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**Date** March 7, 2024 **Report No.** 2024-144  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Dora Pripon  
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.** A09-2024  
**AGENT** MW Drafting & Design Inc. c/o Justin Massecar  
**APPLICANT/OWNER** Sydney Godzisz  
**LOCATION** 126 St George Street

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### 3.0 Recommendation

- A. THAT application A09/2024 seeking relief from Section 6.18.7.7.8 of Zoning By-Law 160-90 to permit a maximum of 3 parking spaces, whereas 6 parking spaces are otherwise required for a Medical Office, BE APPROVED;
- B. THAT application A09/2024 seeking relief from Section 6.18.3.10 of Zoning By-Law 160-90 to permit a third parking space in tandem on-site, whereas a maximum of 2 parking spaces in tandem are otherwise permitted, BE APPROVED;

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- C. THAT application A09-2024 seeking relief from Section 6.18.1.1.2 of Zoning By-Law 160-90 to permit a separate tandem parking space with a length of 5.6 m, whereas a length of 11 m for two cars in tandem is required, BE APPROVED;
- D. THAT application A09-2024 seeking relief from Section 6.18.4.1 of Zoning By-Law 160-90 to permit parking spaces that don't have access to a street by means of a driveway, whereas parking areas are required to have access to a street by means of a driveway where three or more parking spaces are required, BE APPROVED;
- E. THAT application A09-2024 seeking relief from Section 6.18.4.2 of Zoning By-Law 160-90 to permit parking spaces that don't have access to a traffic aisle with a minimum width as indicated in 6.18.4.2, whereas parking areas are required to provide access to each parking space by means of a traffic aisle where three or more parking spaces are required, BE APPROVED;
- F. THAT application A09-2024 seeking relief from Section 6.18.4.3 to permit parking in a driveway aisle, whereas no parking shall be permitted in traffic aisles or driveways where three or more parking spaces are required, BE APPROVED;
- G. THAT application A09-2024 seeking relief from Section 6.18.7.7 of Zoning By-Law 160-90 to permit zero (0) accessible (Type A) parking spaces on site, whereas one (1) accessible parking space with a 1.5 m access aisle is otherwise required, BE APPROVED, conditional upon an accessible parking space located on-street in front of the subject lands being approved by City Council and conditional upon a Planning Agreement regarding this parking space, to the satisfaction of the City, being registered on tile;
- H. 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,
- I. 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 2024-144.”*

## 4.0 Purpose and Description of Application

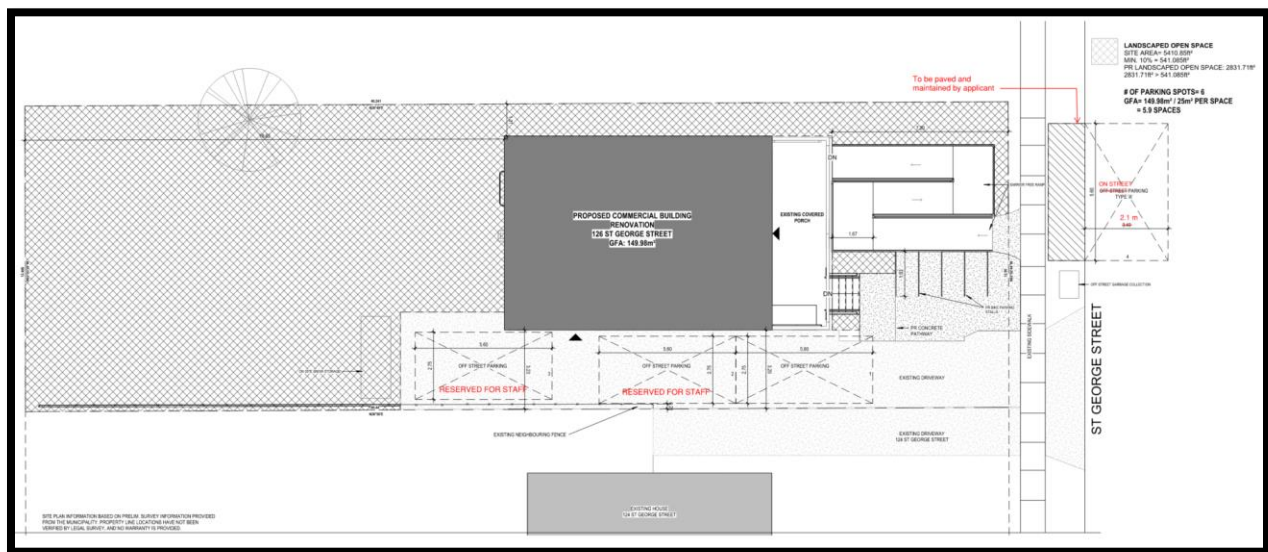
A minor variance application has been received for the lands municipally described as 126 St George Street. The applicant is proposing to convert a single detached dwelling, previously operating as a bookkeeping/accounting office, into a medical outpatient office. The applicant is a general surgeon at the Brantford General Hospital and plans to use the office for consultations with patients and administrative work; no procedures will be done in this office. The application proposes three tandem parking spaces along the side of the building. The first two parking spaces will be reserved for staff and the third will be available for patients. Additionally, the application proposes one on-street accessible parking space directly in front of the proposed accessible ramp. Below is a table of the minor variances required to facilitate this conversion. A planning analysis on these variances is provided in Section 7.2 of this Report.

**Table 1 - Minor Variance Relief Requested**

No.	Regulation	By-law Section	Required	Proposed	Relief Requested
1.	Parking	Section 6.18.7.7.8	Minimum 6 parking spaces	3 parking spaces	3 parking spaces
2.	Parking	Section 6.18.3.10	Maximum of 2 parking spaces in tandem	3 parking spaces in tandem	1 additional tandem parking space
3.	Parking	Section 6.18.1.1.2	Minimum length of 11 m for two cars in tandem	Separate parking space with a length of 5.6 m	5.4 m in length
4.	Parking	Section 6.18.4.1	Parking areas are required to have access to a street by means of a driveway (where three or more parking spaces are required)	Parking spaces that don't have access to a street	No access to a street
5.	Parking	Section 6.18.4.2	Parking areas are required to provide access to each parking space by means of a traffic aisle (where three or more parking spaces	Parking spaces that don't have access to a drive aisle	No access to a drive aisle

No.	Regulation	By-law Section	Required	Proposed	Relief Requested
			are required)		
6.	Parking	Section 6.18.4.2	No parking is permitted in a traffic aisle or driveway (where three or more parking spaces are required)	There are 3 parking spaces within a driveway	Parking spaces in a driveway
7.	Parking	Section 6.18.7.7	1 accessible parking space with a 1.5 m access aisle is required	0 accessible parking spaces on-site	0 accessible parking spaces

Figure 1 - Conceptual Site Plan



## 5.0 Site Features

The subject lands are designated “Intensification Corridor Designation” in the Official Plan and zoned “General Commercial Zone (C8)” in Zoning By-law 160-90 as shown in **Appendix A and Appendix B**, respectively. The following is a description of the land use surrounding the subject lands.

**North** Commercial Plaza (Metro Supermarket & Pharmacy)

**South** Medical Centre (Wincare Drugmart)

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<b>East</b>	Single detached dwelling zoned C8, variety store and commercial plaza
<b>West</b>	Single detached dwellings zoned C8 (home businesses)

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Figure 2 - View of subject lands from St George St looking southwest



Figure 3 - View of street parking in front of subject lands



## 6.0 Input from Other Sources

### 6.1 Technical Comments

This application was circulated to all applicable departments and agencies on January 26, 2024. Several departments provided comments and the following is a brief summary of notable comments.

Accessibility Staff requested that an extended curb cut along the proposed accessible parking space. The City-owned boulevard would also need to be paved in order to ensure a connection to the sidewalk, at the owner's expense. The applicant has confirmed that this is to be included in the proposal (see **Figure 1 - Conceptual Site Plan**). Staff's recommendation to approve this application is conditional on a Planning Agreement being registered on title. This Agreement is to be finalized only after the accessible parking space is approved by Council, which will contain details in terms of maintenance of the accessible parking space and the paved boulevard. This will ensure the usability of the space all year long. The applicant has been advised of this and they are in agreement.

Transportation Staff is supportive of the requested relief, subject to the two parking spaces located closest to the rear of the property being reserved for Staff. The functional Site Plan sketch was red lined to show this request (See **Figure 1 - Conceptual Site Plan**). Furthermore, any civil works required in order to create an accessible pathway to the on-street parking space be funded by the Applicant with any necessary drawings submitted to the Building Department for approval.

### 6.2 Public Response

A Notice of Public Hearing was issued by personal mail on February 26, 2024 to property owners within 60 metres of the subject lands pursuant to the *Planning Act*. No public comments were received at the writing of this Report.

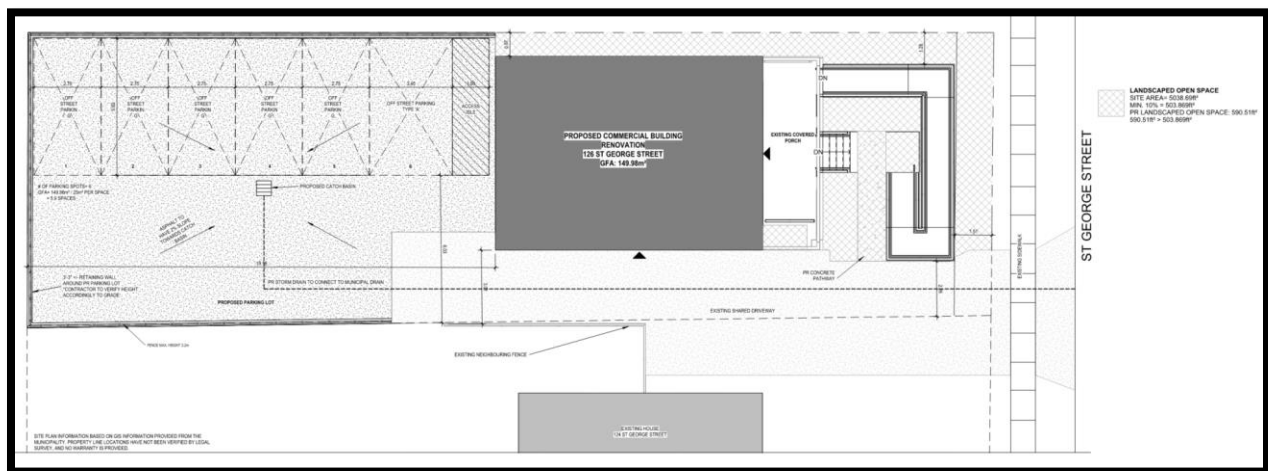
## 7.0 Planning Staff Comments and Conclusion

### 7.1 Background

The applicant previously submitted an application for a pre-consultation meeting with the City back in August of 2023. The conceptual site plan at that time showed the parking area in the rear yard (see **Figure 4 - Conceptual Site Plan** submitted for pre-consultation dated August 25, 2023). However, Staff expressed concerns regarding stormwater drainage for the new proposed parking area. Transportation Staff also had considerable concerns with maneuverability for the ingress and egress of vehicles in a forward motion being that the space was very tight. Additionally, patients would have had to walk on a long driveway where a car could potential be driving up which could cause safety issues. This is especially true for patients with accessibility needs.

Based on the feedback from Staff, the applicant submitted the above noted minor variance application.

**Figure 4 - Conceptual Site Plan submitted for pre-consultation dated August 25, 2023**



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

**Table 2 - Minor Variance tests**

Four Tests	Discussion
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Four Tests	Discussion
<p>1. That the requested variance is <b>minor</b> in nature</p>	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>The properties surrounding the subject lands are zoned commercial and the built form is reflective of this. Other than the proposed accessibility ramp, this application is not proposing to change the existing site layout. Thus, allowing for the proposed variations will not change the character of the site relative to the existing neighbourhood.</p> <p>Furthermore, the applicant intends to see patients one at a time with appointments that are booked in advance, only during daytime hours. Due to the nature of the applicant’s intended use of the subject lands, the proposed parking configuration and number of parking spaces is expected to be sufficient.</p> <p>It is noted that the City’s records show that the existing structure on the subject lands is still considered a residential dwelling. However, from discussions with the applicant, the previous owner of the subject lands was operating a bookkeeping/accounting office with regular clients coming in and out. Although the business had signage and listed online as a business, after purchasing the property it came to light that the property was never registered with the City as a business use for the property. With the previous use being a business, the proposal is not expected to significantly change the usability/functionality of the subject lands.</p> <p>Therefore, Staff is of the opinion the relief sought after in this application is minor.</p>
<p>2. That the intent and purpose of the <b>Zoning By-law 160-90</b> is maintained</p>	<p><b>Table 1 - Minor Variance Relief Requested</b> in Section 4.0 of this Report provides a summary of the Sections of the Zoning By-law that the applicant is seeking relief from.</p> <p>This application proposes minimal site alteration. The applicant seeks to utilize the existing driveway for parking on the subject lands. For this to be the case, tandem parking is the only option possible. As per Transportation Staff’s recommendation, two of the proposed tandem parking spaces are intended to be reserved for staff and the tandem parking space closest to the street would be intended for patients. As mentioned above and below, it is</p>




Four Tests	Discussion
	<p>Staff's opinion that the number of parking spaces is appropriate.</p> <p>This application is also seeking relief from having an accessible parking space on-site, as required in the Zoning By-law. In consultation with the City's Accessibility Coordinator, Staff recommends approval of this relief, conditional upon City council approving the placement of an accessible parking space on-street in front of the subject lands (see <b>Figure 3</b> - View of street parking in front of subject lands). The location of this accessible parking space would provide patients with close access to the proposed accessibility ramp to be located in front of the medical office. If approved, the parking space will be maintained by the City's Public Works department and available to anyone with an accessibility pass.</p> <p>It is Planning Staff's opinion that the proposed variances maintain the general intent of the Zoning By-law.</p>
<p>3. That the general intent and purpose of the <b>Official Plan</b> is maintained</p>	<p>The subject lands are designated "Intensification Corridor", wherein "Office Uses" are permitted and the intent of the designation is the following.</p> <p><i>"The Intensification Corridors are intended to strengthen transit routes between major nodes of commerce and employment within Brantford, and to be connected to the active transportation network."</i></p> <p>The bicycle parking proposed for this application would satisfy the intent of the Intensification Corridor to encourage active transportation. St. George Street is also accessible by multiple regular bus routes that patients could utilize. Additionally, the applicant anticipates a large number of patients would have to arrive to the medical office by drop-off due to their postoperative physical limitations.</p> <p>It is the opinion of Staff that the proposed parking variances would maintain the general intent and purpose of the Official Plan.</p>
<p>4. That the variance is <b>desirable</b> for the appropriate development and use</p>	<p>It is the opinion of staff that the proposal is desirable as it would facilitate the creation of a medical office which is a permitted use in the Official Plan and Zoning By-law. The medical office could provide additional healthcare services</p>

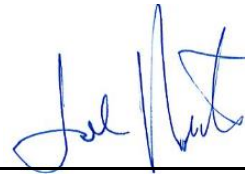
Four Tests	Discussion
of the land, building or structure	to patients of the nearby hospital as well as residents of the surrounding area. The proposal also prioritizes the most accessible design possible for the existing site layout to ensure all patients have equitable care without barriers.

### 7.3 Conclusion

A site inspection was completed on February 20, 2024. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The proposed application utilizes the existing site layout and provides a parking configuration that is sufficient for the indented use of the subject lands. For these reasons and the ones mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A09-2024 be approved, conditional upon an accessible parking space located on-street in front of the subject lands be approved by City Council and conditional upon a Planning Agreement regarding this parking space, to the satisfaction of the City, being registered on file.



Prepared by: Dora Pripon  
Planner, Development Planning  
Prepared on: February 29, 2024

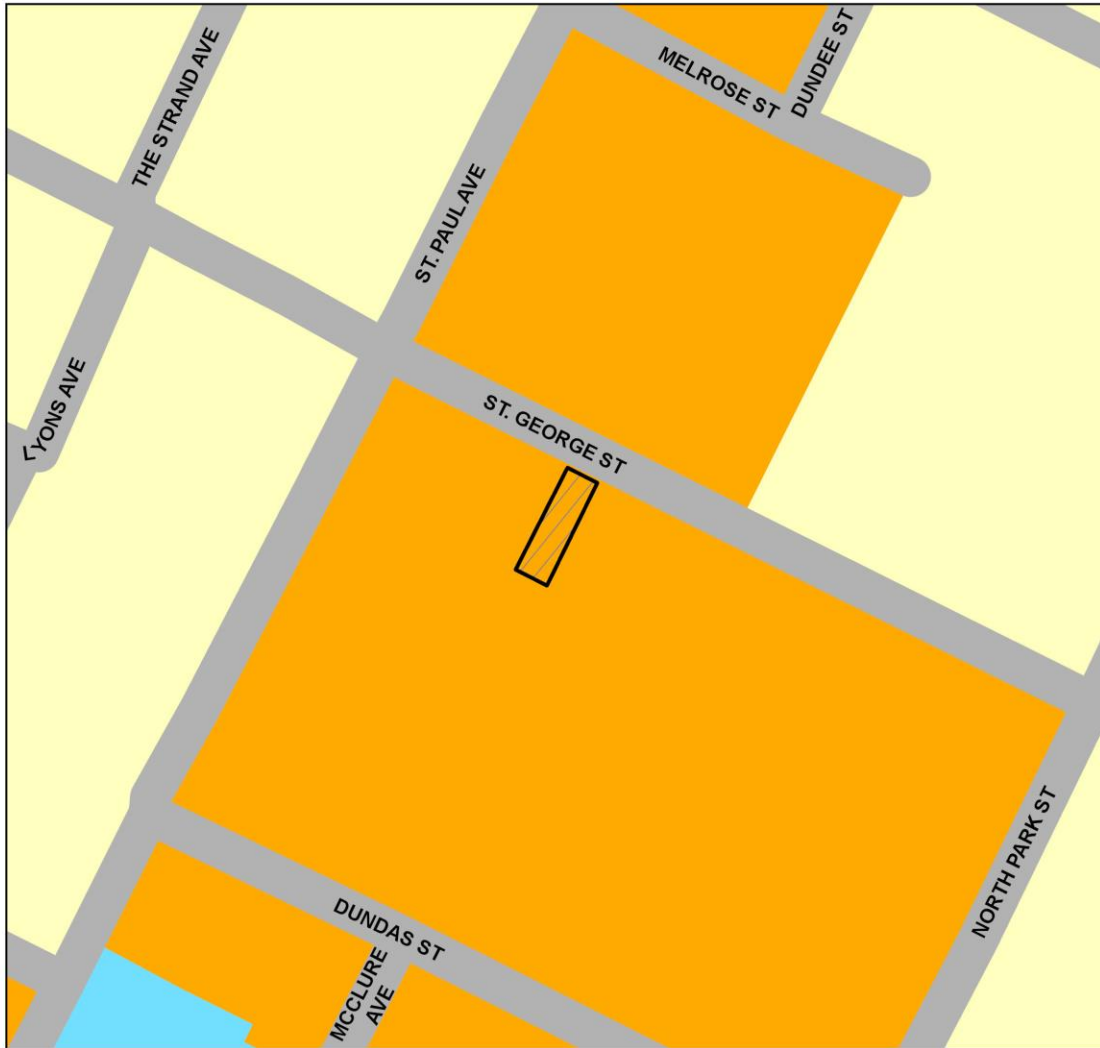


Reviewed By: Joe Muto, RPP, MCIP  
Manager of Development Planning

**Appendix A – Official Plan**

**OFFICIAL PLAN EXCERPT MAP**

Application: A09/2024  
 126 St. George 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

0 40 80 Metres

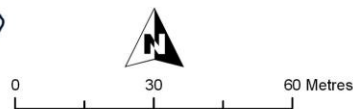
## Appendix B – Zoning

### ZONING

Application: A09/2024  
126 St. George Street



**Legend**  
Subject Land  
Zone Boundary



**ZONING (Bylaw 160-90) and County of Brant(61-16)**  
R1C RESIDENTIAL Type 1C (12 metre)  
RC RESIDENTIAL CONVERSION  
R4B RESIDENTIAL MEDIUM DENSITY Type B  
RHD RESIDENTIAL HIGH DENSITY  
C6 AUTOMOBILE SERVICE COMMERCIAL  
C8 GENERAL COMMERCIAL  
- # Exception Number