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Date June 5, 2024 **Report No.** 2024-370
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
Applications for Minor Variance

2.0 Topic

APPLICATION NO.	A23-2024
AGENT	Fletcher Construction c/o RJ Fletcher
APPLICANT/OWNER	Matthew Hendrie
LOCATION	34 Preston Avenue

3.0 Recommendation

- A. THAT application A23-2024 seeking relief from Section 7.2.2.1.6 of Zoning By-Law 160-90 to permit a rear yard setback of 4.7 m, whereas 7.5 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 2024-370.”

4.0 Purpose and Description of Application

A Minor Variance application has been received for the lands municipally described as 34 Preston Avenue. The purpose of this application is to facilitate the construction of an addition to the principal dwelling, as shown in **Figure 1 – Conceptual Site Plan**.

Figure 1 - Conceptual Site Plan



The applicant is requesting a minor variance for the rear yard setback, as shown in **Table 1 - Minor Variance Relief Requested**. A planning analysis on this variance is provided in Section 7.2 of this Report.

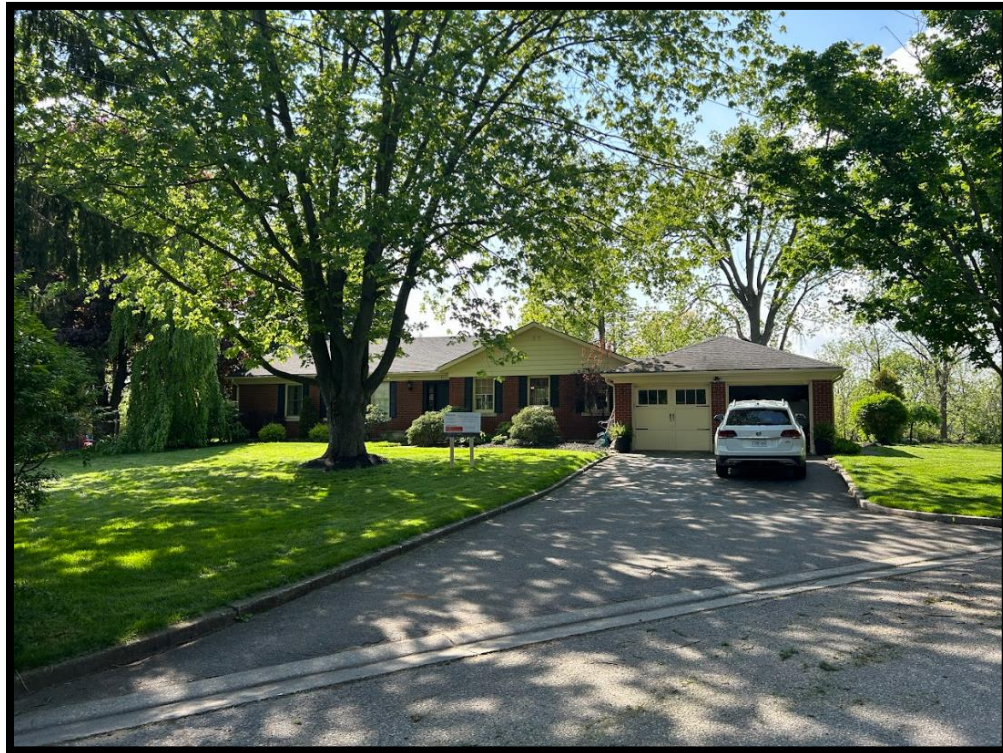
Table 1 - Minor Variance Relief Requested

Regulation	By-law Section	Required	Proposed	Relief Requested
Rear Yard Setback	Section 7.2.2.1.6	7.5 m	4.72 m	- 2.78 m

5.0 Site Features

The subject lands are located north of Parkside Drive and west of Preston Boulevard.

Figure 2 - Photo of Subject Lands



The lands are irregularly shaped and currently contain a single detached dwelling. The following is a description of the land surrounding the subject lands.

North Landscaped open space

South	Single detached dwellings
East	Single detached dwellings
West	S.C. Johnson Trail and Grand River

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on April 19, 2024. No notable comments or objections were received.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail (10 Notices) on April 16, 2024, to property owners within 60 metres of the subject lands pursuant to the *Planning Act*. No public comments were received at the time of writing 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 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

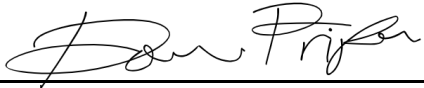
Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. The lot is an irregular shape which makes it challenging for the placement of the building addition. The relief for the rear yard setback would also not

Four Tests	Discussion
	<p>create any disturbance to the surrounding neighbours as there are no neighbouring residential properties abutting the rear lot line. Instead, there is open space and a walking trail. 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 “Residential Type 1A (18 Metre) Zone (R1A)” in the City’s Zoning By-law, as shown in Appendix B. The R1A zone, in Section 7.2.2.1.6, requires a 7.5 m rear yards setback for any lot zoned R1A.</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 the rear yard. The intent of the rear yard setback requirement is to ensure privacy from other neighbouring properties as well as to provide for rear yard amenity space. The requested relief in the rear yard should not create any privacy concerns as there are no neighbours abutting the rear of the subject lands. Further, the requested variance would still permit a usable rear yard for residents of the single detached dwelling. 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”, as shown in Appendix A. The proposed addition intends to continue the residential use, as permitted in the Official Plan. 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 additional residential space for the existing residential dwelling, which is appropriate for the subject lands.</p>

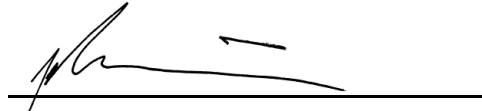
7.2 Conclusion

A site inspection was completed on May 16, 2024. Upon completion of this visit and review of the applicable policies, Planning Staff is supportive of the application. The proposed application is minor and will facilitate the construction of an addition to a residential dwelling appropriate for the

subject lands and neighbourhood. 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 A23-2024 be approved.



Dora Pripon
Development Planner
Prepared on: May 29, 2024



Reviewed By:
Jeff Medeiros, RPP, MCIP
Senior Project Manager, Development

Appendix A

OFFICIAL PLAN EXCERPT MAP

Application: A23-2024
34 Preston Boulevard



Legend

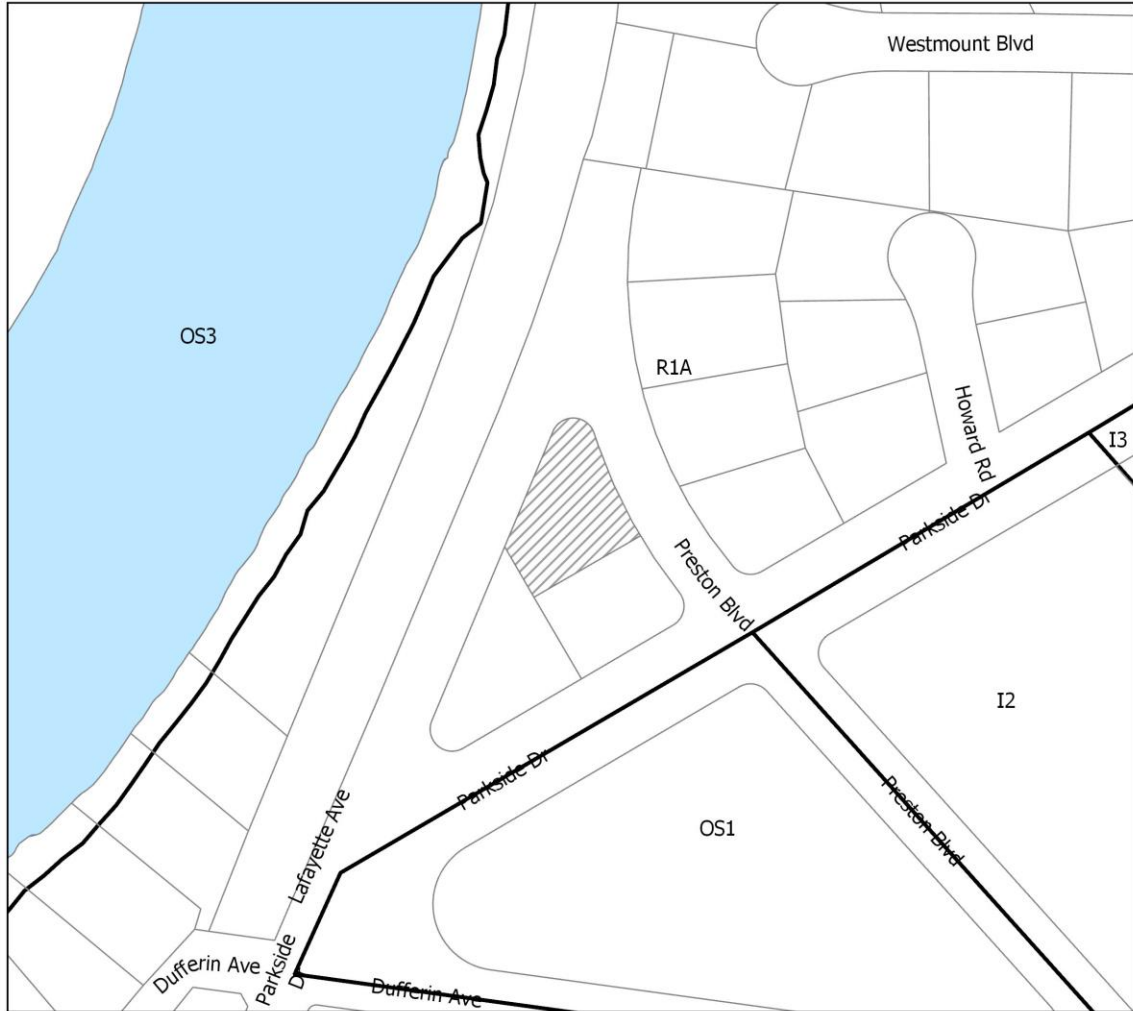
- Agricultural Designation
- Core Natural Areas Designation
- Residential Designation
- Major Institutional Designation
- Parks and Open Space Designation
- Downtown Urban Growth Centre Designation
- Major Commercial Centre Designation
- Intensification Corridor Designation
- Prestige Employment Designation
- Commercial Mixed Use Corridor
- General Employment Designation
- Six Nations Territory
- VIA Station
- Transit Terminal
- Subject Land



Appendix B

ZONING MAP

Application: A23-2024
34 Preston Boulevard



Zoning

- Subject Land
- Zoning

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

- R1A Residential Type 1A (18 metre)
- I2 Institutional School
- I3 Institutional Major
- OS1 Open Space Type 1
- OS3 Open Space Restricted
- # Exception Number

