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Date February 7, 2024 **Report No.** 2024-71
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.: A05/2024
AGENT: Ken Bekendam
APPLICANT/OWNER: 1000596285 Ontario Inc.
LOCATION: 372 Darling Street

3.0 Recommendation

- A. THAT application A05/2024 seeking relief from Section 7.10.2.1.8.1 of Zoning By-law 160-90 to permit a unit that is 25 m², whereas a minimum of 40 m² is otherwise required, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance are as follows: the proposed variance that would provide relief from Section 7.10.2.1.8.1 is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands;

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 2024-71.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 372 Darling Street, which has a two-storey apartment building on site, as shown below in **Figure 1**. The applicant proposes to convert the existing laundry room into a dwelling unit and relocate the laundry facility within the apartment complex so that it continues to be accessible for all tenants. In the submitted concept plan, shown in **Figure 2**, the applicant has shown adequate parking for the proposed dwelling unit. The applicant also submitted floor plans which are shown in **Figure 3**. To facilitate this development as proposed, the applicant is requesting relief from the following section of the Zoning By-law 160-90:

- Section 7.10.2.1.8.1 to permit a unit with a Gross Floor Area of 25 m² whereas 40 m² is otherwise required.

Figure 1 - Existing Apartment Complex with Laundry Room



Figure 2 - Concept Plan

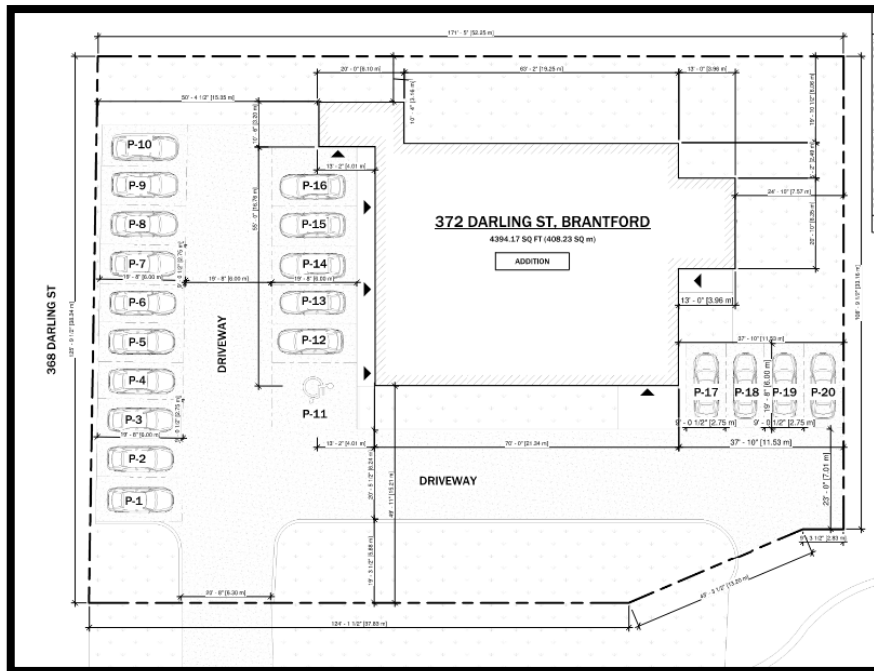
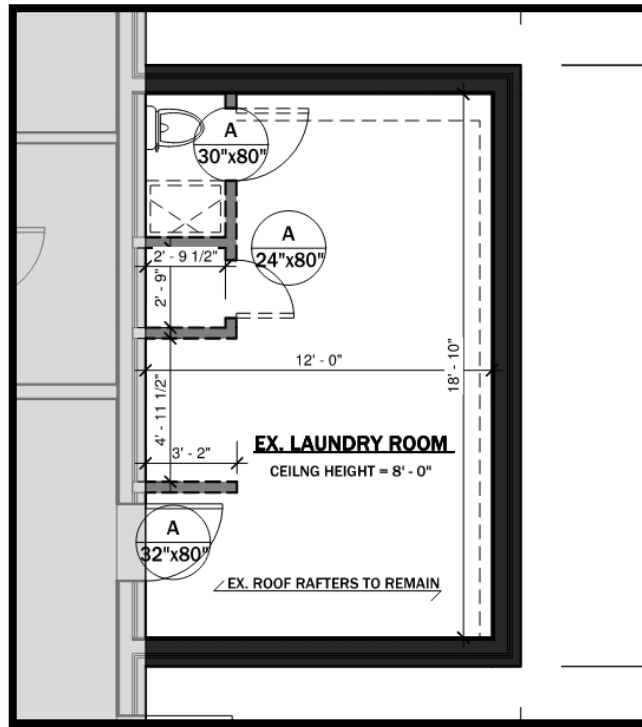


Figure 3 - Proposed Floor Plan for New Unit



5.0 Site Features

The subject lands are located on the north side of Darling Street, west of Puleston Street, north of Colborne Street, and east of Stanley Street. The surrounding land use is predominantly residential, comprised of a variety of building types, including other apartment buildings, townhouses and single detached dwellings. Devereux Park is also within 70 m of the subject lands. There are commercial properties along Colborne Street to the south including gas stations, a car wash, a grocery store, a pharmacy, and fast food restaurants. Pauline Johnson Collegiate and Vocational School sits approximately 200 m southeast of the subject lands, which are zoned Residential Medium Density Type B Zone (R4B) and Designated Residential, as shown in **Appendix B** and **Appendix A**, respectively.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on December 22, 2023. Staff had no objections to the requested variance.

6.2 Public Comments

A Notice of Public Hearing was issued by personal mail to 59 nearby property-owners on January 16, 2024. At the time of writing this Report, no public comments have been received.

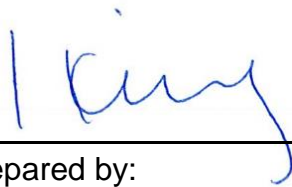
7.0 Planning Staff Comments and Conclusion

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 use of the land, and maintain the general intent and purpose of the Zoning By-law and Official Plan. These tests are discussed in the table below.

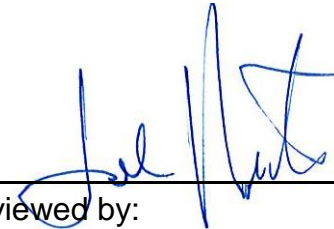
Four Tests	Discussion
That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. The proposed decrease in Gross Floor Area is minor in nature in that it is not expected to have an adverse impact on adjacent units or properties. The applicant has shown adequate required parking and appropriate space within the apartment complex the laundry facilities are planned to be relocated elsewhere in the building.
That the general intent and purpose of the Zoning By-law is maintained	The purpose of a minimum unit size within the Zoning By-law is to ensure that units provide sufficient living space for occupants. The conversion of the unit will require an approved building permit in accordance with the Ontario Building Code, which is 13.5 m ² for a bedroom, kitchen, living room, and dining area. The proposed dwelling unit is larger than what is required by the Ontario Building Code. It is the opinion of staff that the proposed variance would maintain the general intent and purpose of the Zoning By-law.
That the general intent and purpose of the Official Plan is maintained	The subject lands are designated “Residential,” in which a wide range of housing types and residential intensification are encouraged. It is the opinion of Staff that the proposed variance would maintain the general intent and purpose of the Official Plan.

<p>That the variance is desirable for the appropriate development and use of the land, building or structure.</p>	<p>Staff considers the proposed conversion of a laundry room to a dwelling unit desirable for the site as it would increase the number of dwelling units on site and the supply of housing. The applicant has shown adequate parking space and internal space to relocate the laundry room so that it can continue to be used by the tenants. As such, Staff are of the opinion that this will not cause any adverse impacts, and it is considered desirable for the appropriate development and use of the building.</p>
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Staff completed a site inspection on Monday, January 22nd, 2024. Upon completion of this site visit and review of the relevant policies, Planning Staff support the application. Since the proposed reduction to minimum unit size will still meet the Building Code, and since laundry facilities will be relocated within the building, Staff are supportive of application A05/2024 and recommend approval.



Prepared by:
Lindsay King, Development Planner
Prepared on: February 1, 2024

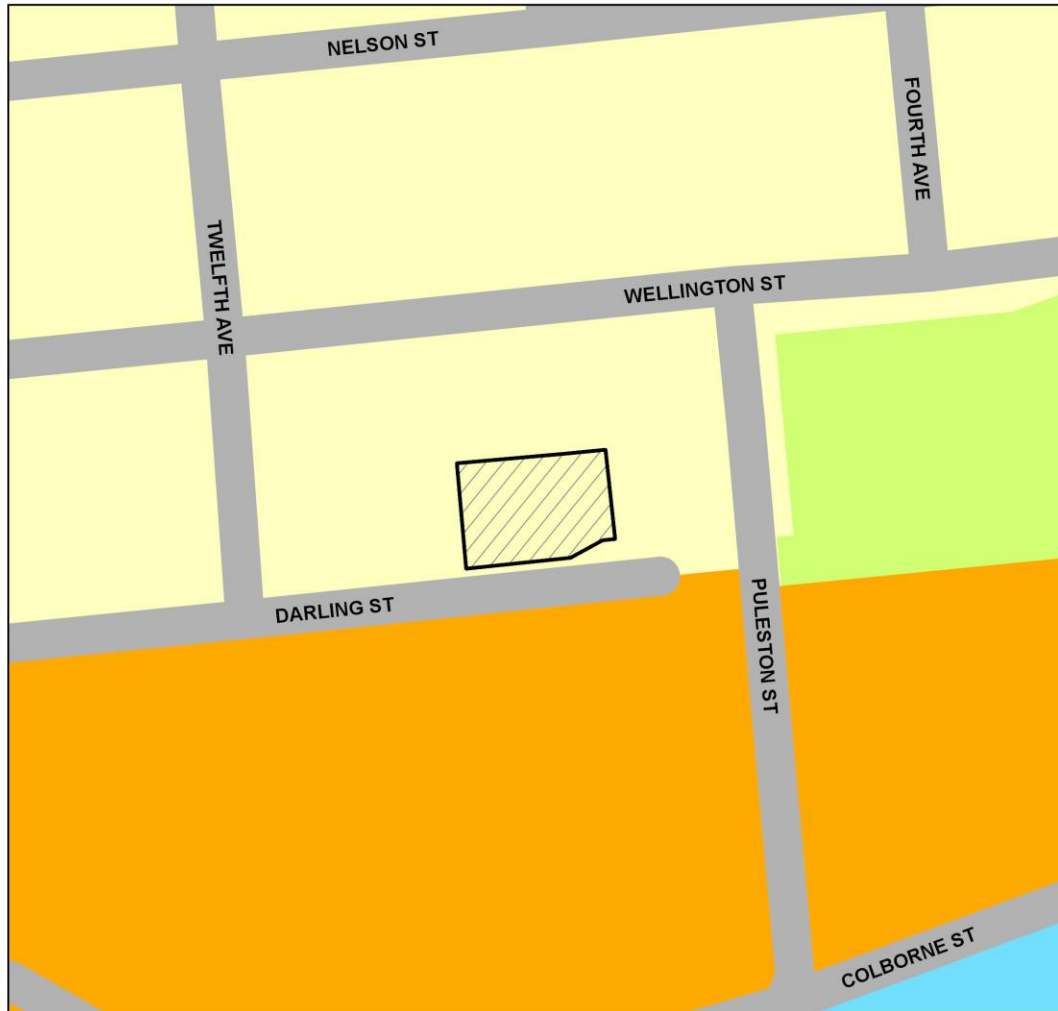


Reviewed by:
Joe Muto MCIP, RPP
Manager Development Planning

Appendix A - Official Plan Designation

OFFICIAL PLAN EXCERPT MAP

Application: A05/2024
 372 Darling Street





Appendix B - Zoning

ZONING MAP

Application: A05/2024
 372 Darling Street



Legend

-  Subject Land
-  Zone Boundary



0 50 100 Metres

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

- R1C RESIDENTIAL Type 1C (12 metre)
- R2 RESIDENTIAL Type 2
- R3 RESIDENTIAL Type 3
- R4A RESIDENTIAL MEDIUM DENSITY Type A
- R4B RESIDENTIAL MEDIUM DENSITY Type B
- C8 GENERAL COMMERCIAL
- OS1 OPEN SPACE Type 1
- # Exception Number