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Date April 3, 2024 **Report No.** 2024-200
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.	A18/2024
AGENT	MHBC Planning c/o Melissa Visser
APPLICANT/OWNER	Losani Homes Ltd. c/o Dianne Ramos
LOCATION	318 Gillespie Drive

3.0 Recommendation

- A. THAT application A18-2024 seeking relief from Section 7.5.3.6.6 of Zoning By-Law 160-90 to permit a rear yard setback of 5 m for a portion of the lot, whereas 7 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 2024-200.”

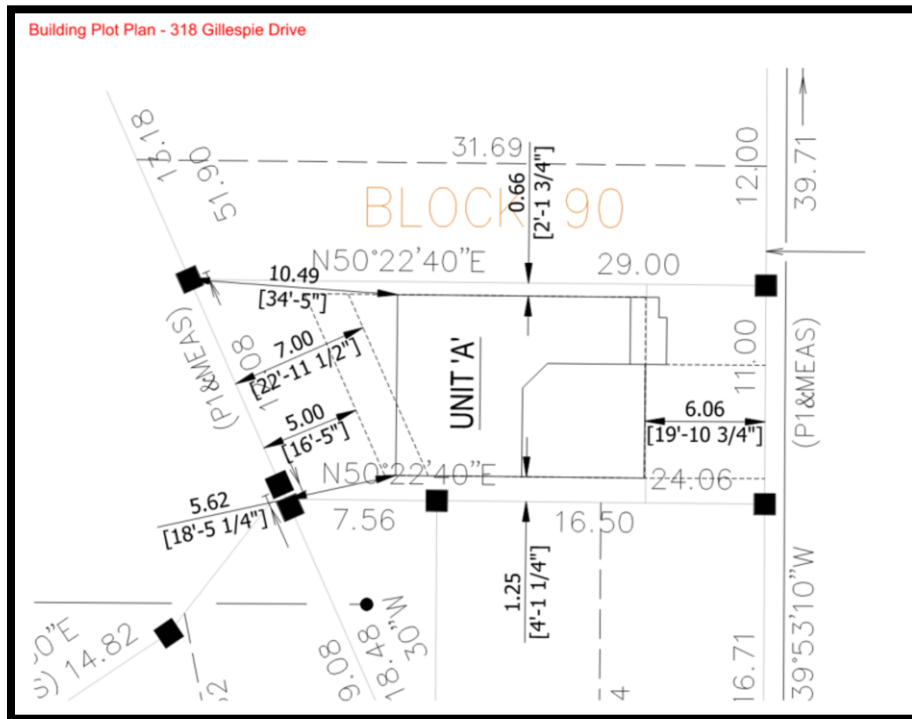
4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally described as 318 Gillespie Drive. The purpose of this application is to facilitate the construction of a single detached dwelling on a vacant lot, as shown in **Figure 1 – Conceptual Site Plan**. The applicant is requesting a minor variance for a portion of the rear yard setback, as shown in **Table 1 - Minor Variance Relief Requested** and **Figure 1 – Conceptual Site Plan**.

Table 1 - Minor Variance Relief Requested

Regulation	By-law Section	Required	Proposed	Relief Requested
Rear Yard Setback	Section 7.5.3.6.6	7 m	5 m	- 2 m

Figure 1 - Conceptual Site Plan



5.0 Site Features

The subject lands are located south of Shellard Lane and of west of Gillespie Drive. The lands are within the Shellard Lane Subdivision (Subdivision File 29T-16502) and registered as part of Block 90 on Registered Plan 2M-1977. A Part Lot Control (PLC) application was later approved permitting the creation of the new lot, municipally known as 318 Gillespie Drive (File No. PLC-02-2023). The following is a description of the land use surrounding the subject lands.

North	Vacant Block - zoned Open Space (H-OS1) and Institution School (H-I2-11)
South	Green space - zoned Open Space (OS1)
East	Single detached dwellings
West	Single detached dwellings

Figure 2 - Subject Lands



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on February 16, 2024. No objections were received. Notable comments are summarized below.

Building Staff requested a Site Stats chart and Spatial Separation Calculation. Upon being made aware of this request, the applicant provided a site statistics table and noted that calculations for separation will be provided at the time of building permit submission.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on March 15, 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 Planning Analysis

The subject lands are designated “Residential” in the Official Plan and zoned “Residential Type 1D (R1D-6)” in Zoning By-law 160-90 as shown in **Appendix A** and **Appendix B**, respectively.

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

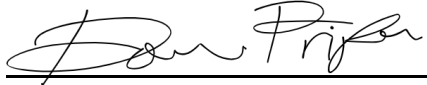
Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought.

Four Tests	Discussion
	<p>This relief would not create any disturbance to the surrounding neighbours as adjacent to the rear lot line is open space. 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 Zoning By-law 160-90 is maintained</p>	<p>Section 7.5.3.6.6 of the Zoning By-law requires a 7 m rear yards setback for any lot zoned R1D-6.</p> <p>The subject lands have a rear lot line that is at an irregular angle and this is why relief is being requested for a portion of the rear yard. If the lot line was completely straight and parallel to the front lot line, the single detached dwelling would be able to satisfy the 7 m rear yard requirement. Additionally, one of the intents of the rear yard setback requirement is to ensure privacy from other neighbouring properties as well as for rear yard amenity. The requested relief in the rear yard does not pose any privacy concerns as adjacent to rear of the property is green space which is zoned “Open Space (OS1)” and further, it would still permit a usable rear yard for residents of the future single detached dwelling, as shown in Appendix B – Zoning. The proposed development satisfies all of the other required provisions for the zone. Therefore, it is Planning Staff’s opinion that the proposed variance maintains the general intent of the Zoning By-law.</p>
<p>3. That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Residential”, wherein residential units in low-rise buildings are permitted. It is the opinion of Staff that the proposed rear yard setback variance would maintain the general intent and purpose of the Official Plan.</p>
<p>4. That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<p>It is the opinion of staff that the proposal is desirable as it would facilitate the creation of a single detached dwelling which is a permitted use in the Official Plan and Zoning By-law. The dwelling will be an addition to the residential stock for the surrounding neighbourhood which was considered through the previous planning application approvals.</p>

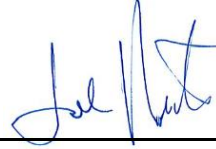
7.2 Conclusion

A site inspection was completed on March 19, 2024. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The proposed application is minor and will

facilitate the construction of a residential unit, as permitted in the Zoning By-law and Official Plan. 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 A018-2024 be approved.



Dora Pripon - Development Planner
Prepared on: March 28, 2024

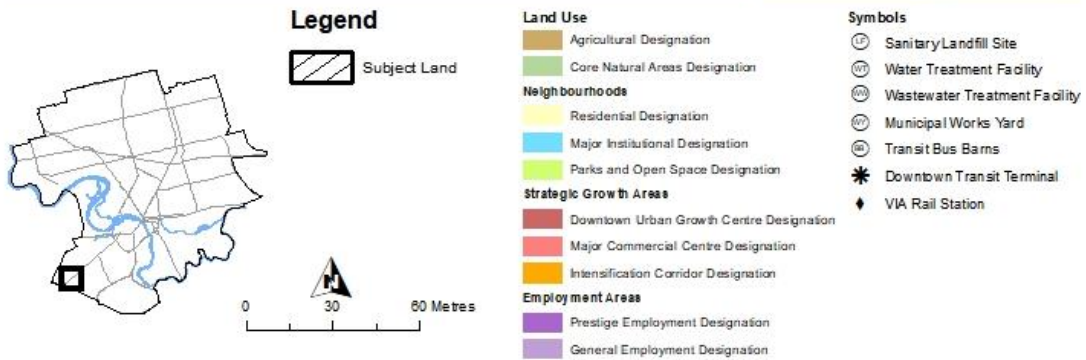
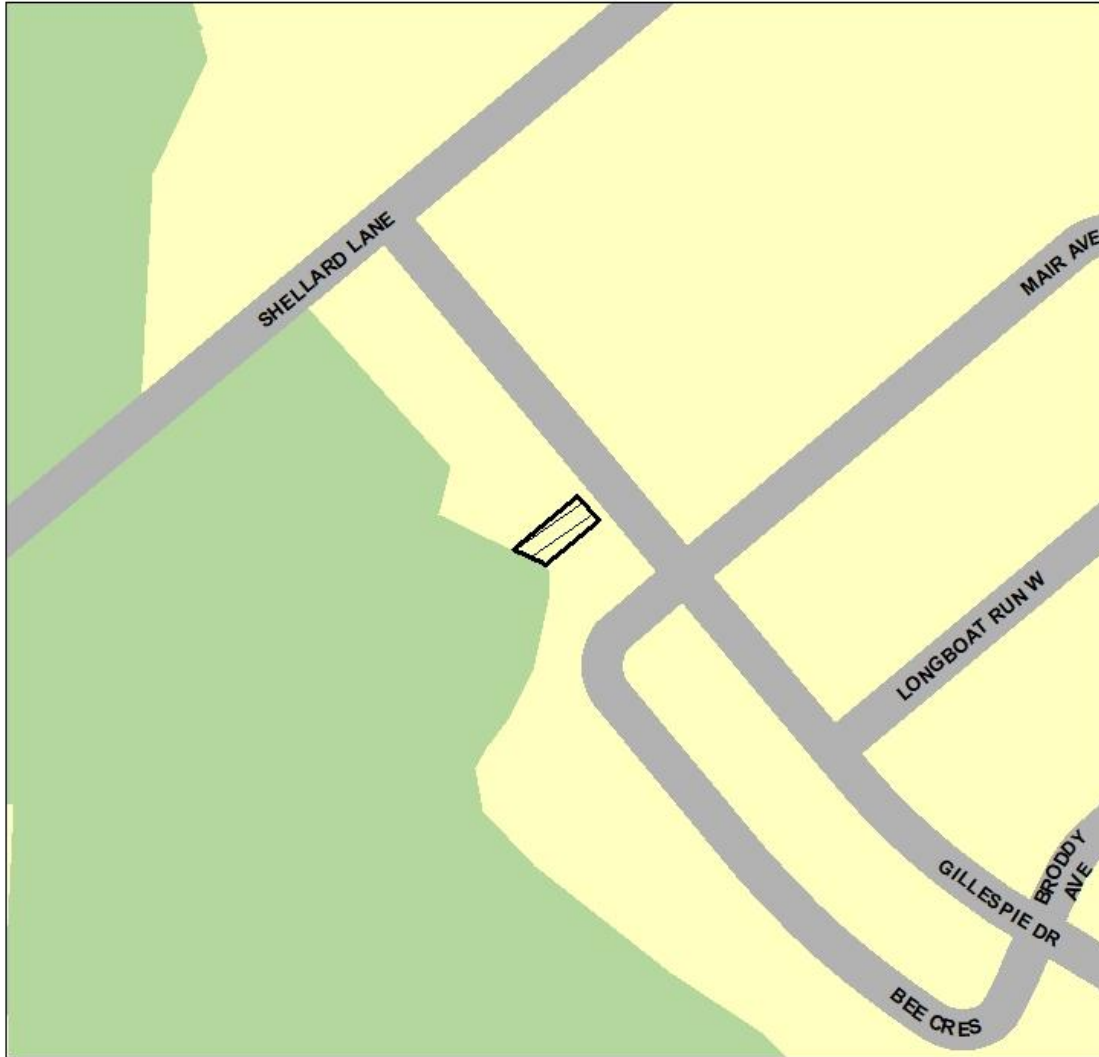


Reviewed By: Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

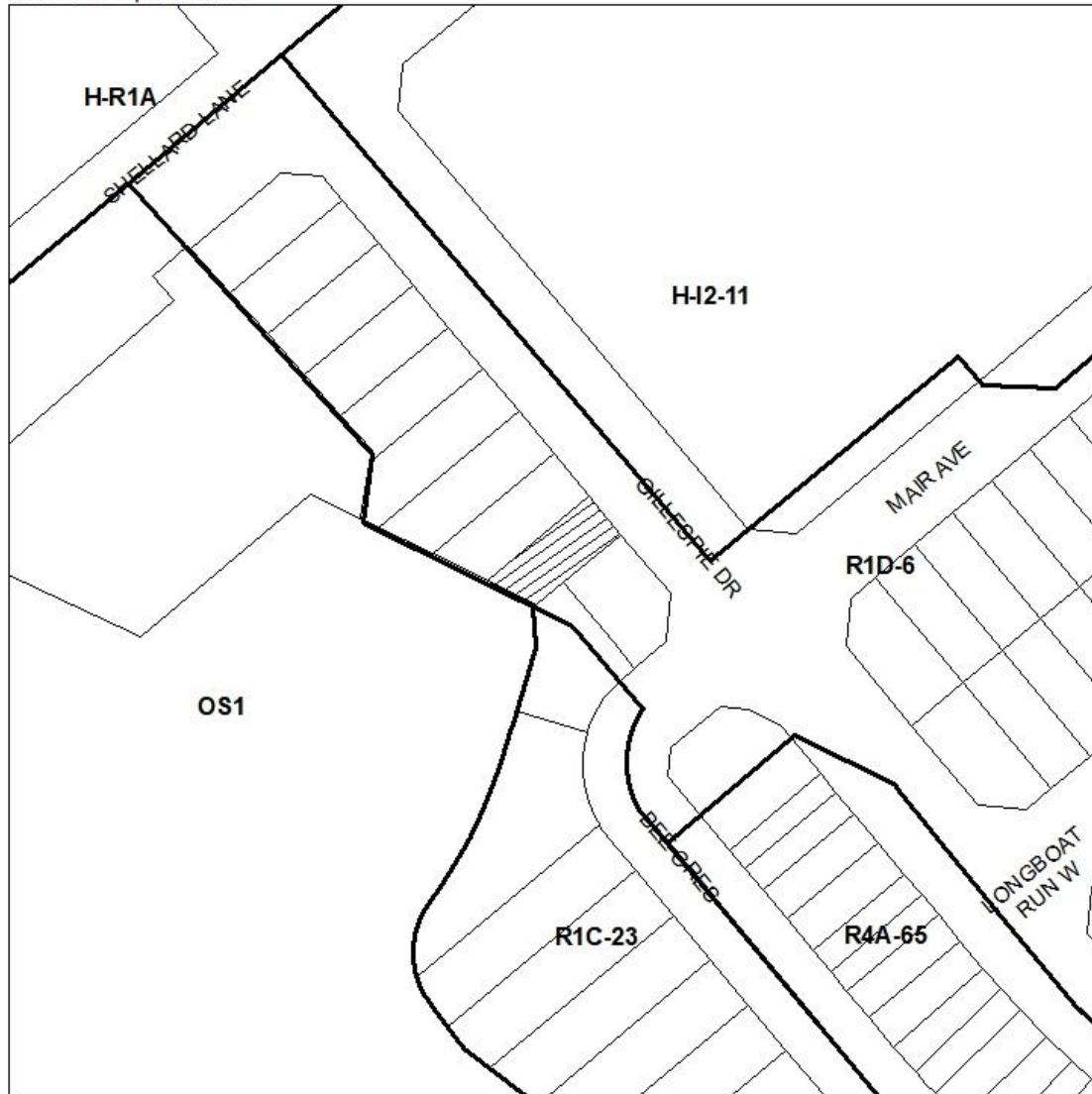
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318 Gillespie Drive



Appendix B – Zoning

ZONING

Application: A18/2024
318 Gillespie Drive



Legend
Subject Land
Zone Boundary



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

- R1A Residential Type 1A (18 metre)
- R1C Residential Type 1C (12 metre)
- R1D Residential Type 1D (9 metre)
- R4A Residential Medium Density Type A
- I2 Institutional School
- OS1 Open Space Type 1
- H Holding Provision
- # Exception Number