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Date June 5, 2024 **Report No.** 2024-369
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.	A25-2024
AGENT	Pillar Financial Services Inc. (Lindy Hay)
APPLICANT/OWNER	Zoltan Vass
LOCATION	284 Darling Street

3.0 Recommendation

- A. THAT minor variance application A25-2024 seeking relief from Section 6.18.3.8 of Zoning By-law 160-90 to permit a driveway width of 1.87 m, whereas a minimum of 2.4 m is otherwise required, BE APPROVED;
- B. THAT minor variance application A25-2024 seeking relief from Section 6.18.7.8 of Zoning By-law 160-90 to permit 0 parking spaces, whereas a minimum of 1 parking space is otherwise required for a single detached dwelling unit, BE APPROVED;

- C. THAT the reasons for the approval of the minor variance are as follows: the proposed variance is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature, and desirable for the appropriate development of the subject lands; and,
- D. 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 2024-369.”*

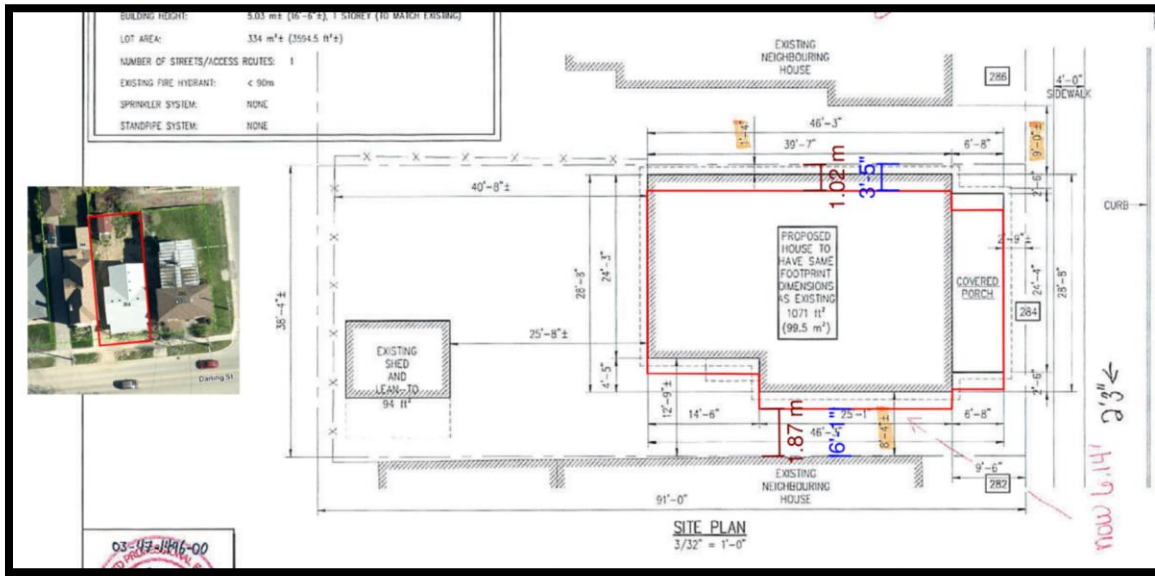
4.0 Purpose and Description of Application

A Minor Variance application has been received for the lands municipally known as 284 Darling Street. The purpose of this application is to facilitate the reconstruction of the dwelling unit after its destruction in a fire. A building permit for the reconstruction of the single detached dwelling was obtained and the dwelling was planned to be built in the same footprint as the previously existing building. However, during the rebuilding process, there was a contractor error in which the lot was not properly measured, and the foundation was installed about 0.6 m west of the approved footprint. This was discovered during an inspection by a City’s Building Inspector. The current placement of the dwelling is shown in red in **Figure 1 – Conceptual Site Plan** below. Due to the incorrect placement of the dwelling, the existing driveway that was previously used to access the parking space at the rear of the dwelling is now unusable. The applicant has applied for a minor variance to permit a reduced driveway width and to allow 0 (nil) parking spaces for the residential dwelling, as shown in **Table 1 - Minor Variance Relief Requested**.

Table 1 - Minor Variance Relief Requested

Regulation	By-law Section	Required	Proposed	Relief Requested
Driveway width	Section 6.18.3.8	2.4 m	1.87 m	- 0.53 m
Parking	Section 6.18.7.8	1 parking space per unit	0 (nil) parking spaces per unit	- 1 parking space

Figure 1 - Conceptual Site Plan

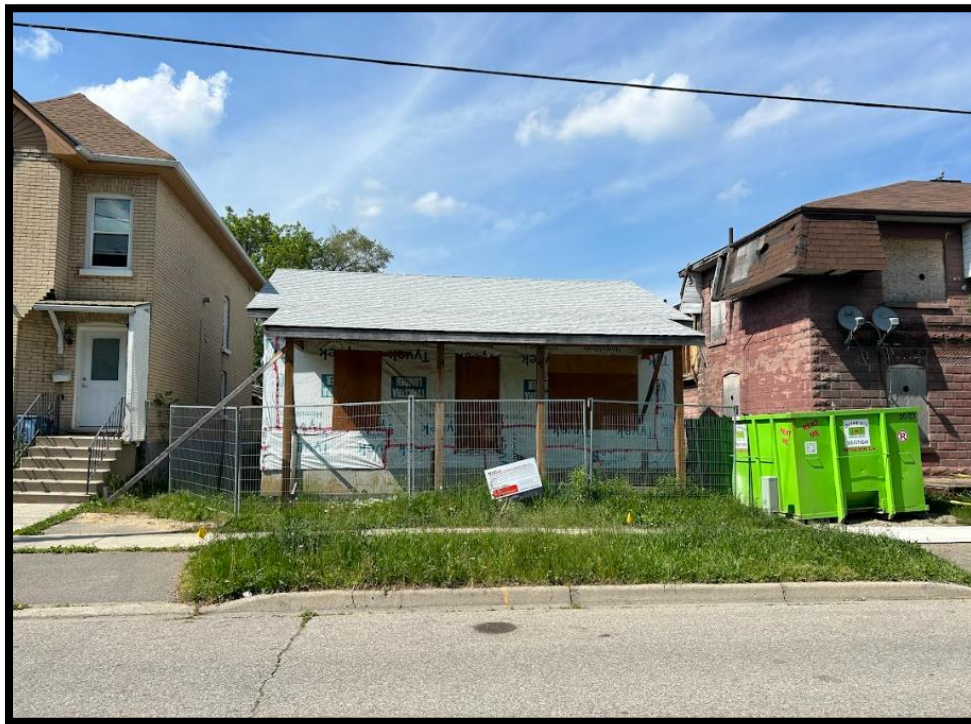


5.0 Site Features

The subject lands are north of Darling Street, south of Wellington Street, east of Brock Street and west of Drummond Street. There is currently a half-constructed single detached dwelling on the site, as shown in **Figure 2**. The following is a description of the land use surrounding the subject lands.

- North** Single detached dwelling
- South** Home business (Koenig & Associates)
- East** Single detached dwelling (zoned C3)
- West** Church and Funeral Chapel

Figure 2 - Photo of Subject Lands



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on April 19, 2024. The following is a brief summary of notable comments.

Transportation Staff note that given the circumstances leading up to this variance, and based on the historical building placement, the proposed variances can be supported.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on May 16, 2024 to property owners (49 Notices) 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 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 - Four Tests of a Minor Variance

Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the sought variance. Since the single detached dwelling on site is almost fully re-constructed (i.e. foundation poured, framed, drywall installed, etc.), Staff view the requested relief as minor. Permitting the continuation of the construction of the dwelling would pose the least number of adverse impacts on the owner and the surrounding neighbourhood. Planning Staff conclude that the requested variances are minor in nature.
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	The subject lands are zoned “Residential Conversion Zone (RC)” in the City’s Zoning By-law, as shown in Appendix B . The RC Zone permits a range of residential housing types and redevelopment. Section 6.18 of the Zoning By-law outlines requirements for parking and driveways. Although the application does not meet the specific requirements for parking and driveway width due to a contractor error, Staff believe the general intent of the Zoning By-law of encouraging the development of residential uses is still maintained.
3. That the general intent and purpose of the Official Plan is maintained	<p>The subject lands are designated “Residential” in the City’s Official Plan, as shown in Appendix A. This designation permits a range of residential uses, including single detached dwellings. The proposed development conforms to this designation.</p> <p>Section 2 of the Official Plan also outlines guiding principals for the City of Brantford. Principals 8 and 9 encourage the use of transit and active transportation, including walking and cycling. The subject lands are within</p>

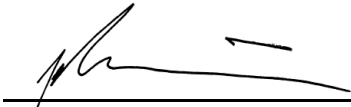
Four Tests	Discussion
	approximately 600 m from the City’s urban growth centre to the west, with convenient access to shops, restaurants and personal service stores within a short walking distance. The subject lands are also 150 m from a bus stop that is part of a transit route (Route 9 - Echo Place). Planning Staff are of the opinion that the requested relief encourages the reliance on active transportation and transit. The proposed variances meet the general intent of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	The proposed relief from the driveway width and the required parking space are desirable in this scenario as they would allow the applicant to finish the reconstruction of a residential dwelling. This would add a residential unit that previously existed back into the City’s housing stock.

7.2 Conclusion

A site inspection was completed on May 17, 2024. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The proposed application would facilitate the completion of the reconstruction of a residential unit. It would also encourage the use of transit and active modes of transportation, as envisioned by the 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 A25-2024 be approved.



Dora Pripon
Development Planner
Prepared on: May 29, 2024

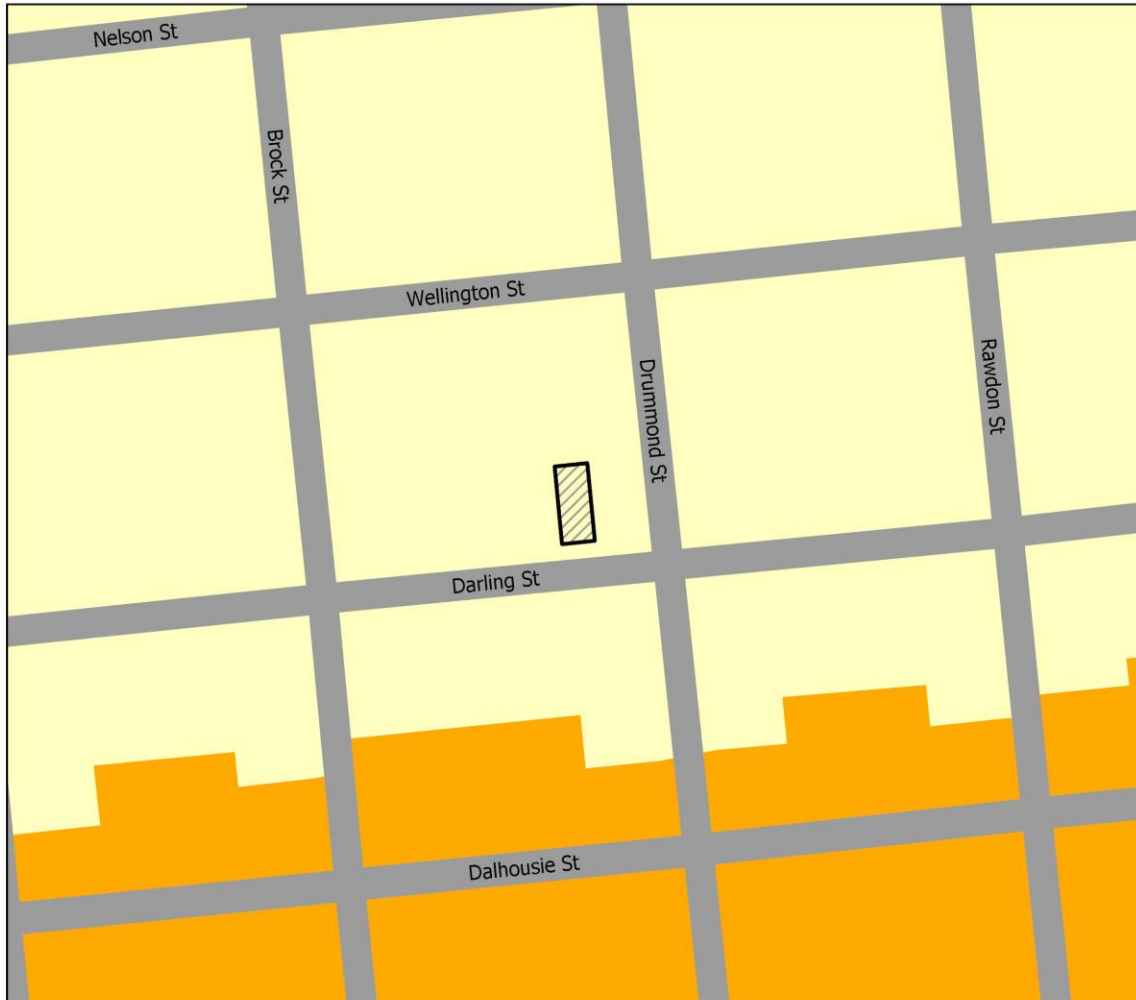


Reviewed By: Jeff Medeiros, MCIP RPP,
Senior Project Manager, Development
Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A25-2024
284 Darling Street



Legend

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



Appendix B – Zoning By-law

ZONING MAP

Application: A25-2024
284 Darling Street



Zoning
//// Subject Land
□ Zoning

ZONING (Bylaw 160-90) and County of Brant(61-16)
RC Residential Conversion
- # Exception Number

