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Date May 1, 2024 **Report No.** 2024-280
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. A17-2024
AGENT J. H. Cohoon Engineering Ltd.
APPLICANT/OWNER GK York Management c/o Niclas-Xaver Kirchberger
LOCATION 415 – 417 Colborne Street

3.0 Recommendation

- A. THAT application A17-2024 seeking relief from Section 9.8.2.1.4 of Zoning By-Law 160-90 to permit a height of 11.43 m, whereas a maximum height of 10 m is otherwise required, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variance 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 2024-280.”

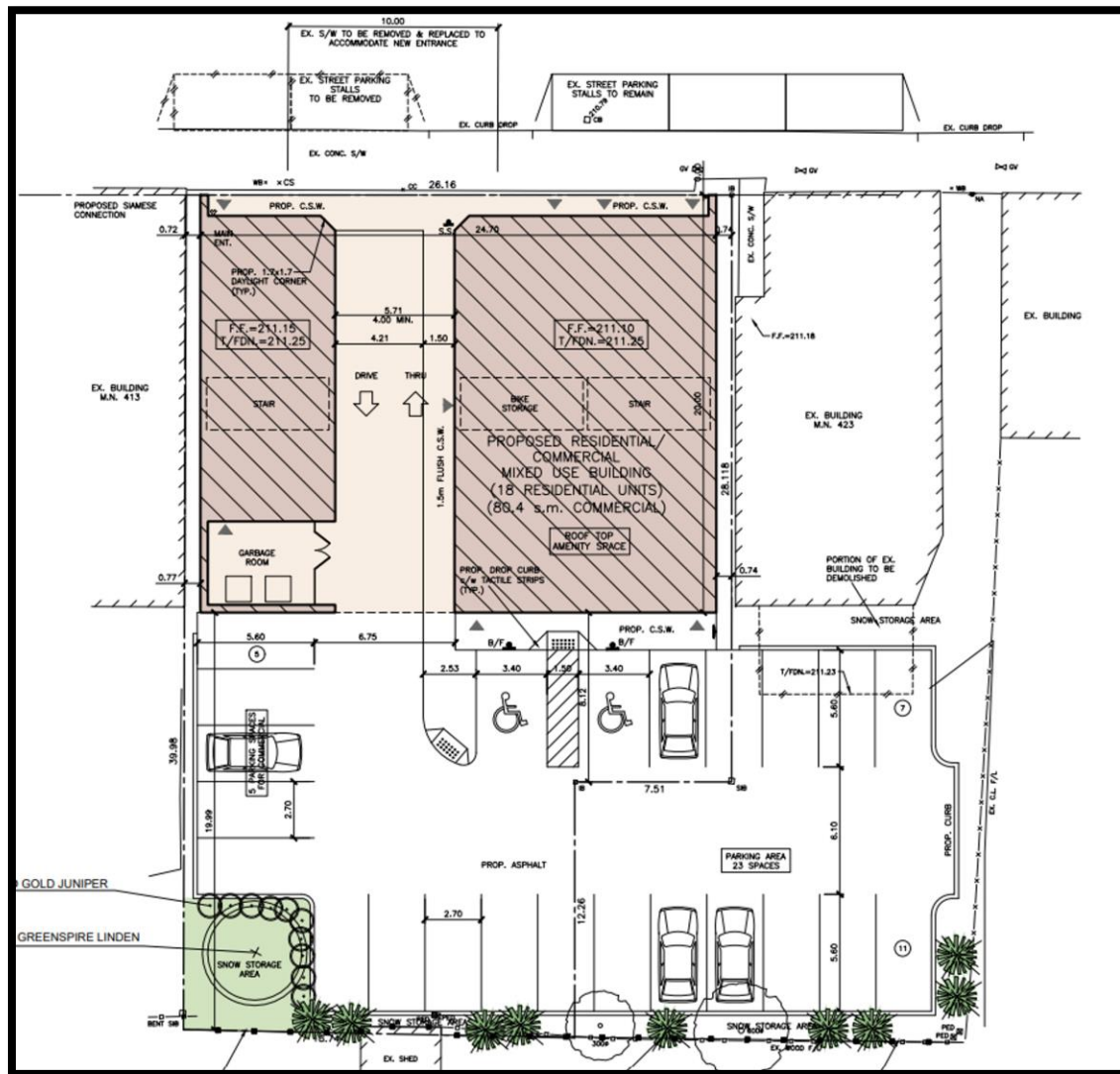
4.0 Purpose and Description of Application

A Minor Variance application has been received for the lands municipally described as 415 and 417 Colborne Street. The purpose of this application is to facilitate the construction of a 3-storey mixed-use building, containing 18 residential units and approximately 80 m² of commercial ground floor area (GFA), as shown in **Figure 1 – Conceptual Site Plan**. The applicant is seeking relief for the height of the building, as shown in **Table 1 - Minor Variance Relief Requested**. The increased height is needed to provide adequate room for the installation of mechanical and electrical equipment for each residential unit.

Table 1 - Minor Variance Relief Requested

Regulation	By-law Section	Required	Proposed	Relief Requested
Height	Section 9.8.2.1.4	10 m	11.43 m	+ 1.43 m

Figure 1 - Conceptual Site Plan



5.0 Site Features

The subject lands are located north of East Avenue, south of Colborne Street, west of Murray Street and east of Peel Street. The lands are approximately 962.2 m² (0.24 ac) in area with approximately 26 m of frontage along Colborne Street. The subject lands are currently vacant and being used as a parking area for the neighbouring property to the east located at 423 Colborne Street, as shown in **Figure 2**. A parking agreement with the neighbouring property has been reached through a previous Site Plan Control application (SPC-14-23) for the subject lands. Additionally, information regarding this site plan application can be found in Section 7.1 of this Report. The following is a description of the land use surrounding the subject lands.

North	Commercial (the Brantford music centre) and Institutional (Alexandra Presbyterian Church)
South	Single detached dwellings
East	Pharmacy (Grand River Clinic & Pharmacy)
West	Commercial stores

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 March 15, 2024. Several departments provided comments and the following is a brief summary of notable comments.

Transportation supports the increase in height so long as it does not result in an increase in gross floor area or unit yield, as site-specific parking rates and an off-site parking agreement has already been

determined and approved for this site through site-specific zoning and site plan applications.

This has been confirmed with the applicant, the increased height does not result in an increase in gross floor area or unit yield.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on April 11, 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 subject lands have been previously subject to a Zoning By-law Amendment application ([PZ-10-22](#)) in 2022 and a Site Plan Application (SPC-14-23) in 2023.

The Zoning By-law amendment changed the zoning of the subject lands from “General Commercial – Exception 85 (C8-85)” to a further amended “Holding - General Commercial – Exception 85 (H-C8-85) to permit the development of the proposed mixed-use building. The application involved amendments to the existing site-specific zoning provisions to permit an increase in the permitted number of dwelling units from 8 to 18, a reduction in the required amenity space to 3.0 m² per residential unit, an increase in building height to 10.9 m, relief for one loading space and a reduction in the required parking from a ratio of 1.5 spaces/unit for dwelling units and 1 space/ 25 m² of commercial/office space to a ratio of 1.0 spaces/unit for dwelling units and 1 space/ 25 m² of commercial/office space.

The Site Plan application received conditional approval on December 7, 2023. The Site Plan drawing that received conditional approval showed a building height of 10.87 m. The applicant indicated that the proposed increase in height will assist in maintaining a height of 4.5 m for the first floor as well as provide the needed internal ceiling height for the installation of mechanical and electrical equipment in all the residential units. The applicant will have to amend the height for any subsequent site plan application submissions.

7.2 Minor Variance 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

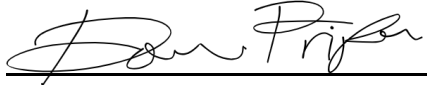
Four Tests	Discussion
<p>1. That the requested variance is minor in nature</p>	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>The proposed building will be 3 storeys in height. This is not a far deviation from the built form along Colborne Street near the subject lands where most of the commercial buildings are 2 storeys in height with a couple being 1 storey in height. Additionally, the building is proposed to be close to the sidewalk versus the rear of the site. For this reason, the increase in height is not expected to have any negative impacts on the adjacent single-detached dwellings.</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 Zoning By-law 160-90 is maintained</p>	<p>The subject lands are zoned “General Commercial – Special Exception 85 (H-C8-85)” in Zoning By-law 160-90 as shown in Appendix A. The general intent of this zone is to allow for a very broad selection of commercial uses as well as dwelling units. The proposed development will feature a mixed-use building. The intent of the maximum building height is to minimize concerns regarding privacy and shadow impacts. In this case, the relief sought for is 1.43 m which is not expected to have an increased impact on either of these concerns. Additionally, the subject lands are proposed to be zoned as “Intensification Corridor” in the new Draft Zoning By-law, which proposes a maximum building height of 12 storeys.</p> <p>Therefore, it is Planning Staff’s opinion that the proposed variance maintains the general intent of the Zoning By-law.</p>

Four Tests	Discussion
<p>3. That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Intensification Corridor” in the Official Plan, as shown in Appendix B. The intent of the designation is the following.</p> <p><i>“It is the intent of this Plan that lands within the Intensification Corridor Designation provide significant opportunities for creating vibrant, pedestrian and transit oriented places through investment in infrastructure, residential intensification, infill and redevelopment, with particular attention to urban design.”</i></p> <p>Due to the proposed building’s close proximity to the sidewalk, pedestrian access will be encouraged. This is also good urban design practice, as per the City’s Urban Design Manual.</p> <p>Section 5.3.3.g. also states the following.</p> <p><i>“Within the Intensification Corridor Designation, the minimum building height of stand-alone residential buildings and mixed-use buildings containing residential units shall be 3 storeys.”</i></p> <p>The proposed building will have 3 storeys, as encouraged in the Official Plan.</p> <p>Therefore, it is the opinion of Planning Staff that the proposed 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 mixed-use building in a designated intensification corridor. The proposed development will add 18 new residential units to the City’s housing stock.</p>

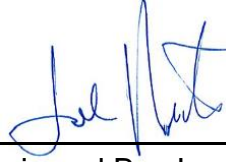
7.3 Conclusion

A site inspection was completed on April 12, 2024. Upon completion of this visit and review of the applicable policies, Planning Staff is supportive of the application. The relief sought is minor in nature and the proposed

development will add new commercial space and residential units to a current underutilized site. 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 A17-2024 be approved.



Dora Pripon, Development Planner
Prepared on: April 24, 2024

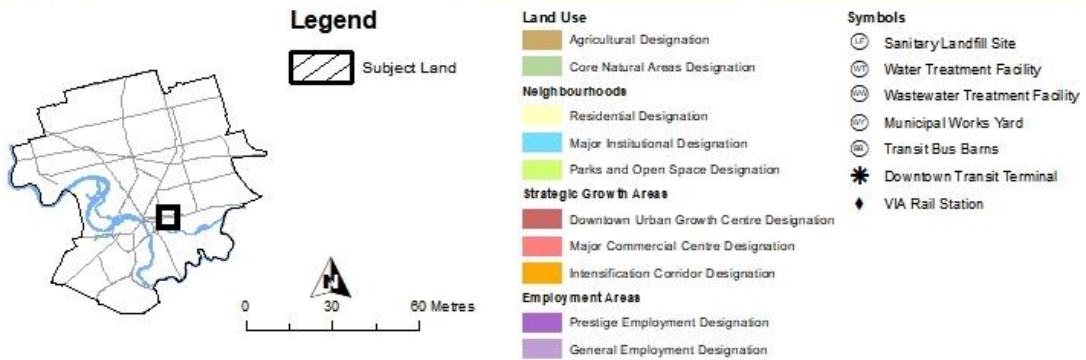
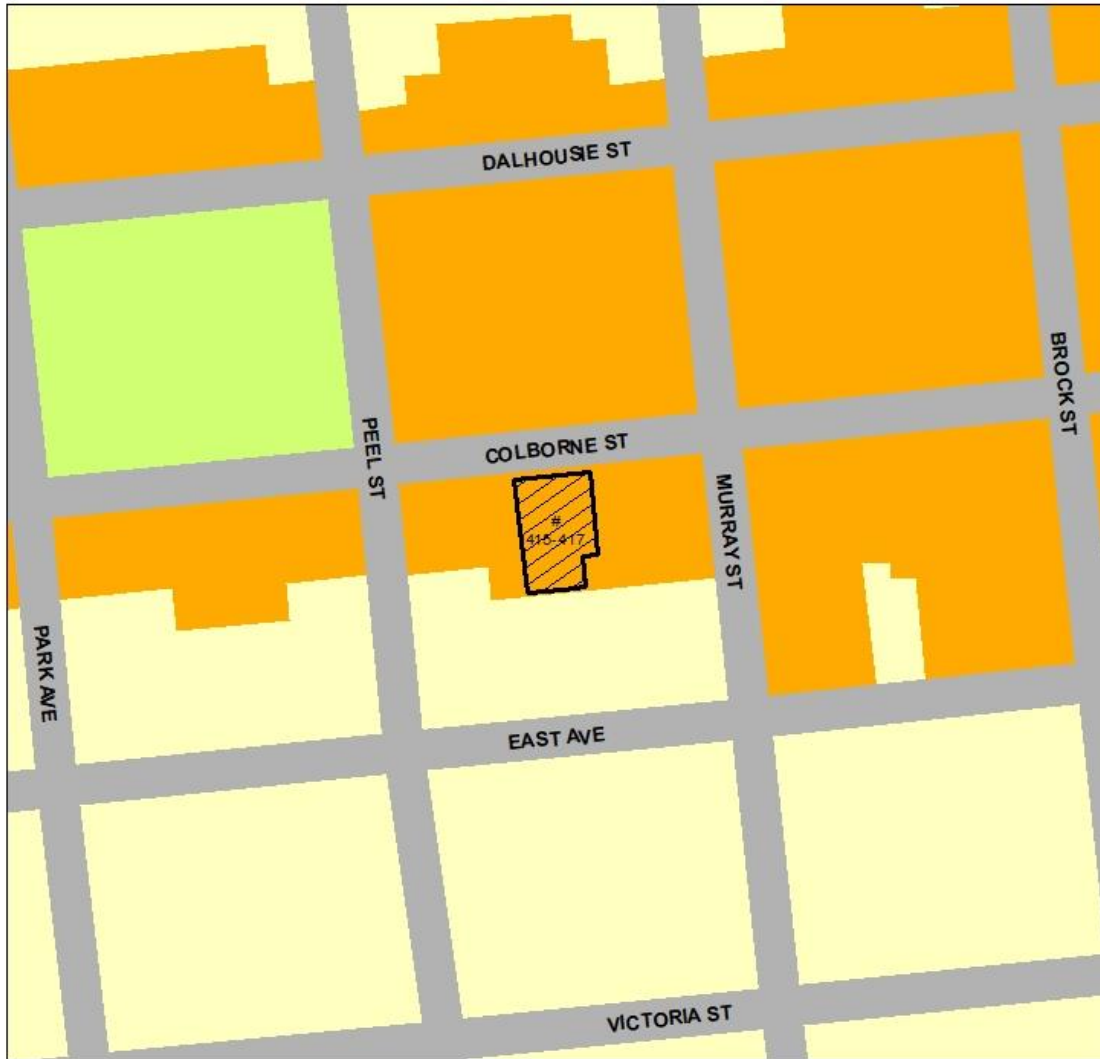


Reviewed By: Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A17/2024
415-417 Colborne Street



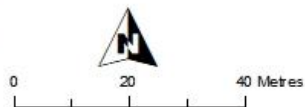
Appendix B – Zoning By-law

ZONING

Application: A17/2024
415-417 Colborne Street



Legend
// Subject Land
□ Zone Boundary



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

- RC Residential Conversion
- R4B Residential Medium Density Type B
- I2 Institutional School
- C8 General Commercial
- OS1 Open Space Type 1
- H Holding Provision
- # Exception Number