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Date March 7, 2024 **Report No.** 2024-143
To Chair and Members
City of Brantford Committee of Adjustment
From Dora Pripon
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding
Application for Minor Variance

2.0 Topic

APPLICATION NO. A08-2024
AGENT Antech Design and Engineering c/o Candice Micucci
APPLICANT/OWNER 201498 Ontario Ltd and 201498 Ontario Ltd
LOCATION 452 Hardy Rd

3.0 Recommendation

- A. THAT application A08/2024 seeking relief from Section 10.2.2.7.2 of Zoning By-Law 160-90 to permit an exterior side yard setback of 3 m, whereas 7.5 m is otherwise 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,

- 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 2024-143.”

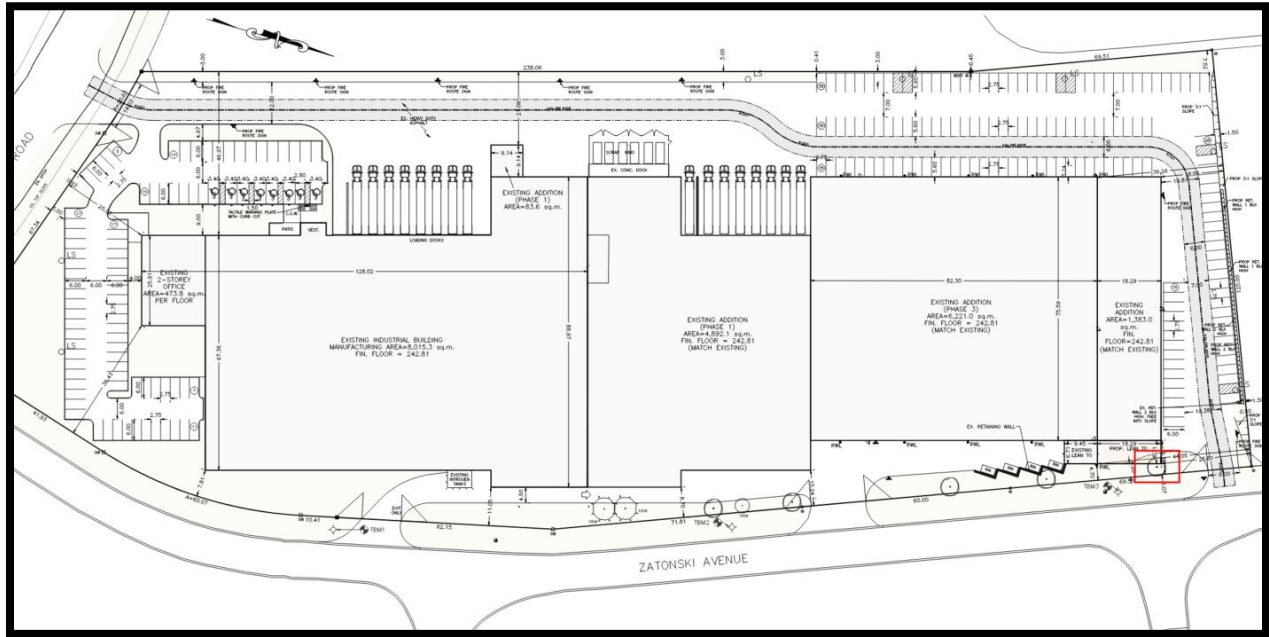
4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally described as 452 Hardy Road. The purpose of this application is to facilitate the construction of a lean-to with an area of 122.6 m² to an industrial addition. The addition was part of a Site Plan Application (SPC-10-23) for the subject lands and was approved by the City in December 2023. The owner has started construction on the addition, but it has not been completed as of yet (see **Figure 2 – Subject Lands**). Below is a table of the minor variance required to facilitate the construction of the proposed lean-to.

Table 1 - Minor Variance Relief Requested

Regulation	By-law Section	Required	Proposed	Relief Requested
Exterior side yard setback	Section 10.2.2.7.2	7.5 m	3 m	3.5 m

Figure 1 - Conceptual Site Plan



5.0 Site Features

The subject lands are designated “General Employment” in the Official Plan and zoned “General Industrial – Exception 10 Zone (M2-10)” 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** Industrial facilities (LP International Inc., and Wacker Neuson Ltd)
- South** Industrial and Commercial plaza
- East** Industrial facilities (Executive Mat Service, Urban Tactical and Englobe Crop)
- West** Industrial facility (Aiden Equipment Rentals Inc)

Figure 2 - View of subject lands (showing the approved addition mid-construction) from Zatoski Ave looking west



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on January 26, 2024. No objections were received.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on February 20, 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 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 of the analysis is provided below.

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
1. That the requested variance is minor in nature	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>Staff is of the opinion the relief requested in this application is minor. The proposal is an addition to the existing industrial building. Based on the location of the access aisle and the illustrated sight triangles on the Site Plan, it does not appear that this reduction would cause any negative visual impacts for vehicles entering or leaving the site. Further, the extension will allow for a visual continuation of the built form along the streetscape, while also providing functional benefit by concealing the bay doors from the streetscape as currently done by the existing lean-to.</p>
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	<p>Section 10.2.2.7.2 of the Zoning By-law requires an exterior side yard setback of 7.5 m. Due to the uneven lot line along Zatonski Avenue, the existing setback is unable to be maintained. Other than the exterior side yard setback, all of the other provisions of the Zoning By-law are satisfied. Therefore, Staff is of the opinion that the general intent of the Zoning By-law is maintained.</p>
3. That the general intent and purpose of the Official Plan is maintained	<p>The subject lands are designated “General Employment Designation”, wherein a variety of economic activities and ancillary uses are supported. The proposed variance will facilitate the addition space for industrial use, which is a permitted use in the “General Employment Designation”. Therefore, it is the opinion of Staff that this application maintains the general intent and purpose of the Official Plan.</p>
4. That the variance is desirable for the appropriate	<p>It is the opinion of staff that the proposal is desirable as it would facilitate the growth of an industrial use that could potentially create employment opportunities for the City, as</p>

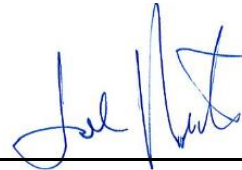
Four Tests	Discussion
development and use of the land, building or structure	encouraged in the Official Plan.

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 minor variance will facilitate the construction of an industrial addition in an employment designation and industrial zone. The proposal is consistent with the surrounding built form and is not predicated to have any adverse impact on the surrounding properties. 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 A08-2024 be approved.



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

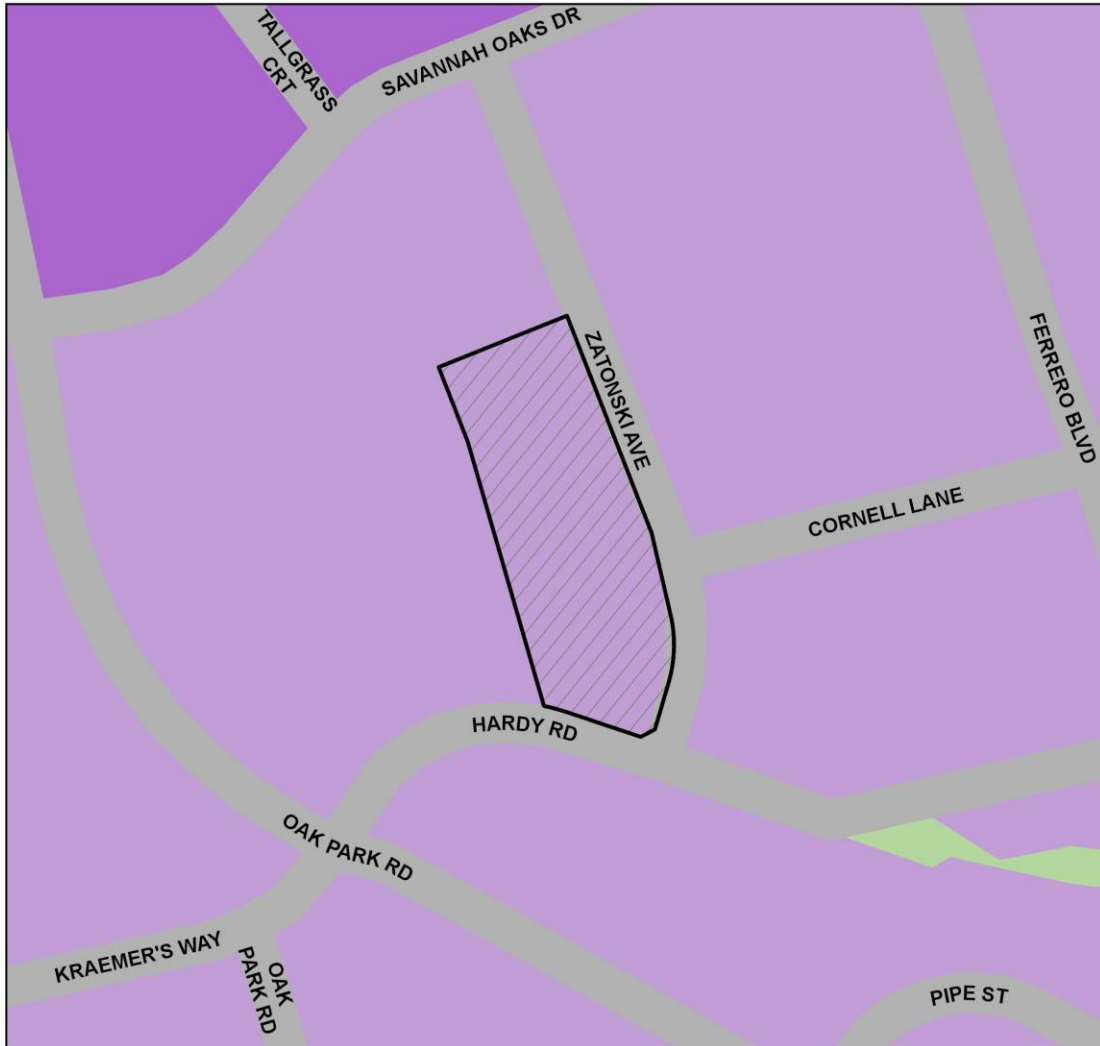


Reviewed By: Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A08/2024
 452 Hardy Road



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

0 100 200 Metres

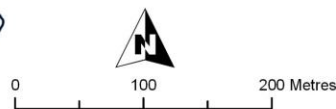
Appendix B – Zoning

ZONING

Application: A08/2024
452 Hardy Road



Legend
Subject Land
Zone Boundary



ZONING (Bylaw 160-90) and County of Brant(61-16)
M2 GENERAL INDUSTRIAL
M3 BUSINESS PARK INDUSTRIAL ZONE
H HOLDING PROVISION
-# Exception Number