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Date April 3, 2024 **Report No.** 2024-203
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.: A07-2024
AGENT: Ajay Kaushik
APPLICANT/OWNER: Affordable Housing Alternatives Inc.
LOCATION: 40 Helen Avenue

3.0 Recommendation

- A. THAT application A07-2024 seeking relief from Section 6.18.7.8, of Zoning By-law 160-90 to permit a parking ratio of 1.22 parking spaces per dwelling unit, whereas a ratio of 1.5 parking spaces per dwelling unit is otherwise required, BE APPROVED;
- B. THAT application A07-2024 seeking relief from Section 7.11.2.1.2, of Zoning By-law 160-90 to permit a lot width of 15.24 m whereas 30 m is otherwise required, BE APPROVED;

- C. THAT application A07-2024 seeking relief from Section 7.11.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 10.3 m whereas 15 m is otherwise required, BE APPROVED;
- D. THAT application A07-2024 seeking relief from Section 7.11.2.1.7.1 of Zoning By-law 160-90 to permit a minimum interior side yard of 6.1 m whereas 9 m is otherwise required, BE APPROVED;
- E. THAT the reasons for the approval of the minor variance application A07-2024 are as follows: the proposed variances are in keeping with the general intent and purpose of the Zoning By-law and Official Plan, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands;
- F. THAT pursuant to Section 53(17)-(18.2) 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 No. 2024-203.”

4.0 Purpose and Description of Application

This minor variance seeks to permit a reduced minimum parking ratio, lot width, rear yard, and interior side yard to facilitate the development of a six-storey residential apartment building comprising 50 dwelling units and 61 parking spaces on the subject lands. The proposed development involves replacing the existing commercial structures with residential uses. The proposed reduced rear yard setback, abutting Veterans Memorial Parkway corridor, would act as a landscaped and vegetation buffer strip. **Table 1** below details the requested relief.

Table 1 - Requested Relief

Regulation	By-law Section	Required	Proposed
Parking Ratio	Section 6.18.7.8	1.5 spaces/dwelling unit	1.22 spaces/dwelling unit
Minimum Lot Width	Section 7.11.2.1.2	30 m	15.24 m
Minimum Rear Yard	Section 7.11.2.1.6	15 m	10.3 m
Minimum Interior Side Yard	Section 7.11.2.1.7.1	9.0 m	6.1 m

The applicant submitted a Traffic and Parking Study which supports the rationale for reduced parking standards, considering anticipated demand and the availability of existing transit services. The applicant seeks relief from the rear yard, side yard, lot width, and parking space requirements to optimize land use efficiency within the delineated built-up area. There is a concurrent Zoning By-law Amendment (PZ-02-2024) related to this Minor Variance which seeks to remove the Holding provision, supported by a Noise and Vibration Study and a Record of Site Condition. This development is also subject to Site Plan Control. The concept plan is shown below in **Figure 1**, followed by renderings shown in Figure 2 and Figure 3.

Figure 1 - Concept Plan

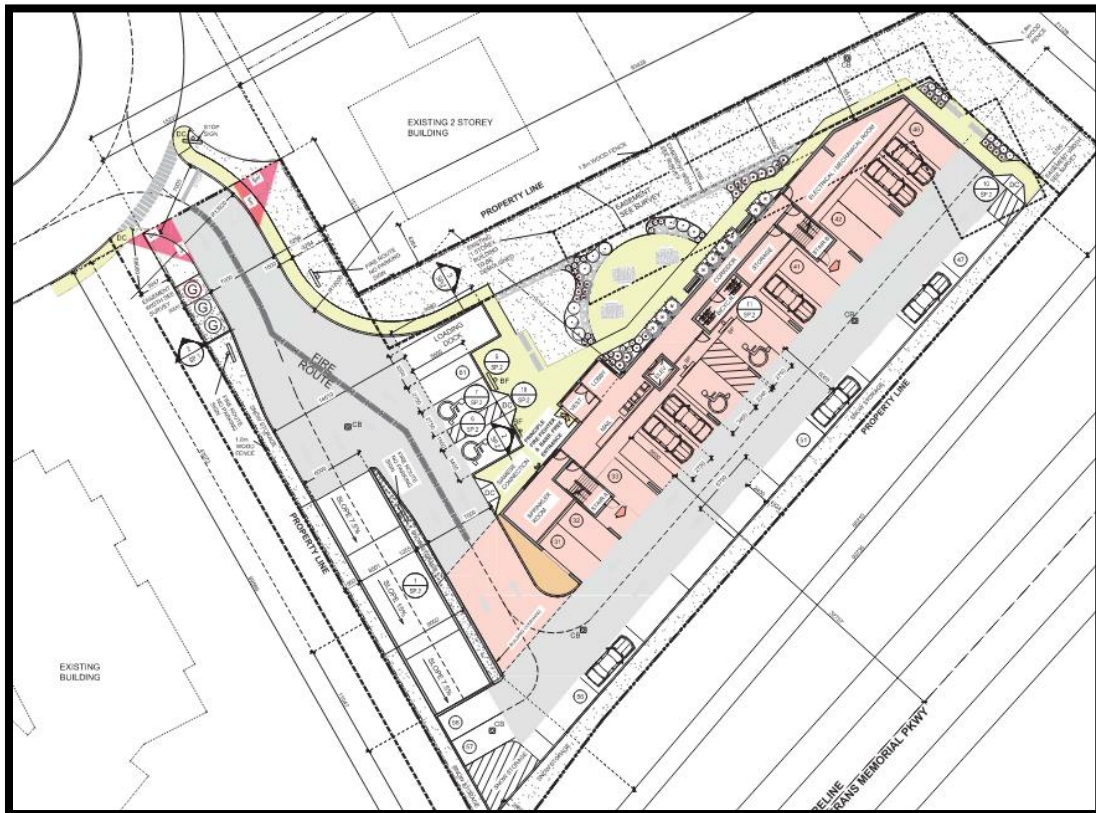


Figure 2 - South-facing rendering



Figure 3 - Northeast-facing rendering



5.0 Site Features

The subject lands are situated at 40 Helen Avenue in the City of Brantford and contains a one-storey commercial building (landscaping contractor) near the northeastern lot boundary. This property is at the southern edge of an existing residential neighbourhood comprising apartment buildings and single detached dwelling units. **Figure 4** shows the property frontage along Helen Street. It is bound to the south by Veterans Memorial Parkway. The following is a description of the land use surrounding the subject lands.

North	Single detached dwellings
South	Veterans Memorial Parkway
East	Single detached dwelling
West	Apartment Complex

Figure 4 - 40 Helen Street Frontage



Figure 3 shows the current site including the single-storey industrial building that would be removed to accommodate the development.

Figure 5 - Existing Property



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated for technical review on February 23, 2024. The following is a summary of the related feedback received by Staff.

Housing staff supports additional housing given the acute need, and provided the proposed development complies with relevant policies and regulations.

Grand Erie District School Board staff expressed concerns about potential student enrollment pressures in consideration of the proposed development's location within school attendance boundaries. They request inclusion of clauses in purchase/lease agreements to notify residents of potential student accommodation challenges.

Parks staff suggested that the proposed development may lead to street parking issues and affect park access. Planning staff note that the submitted Traffic Impact Study supports the proposed reduction to parking, and that the proposed parking ratio exceeds what has been included in the proposed new Zoning By-

law. Staff are satisfied that the on-street parking along Helen Avenue, Sheldon Street, and Patricia Street, spanning the park's eastern and southern boundaries, will adequately serve the parking requirements for the Princess Anne Park.

Transportation staff note that the proposed 1.22 parking ratio aligns with the observations made in various parking studies. They support the proposed minor variances.

6.2 Public Comment

A notice of public hearing was issued by personal mail to 15 property owners within 60 m of the subject lands on March 13, 2024, and by posting a sign on-site. At the time of writing this Report, no members of the public have contacted Staff regarding this application.

Figure 6 - Notification Map



7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

The property is designated Residential as shown in **Appendix A**, and zoned Holding – Residential High Density (H-RHD) as shown in **Appendix B**. Staff completed a site inspection on February 12, 2024. Upon completion of this site visit and review of the relevant policies, Planning

Staff support the application. **Table 2** evaluates the minor variance application in the context of the four tests of a minor variance.

Table 2 - Four Minor Variance Tests

Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. Regarding the reduction in lot width, Staff note that this is an existing condition for a uniquely shaped property that can appropriately accommodate the proposed development. The proposed reduction to the minimum rear yard is minor in nature given that the property backs onto the Veterans Memorial Parkway (which has a significant buffer area), and will not impact privacy in this direction. The relief sought for the minimum interior side yard is also considered minor given the proposed landscaping along the property boundary that would act as buffering, and increase privacy. Furthermore, staff note that the impact of the reduced minimum side yard would be minimal given the compatible land use, as the abutting property is an existing apartment building. Finally, staff note that the proposed parking ratio exceeds the ratio under the proposed new draft zoning by-law, and are of the opinion that the proposed parking would meet future residents’ parking needs. In this regard, Planning Staff is of the opinion that the proposed parking reduction is minor.
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	The High Density Residential Development zone is intended to accommodate high density residential development. Staff are of the opinion that the proposed relief would be in keeping with the general intent and purpose of the zoning by-law.
3. That the general intent and purpose of the Official Plan is maintained	The Official Plan states that lands within the Residential Designation may include a full range of residential dwelling types including the mid-rise apartment building as proposed. Areas within the Residential designation will continue to evolve, with compatible development contributing to the City’s overall target for residential intensification in the Built-up Area. The proposed development will assist in meeting this target and Staff are of the opinion that the proposed relief is in keeping with the general intent and purpose of the Official Plan.
4. That the variance is	The proposed redevelopment of underutilized lands would

Four Tests	Discussion
desirable for the appropriate development and use of the land, building or structure	create 50 new dwelling units and address the current need and demand for housing in our community. The proposed apartment building is compatible with surrounding land use as there are several apartments in close proximity, including the Graham Bell Apartments, which are directly west of the subject lands. As noted above, because of the property shape, staff are of the opinion that privacy and neighbourhood character can be maintained, and so the proposed relief is desirable.

7.2 Conclusion

The proposed minor variance application A07-2024 to permit a reduced parking ratio, a reduced lot width, a reduced minimum rear yard, and a reduced minimum interior side yard facilitates the development of a six-storey residential apartment building. The proposal aligns with the objectives outlined in the Official Plan by promoting residential growth through intensification. The requested variances are deemed minor in nature and maintain the intent and purpose of the zoning regulations while addressing the acute need for additional housing units in the area. Furthermore, the proposal demonstrates compatibility with the surrounding neighbourhood context and offers a balanced approach to land use efficiency. Therefore, staff are supportive of the application and recommend approval.



Prepared by:
Lindsay King
Development Planner
Prepared on: March 28, 2024

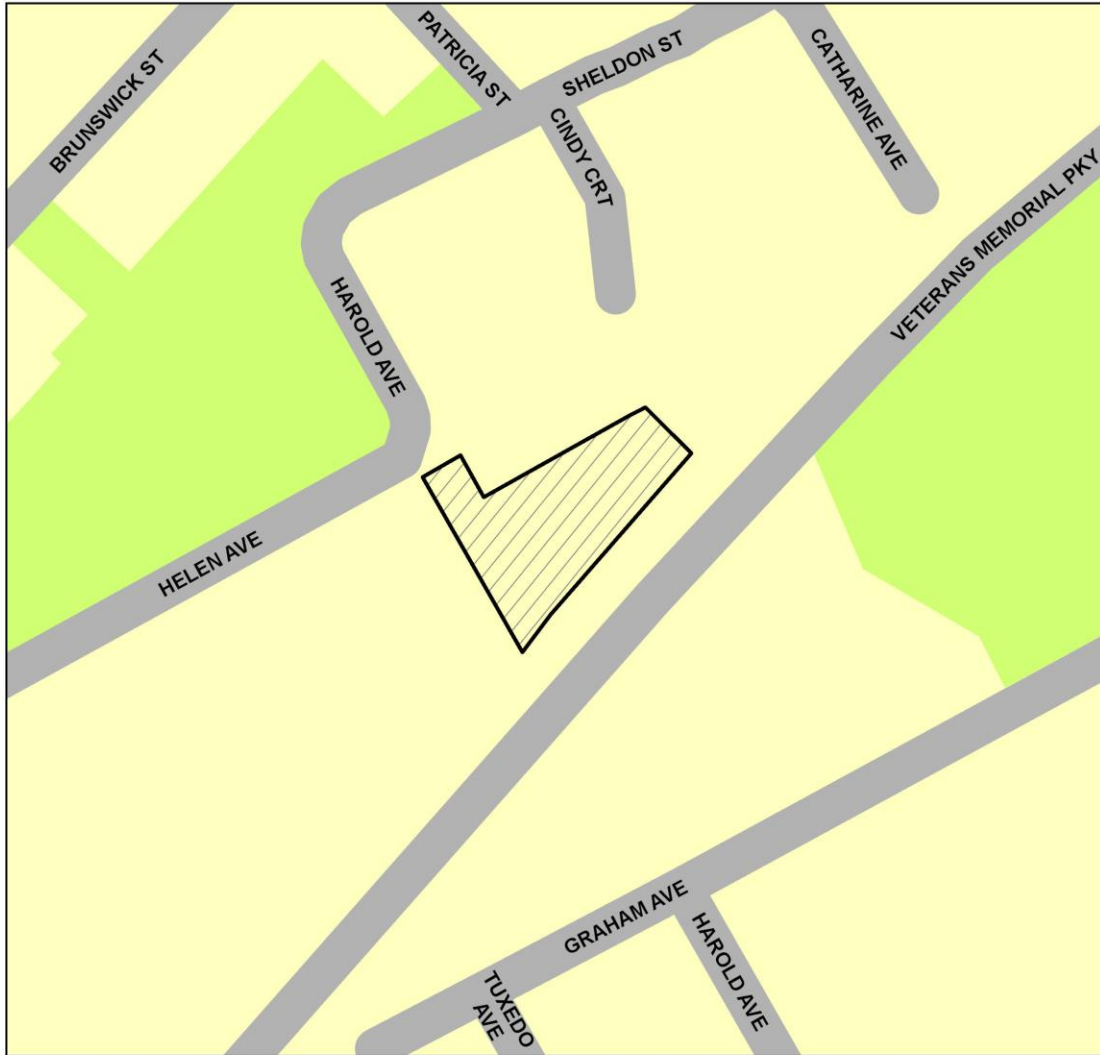


Reviewed by:
Joe Muto, RPP, MCIP
Manager of Development Planning

APPENDIX A – OFFICIAL PLAN DESIGNATION

OFFICIAL PLAN EXCERPT MAP

Application: A07/2024
 40 Helen Avenue



Legend

Subject Land

Inset map showing the location of the subject land within the city boundary.

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

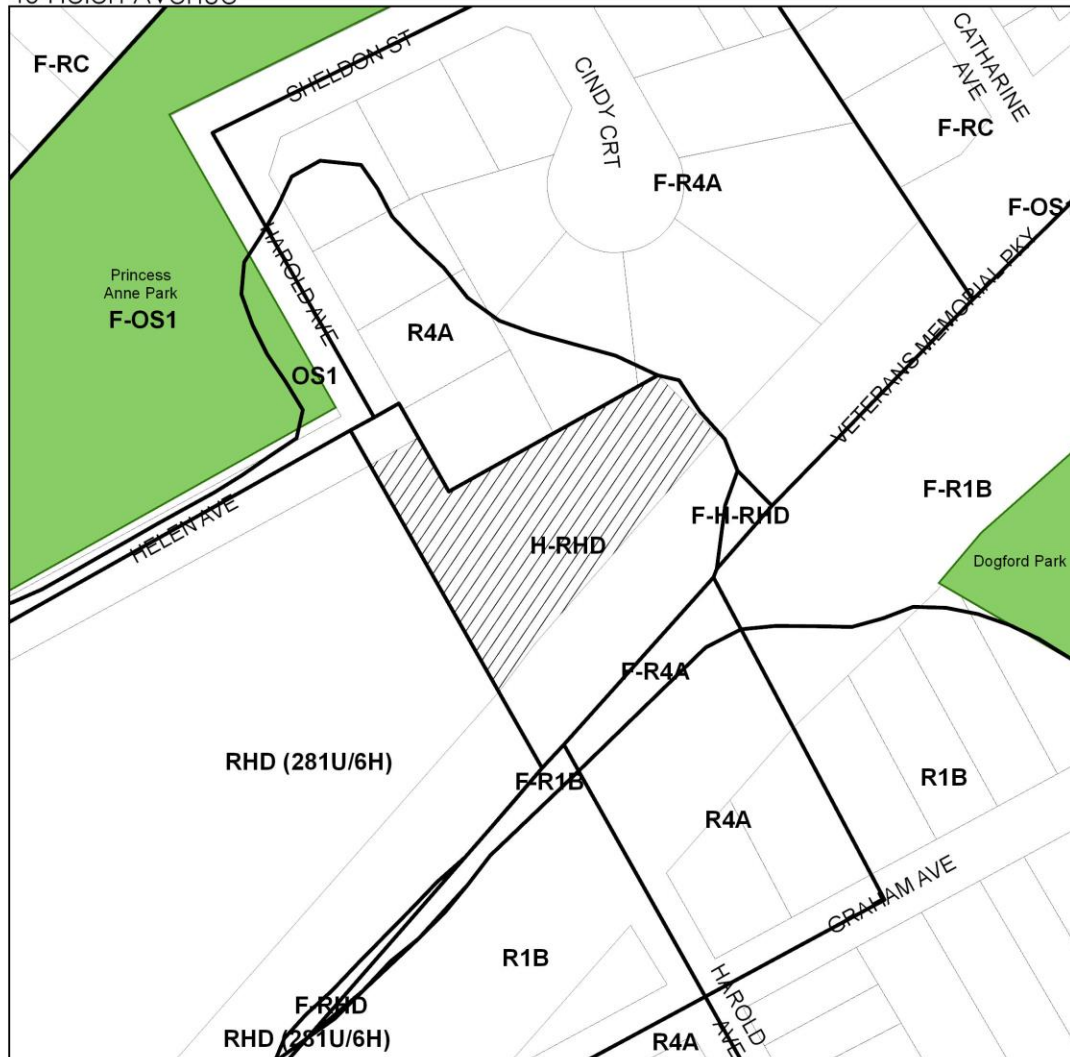
- Sanitary Landfill Site
- Water Treatment Facility
- Wastewater Treatment Facility
- Municipal Works Yard
- Transit Bus Barns
- Downtown Transit Terminal
- VIA Rail Station

0 40 80 Metres

APPENDIX B - ZONING

ZONING MAP

Application: A07/2024
 40 Helen Avenue



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)
- R1B RESIDENTIAL Type 1B (15 metre)
- RC RESIDENTIAL CONVERSION
- R4A RESIDENTIAL MEDIUM DENSITY Type A
- RHD RESIDENTIAL HIGH DENSITY
- OS1 OPEN SPACE Type 1
- H HOLDING PROVISION
- F FLOODPLAIN PROVISION
- # Exception Number