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Date July 3, 2024 **Report No.** 2024-420
To Chair and Members
City of Brantford Committee of Adjustment
From Mila Masic
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding
Applications for Consent and Minor Variance

2.0 Topic

Application No. A29-2024
Agent Rob Ronson
Applicant/Owner Rob Ronson
Location 20 Lancaster Avenue

3.0 Recommendation

A. THAT application A29-2024 seeking relief from Section 6.3.1.1 of Zoning By-Law 160-90 to permit a lot coverage of 14.42%, whereas 10% is otherwise permitted, AND relief from Section 6.3.12 to permit a height of 5.9 m, whereas a height of 4.5 m is otherwise permitted for accessory buildings, as shown on and in general conformance with the site plan provided with this application 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 2024-420.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally described as 20 Lancaster Avenue. The applicant is proposing to construct an accessory structure (garage) on the Subject Lands, as shown in **Figure 1 – Site Plan** and **Figure 2 – Front Elevation**. To facilitate construction, the applicant is seeking relief to permit a lot coverage of 14.42% whereas a maximum lot coverage of 10% is otherwise required for accessory buildings. The applicant is also requesting relief to permit a height of 5.9 m, whereas a height of 4.5 m is otherwise permitted for accessory buildings, as described 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	Bylaw Section	Required	Proposed	Relief Requested
Lot coverage	6.3.1.1	10%	14.42%	4.42%
Accessory structure height	6.3.12	4.5m	5.9m	1.4m

Figure 1 – Site Plan

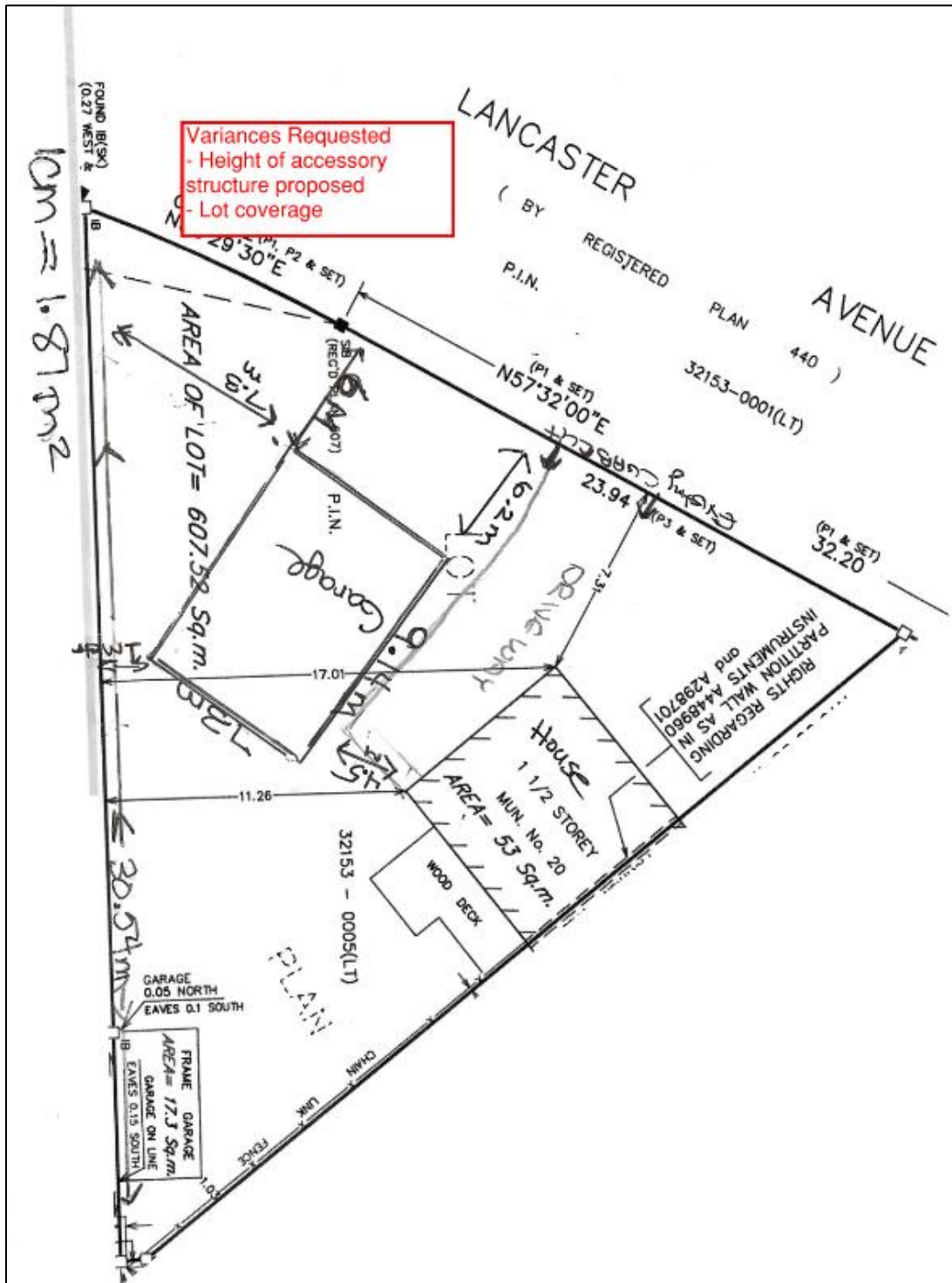
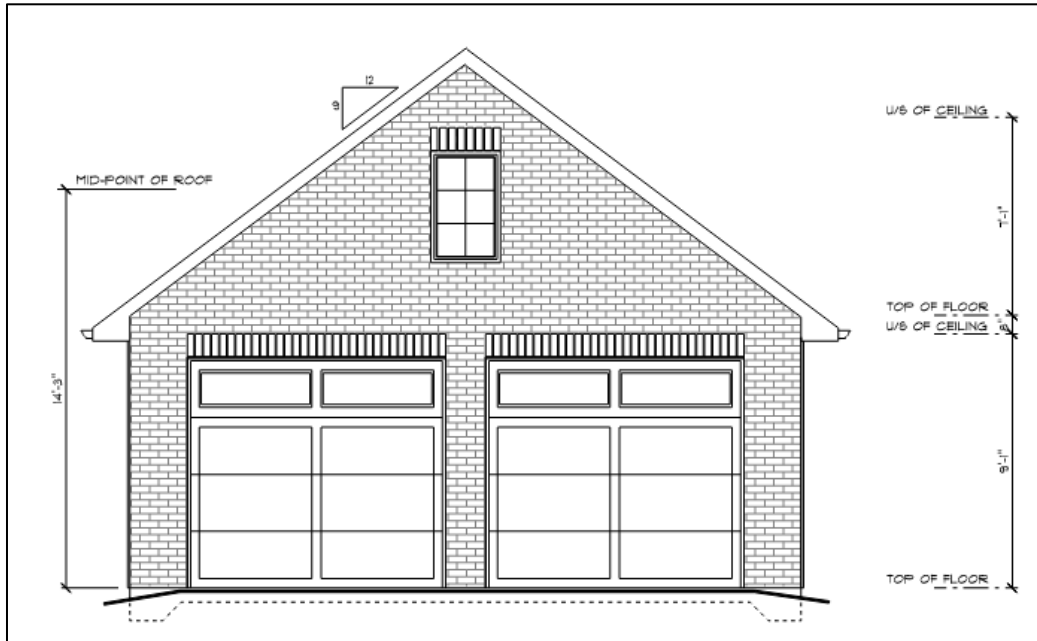


Figure 2 – Front Elevation of Proposed Garage



5.0 Site Features

The subject lands are located north of Burwell Street and south-east of Lancaster Avenue, and have a lot area of 607.5 m² and a lot width of 23.9 m. The lands are irregularly shaped, currently contain a semi-detached dwelling, and are surrounded by low density residential uses in all directions.

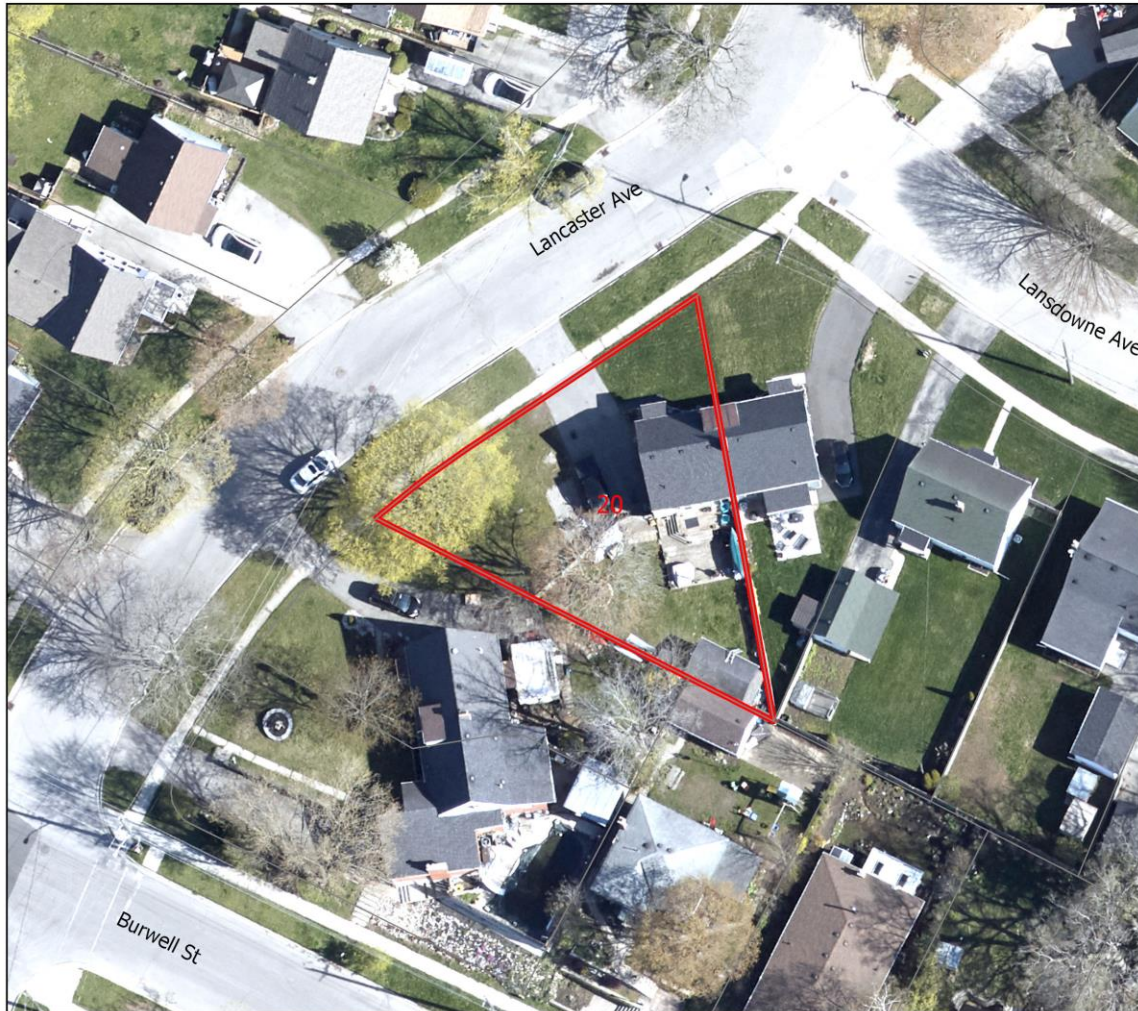
Figure 3 – Photo of Subject Lands




Figure 4 – Aerial Photo of Subject Lands

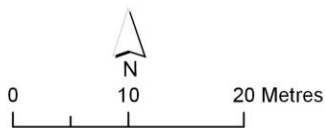
AERIAL PHOTO MAP

Application: A29-2024
20 Lancaster Avenue



Legend

 Subject Land
Aerial Photo from spring 2021



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on May 17, 2024. The following comments were received.

Building Staff had comments relating to other zoning bylaw requirements to be met, such as maintaining 50% open landscaping space in the front yard and noted that the accessory structure may not be used as a habitable structure. Staff also noted that the garage is not to be used for a home occupation/business.

Transportation Engineering Staff do not have any comments in regard to the increase in height or lot coverage, however notes that the drawing appears inaccurate in relation to the existing driveway location. Additionally, the proposed detached garage is shown to constructed where the existing driveway is, rendering the existing driveway unusable. Transportation recommends that as a condition of approval, the Building Permit only be approved by the building department if it meets the requirements of the Zoning By-law as it relates to the requirement of a driveway located within the subject property limits. Transportation does not support a variance, if requested for 0 parking spaces.

Other comments were received from external agencies and internal departments relating to documentation and procedural items for final approval. No objections were received as they relate to the requested variances.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail (42 Notices) on June 18, 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 Background

The subject lands are designated “Residential” in the Official Plan and zoned “Residential Type 1C (R1C)” in Zoning By-law 160-90 as shown in **Appendix A** and **Appendix B**, respectively.

7.2 Minor Variance

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.

Four Tests	Discussion
1. That the general intent and purpose of the Official Plan is maintained	The subject lands are designated “Residential” within the City’s Official Plan. The “Residential” Designation applies to the Neighbourhood residential areas of the City which are intended to support a full range of housing types and serve residents. Included among these housing types is a semi-detached residential dwelling. The requested minor variances would not conflict with the general intent and purpose of the Official Plan as the proposed variances maintain the existing low density semi-detached residential use and nature on the subject property. It is the opinion of Staff that the application would maintain the general intent and purpose of the Official Plan.
2. That the intent and purpose of the Zoning By-law 160-90 is maintained	The subject lands are zoned “Residential Type 1C (12 metre)” (R1C) in the Zoning Bylaw. This residential zone permits single detached dwellings. There is currently a legal non-conforming semi-detached dwelling on the property. Records indicate the structure being constructed in 1942, well before the current Zoning By-law in effect. The applicant is requesting relief for a lot coverage of 14.42% whereas a maximum lot coverage of 10% is otherwise permitted for accessory buildings. The applicant is requesting a second relief to permit a height of 5.9 m, whereas a height of 4.5 m is otherwise permitted for accessory buildings. These variances would permit the construction of the proposed accessory structure (garage).

	<p>Variance 1: The proposed garage would create a lot coverage of 14.42% whereas the Zoning Bylaw permits a maximum lot coverage of 10% for accessory buildings. The general intent and purpose of this zoning regulation is to ensure that the accessory building or structure remains accessory and subordinate to the main use on the property and to ensure sufficient outdoor amenity area remains. The subject property exceeds the minimum lot area requirement in the Zoning By-law and can adequately accommodate a detached structure that occupies an additional 4.42% of the lot area without impacting outdoor amenity area or required setbacks. The requested variance conforms to the general intent and purpose of the Zoning By-law.</p> <p>Variance 2: The proposed garage has a height of 5.9 m, whereas a maximum height of 4.5 m is otherwise permitted for accessory buildings. The intent of this provision is to ensure that accessory structures do not have a significant impact on neighbouring properties considering the reduced minimum side and rear yard setbacks of 0.6 metres for accessory structures. Additionally, as the proposed structure would provide side and rear yard setbacks of around 1 metre, staff are of the opinion that the proposed height would conform with the general intent and purpose of the Zoning By-law.</p> <p>Staff are recommending a few conditions of approval, to ensure that the proposal conforms to the Zoning Bylaw.</p>
<p>3. 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 increased lot coverage and height of the proposed accessory structure (garage) would result in minimal impact on adjacent properties. Given that the property is almost 250 m² larger than the minimum required, the increase in lot coverage is minor. Additionally, given that the structure has adequate separation proposed and has a similar built form to the adjacent structures, the increased height is also minor.</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 Planning Staff that the proposal is desirable as it would facilitate the creation of a detached garage which is a permitted use in the Official Plan and Zoning By-law.</p>

7.3 Conclusion

A site inspection was completed on June 13, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested minor variances within file A29-2024 subject to the conditions outlined in the recommendations. For the reasons discussed above, the minor variance application satisfies Section 45(1) of the *Planning Act*, and Staff recommends approval of the application.

Mila Masic

Mila Masic,
Development Planner

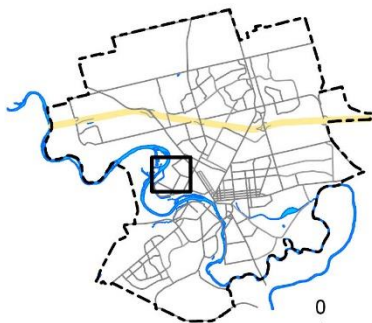
Sean House

Reviewed By: Sean House, MCIP RPP
Senior Project Manager

Appendix A – Official Plan Designation

OFFICIAL PLAN EXCERPT MAP

Application: A29-2024
20 Lancaster Avenue



Legend

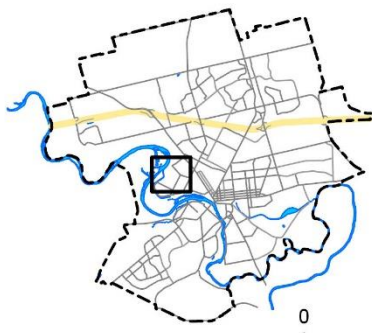
- Agricultural Designation
- Core Natural Areas Designation
- Residential Designation
- Major Institutional Designation
- Parks and Open Space Designation
- Downtown Urban Growth Centre Designation
- Major Commercial Centre Designation
- Intensification Corridor Designation
- Prestige Employment Designation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



Appendix B – Zoning

ZONING MAP

Application: A29-2024
20 Lancaster Avenue



Legend

- Subject Land
- Zoning

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

- R1A Residential Type 1A (18 metre)
- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- OS1 Open Space Type 1
- # Exception Number



0 40 80 Metres