners are in the process of finalizing the condominium conditions. Site servicing has been completed on the subject property in accordance with the municipal standards.

To facilitate construction, a minor variance has been requested for Lot 1 to Section 7.3.2.1.7.2 of Zoning By-law 160-90 to permit an exterior side yard of 2.0 m, whereas the Zoning By-law requires a minimum exterior side yard of 3.0 m. The variance is requested so as to ensure that the development is compatible with the scale and character of the surrounding lands. The approved Site Plan and proposed Lot 1 site layout are included as **Figures 2** and **3** below.

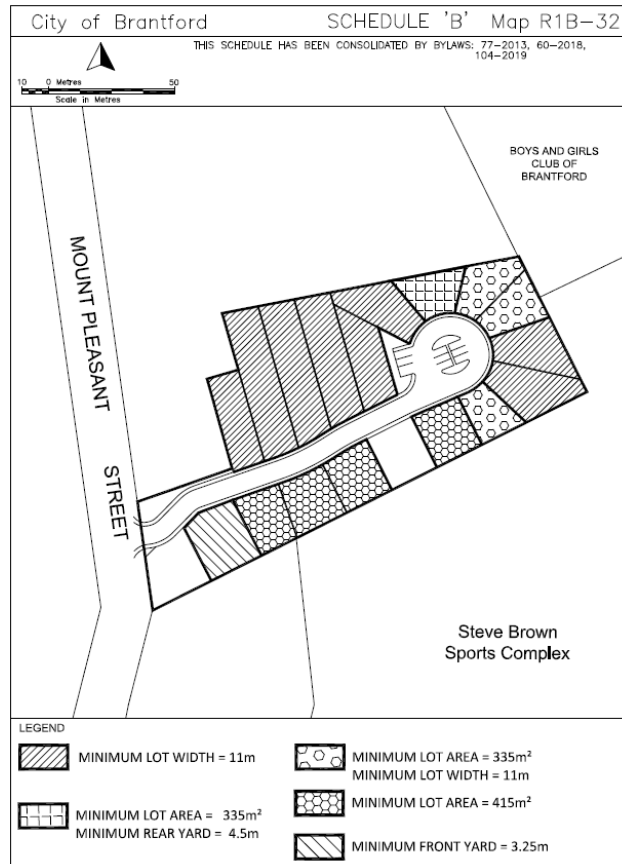


Figure 1 - Schedule 'B' Zoning Map



Figure 2 - Approved Site Plan with Lot 1 highlighted



To facilitate the development as proposed, the applicant is seeking the following relief Zoning By-law 160-90:

**Table 1 - Requested relief from Zoning By-law 160-90**

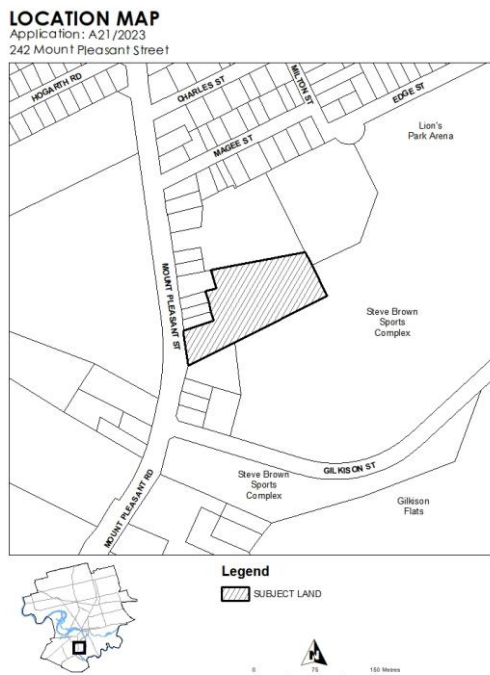
Regulation	By-law Section	Required	Proposed	Relief Requested
Exterior Side Yard	7.3.2.1.7.2	3.0 m	2.0 m	1.0 m

## 5.0 Site Features

The irregularly shaped subject lands are 2.16 ac in size and are located on the east side of Mount Pleasant Street, between Gilkison Road and Magee Street. The lands are currently vacant and do not contain any buildings or structures, with the condominium road already constructed and services being installed. The surrounding area is predominantly single detached dwellings (to the north and south), with agricultural land to the west and open space to the east which is comprised of Lions Park, Steve Brown Sports Complex, and the Boys and Girls Club of Brantford. An aerial photo, location map, and site photographs are included below.



**Figure 4 - Aerial Photo**



**Figure 5 - Location Map**





Figure 6 - Frontage of the subject property including access to the condominium road.



Figure 7 - View of what will be the exterior side yard of Lot 1.





Figure 8 - View of Lot 1 from the condominium road.

## 6.0 Input from Other Sources

### 6.1 Technical Comments

The application was circulated to all applicable departments and agencies. A summary of the comments/conditions is provided below:

Table 2 - Department and Agency Comments

Agency Name	Agency Comment
Building Department	The spatial separation calculation for a side wall building face is required.
	Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may apply to any new development.
Environmental Services	Environmental Services has no objections or concerns In regards to the minor variance, but offer the following comments:

Agency Name	Agency Comment
	For curbside recyclables collection by the City's curbside contractor, blue totes must be placed at curbside by 7:00 am on collection day by residents or on-site representative. In addition, materials set out at curbside must meet all requirements of Chapter 440 of the Municipal Code.
	The property developer or owner is required to contact the Solid Waste Department to request the start of waste collection service upon occupancy.
Development Engineering	No comments.
Landscaping	No comments.
Source Water Protection	No requirements.
Transportation	No comments.
GRCA	No objection or comments.

## 6.2 Public Response

Notice of public hearing was issued by personal mail (14 notices) and by posting a sign on-site. A plan illustrating the notification area is attached below. No comments or concerns have been received to date.

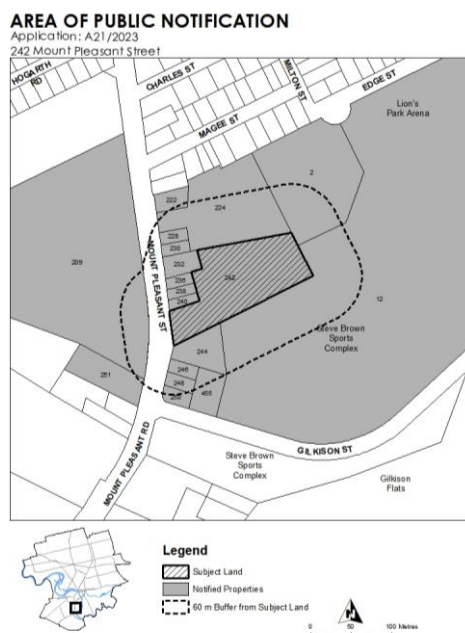


Figure 9 - Area of Public Notification Map



## 7.0 Planning Staff Comments and Conclusion

### 7.1 Policy Context

This application was reviewed in the context of the Provincial Policy Statement, the Growth Plan, the Official Plan and the Zoning By-law. A summary is provided in the table below:

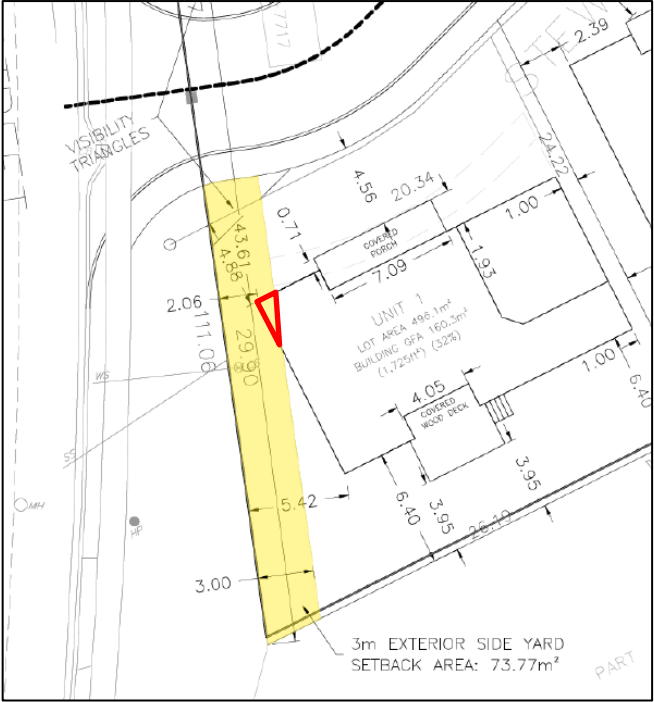
Table 3 - Policy Context and Conformity

Document	Relevant Policy	Conformity
<b>Provincial Policy Statement (PPS) (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)</b>	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.
<b>City of Brantford Official Plan (Envisioning Our City: 2051)</b>	The subject lands are designated "Residential" on Schedule 3 of the City of Brantford's Official Plan ( <b>Appendix A</b> ). The "Residential" designation permits a full range of residential dwelling types, including single detached, semi-detached, converted dwellings and additional residential units.	The subject application conforms to the policies set out in the Official Plan as the proposal seeks to accommodate an additional residential unit, as encouraged in the Official Plan, on the existing property.
<b>City of Brantford Zoning By-law 160-90</b>	The subject lands are zoned "Residential Type 1B – Exception 32 Zone (R1B-32)" in Zoning By-law 160-90 ( <b>Appendix B</b> ). The R1B-32 Zone permits single detached dwellings with a range of lot widths, lot areas, and front and rear yard requirements,	Aside from the minor variance application to permit a reduced exterior side yard, the subject property will continue to satisfy all other zoning requirements.

## 7.2 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. These tests are discussed in the table below:

Table 4 - Four Tests of a Minor Variance

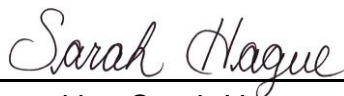
Four Tests	Discussion
1. That the requested variance is <b>minor</b> in nature	<p>“Minor” is determined by impact, not by the value of the variance being sought. The impact of a 1.0 m reduction to the required exterior yard is minor in this case as it is not expected to have any adverse impacts.</p> <p>Due to the configuration of the house and the unique shape of Lot 1, the exterior side lot line is at a significant angle to the proposed dwelling. Accordingly, only a very small portion of the dwelling will be within the required 3.0 m setback, and the majority will be well outside of it, with the back corner of the house being 5.4 m from the exterior side lot line, as shown in the image below.</p>  <p>Figure 10 - Illustration of exterior side yard</p>

Four Tests	Discussion
	<p>Due to the configuration of the Mount Pleasant Road in this area, the current street line is a considerable distance from the property line. Given the considerable distance and that only a small portion of the proposed dwelling is within the 3.0 m required side yard, the 1.0 m reduction is considered minor in nature.</p>
<p>2. That the intent and purpose of the <b>Zoning By-law</b> is maintained</p>	<p>The intent of an exterior side yard is to provide adequate sight lines, access, drainage, and buffering. Comments from City Staff have confirmed that there are no anticipated concerns regarding sight lines, access, or drainage.</p>
	<p>It is Planning Staff's opinion that the general intent of the Zoning By-law is maintained as the R1B-32 Zone permits the proposed single detached dwelling, the development will continue to meet all other provisions of the R1B-32 Zone, and the reduced side yard will not impact the functionality of the site.</p>
<p>3. That the general intent and purpose of the <b>Official Plan</b> is maintained</p>	<p>The proposal is considered compatible with the character of the neighbourhood in accordance with Section 5.1 (c) of the Official Plan, <i>Development Proposal Review</i>. It is Planning Staff's opinion that the general intent of the Official Plan is maintained as the "Residential" designation permits the proposed single detached dwelling and condo development and the reduced side yard will not impact the functionality of the site.</p>
<p>4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure</p>	<p>The reduced setback will facilitate additional living space as well as an enhanced architectural design that will be in character with the other homes under construction in the neighbourhood.</p>
	<p>It is not expected that this relief will have any adverse impacts on neighbouring properties as the building is still set back far enough from the street so as not to impact sightlines or create safety issues. Additionally, the setback and spacing between structures is still sufficient so as to not create any drainage concerns.</p>
	<p>Planning Staff are of the opinion that this variance is desirable and appropriate for the use of the land.</p>

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### 7.3 Conclusion

A site inspection was completed on May 23, 2023. 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, which is in line with the Province's direction of providing more homes. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A21/2023 be approved.



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Prepared by: Sarah Hague  
Planner, Development Planning  
Prepared on: June 1, 2023



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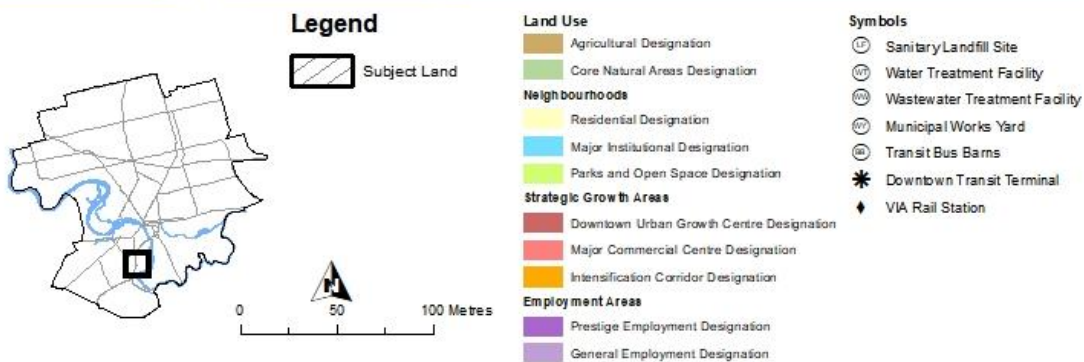
Reviewed By: Joe Muto, RPP, MCIP  
Manager of Development Planning



## Appendix A – Official Plan

### OFFICIAL PLAN EXCERPT MAP

Application: A21/2023  
242 Mount Pleasant Street

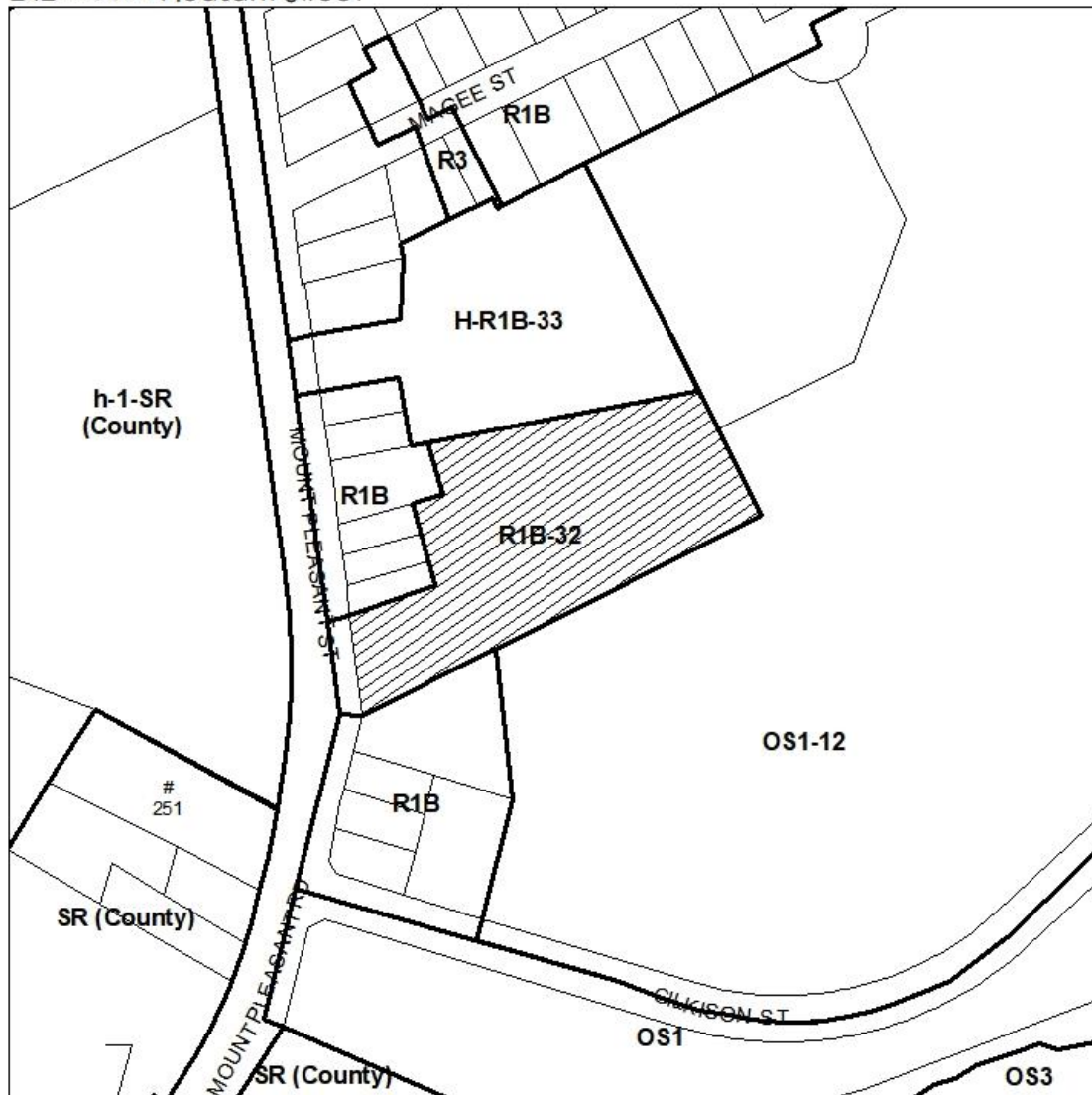


## Appendix B – Zoning

### ZONING

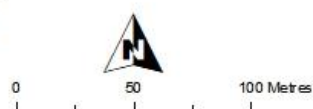
Application: A21/2023

242 Mount Pleasant Street



#### Legend

- Subject Land
- Zone Boundary



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

- R1B Residential Type 1B (15 metre)
- R3 Residential Type 3
- OS1 Open Space Type 1
- OS3 Open Space Restricted
- SR (County) Suburban Residential
- H Holding Provision
- # Exception Number