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**Date** July 3, 2024 **Report No.** 2024-285  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Dora Pripon  
Development Planner

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### 1.0 Type of Report

Committee of Adjustment Decision Regarding  
Application for Minor Variance

### 2.0 Topic

**APPLICATION NO.** A22-2024  
**AGENT** J. H. Cohoon Engineering Ltd.  
**APPLICANT/OWNER** Mazher Lalif  
**LOCATION** 251 Stanley Street

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### 3.0 Recommendation

- A. THAT Minor Variance application A22-2024 seeking relief from Zoning By-law 160-90 for the severed portions of the lands municipally known as 251 Stanley Street, BE APPROVED for the following variances, provided that a minimum interior side yard and a minimum exterior side yard of 6.0 m is provided for Severed Lot 2:
- i. Severed Lot 1: Section 6.18.3.9 to permit a front yard landscaped open space of 40.3%, whereas 50% is otherwise required;

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- ii. Severed Lot 2: Section 7.9.2.1.5 to permit a front yard setback of 2.75 m, whereas 6 m is otherwise required;
  - iii. Severed Lot 2: Section 7.9.2.1.6.1 to permit a rear yard setback of 2.1 m, whereas 7.5 m is otherwise required;
  - iv. Severed Lot 2: Section 7.9.2.1.3.1 to permit a lot coverage of 46.2%, whereas 40% is otherwise required;
- B. THAT the reasons for the approval of the minor variances are as follows: the proposed variances are 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,
- 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 2024-285.”*

#### 4.0 Purpose and Description of Application

A Minor Variance application has been received for the lands municipally known as 251 Stanley Street. The purpose of this application is to facilitate the construction of a 10-unit townhouse development on the corner lot fronting Campbell Street and Stanley Street, as well as a double duplex on the middle lot fronting Stanley Street, as shown in **Figure 1**. The applicant previously applied for combined consent and minor variance applications back in 2023. The consent applications (B25-2023 & B26-2023) proposed to sever the property into 3 separate parcels, as shown in **Figure 2**. These applications were conditionally approved, and the applicant has until August 25, 2025 to complete all conditions of consent. The applicant also applied for a minor variance application (A27-2023), which was approved and is still in force and effect to this day. The variances that were approved are as follows:

- Variance to permit a front yard of 3.0 m from Stanley Street for severed lot 2, whereas 6.0 m is required;
- Variance to permit a rear yard of 2.4 m for severed lot 2, whereas 7.5 m is required; and

- Variance to permit a lot width of 2.82 m/unit (28.2 m) along Stanley Street for 10 street townhouse dwelling units for severed lot 2, whereas a minimum lot width of 6.0 m/unit (60.0 m) is required.

The applicant has since modified their plans and is now proposing to increase the size of the street townhouse blocks slightly and move the parking lot from the rear of the double duplex to the front yard. Therefore, updated variances are required to facilitate these changes, as shown in **Table 1**:

**Table 1 - Minor Variance Relief Requested**

Regulation	By-law Section	Required	Previously Approved for (A27-2023)	Current Proposal	Relief Requested
Front Yard Landscaped Open Space (Minimum)	Section 6.18.3.9	50%	-	40.3%	- 9.7%
Front Yard (Minimum)	Section 7.9.2.1.5	6 m	3 m	2.75 m	- 3.25 m
Rear Yard (Minimum)	Section 7.9.2.1.6.1	7.5 m	2.4 m	2.1 m	- 5.4 m
Lot Coverage (Maximum)	Section 7.9.2.1.3.1	40%	-	46.2%	+ 6.2%

Figure 1 - Conceptual Site Plan

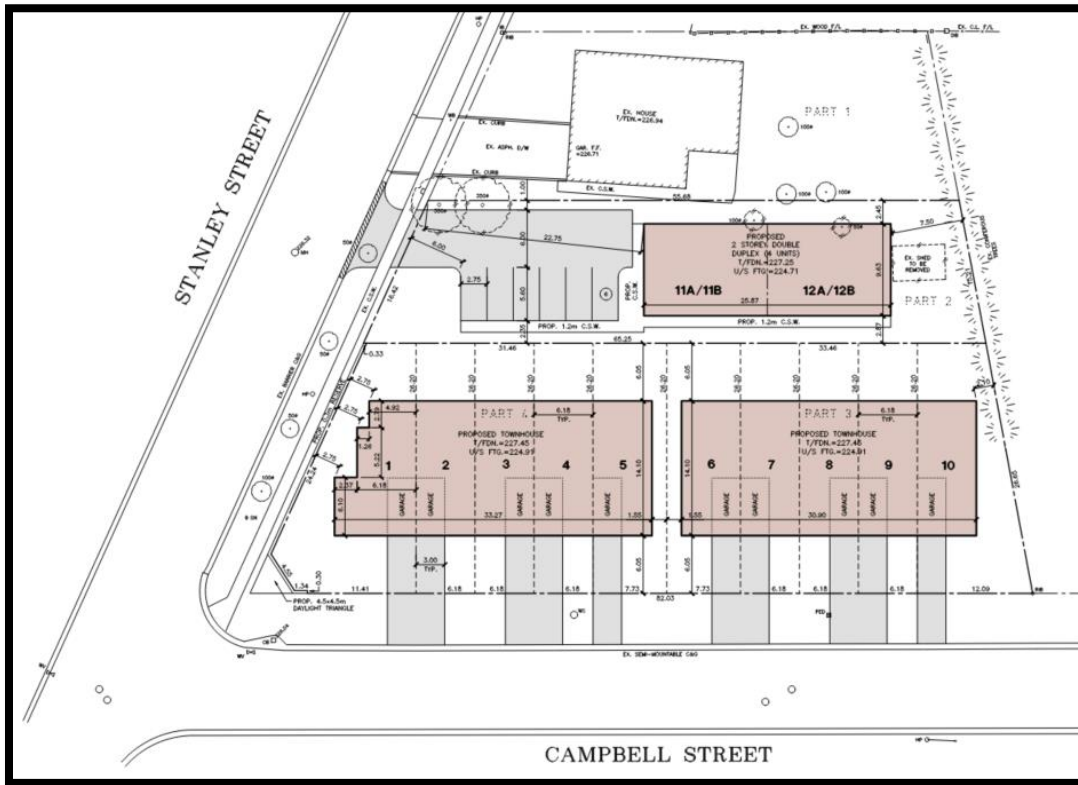
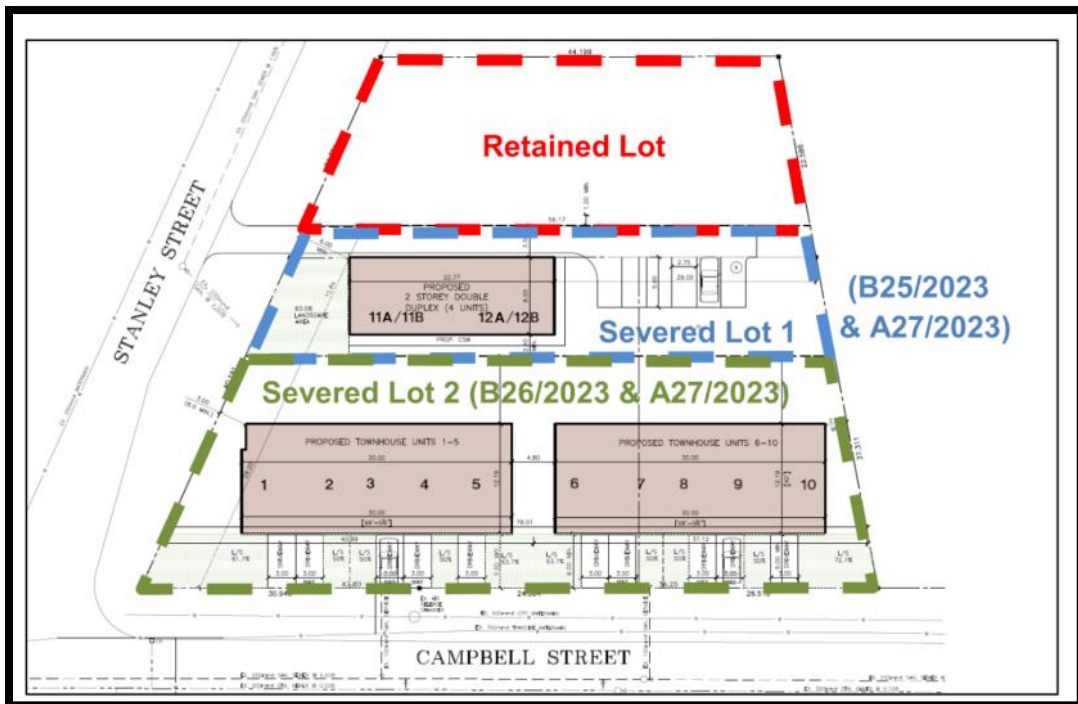


Figure 2 - Previous Conceptual Site Plan



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## 5.0 Site Features

The subject lands are located on the northeast corner of the Stanley Street and Campbell Street intersection. A single-detached dwelling occupies the northern portion of the site, with the remainder of the lands being vacant, as shown in **Figure 3.** The following is a description of the land use surrounding the subject lands.

<b>North</b>	Single detached dwellings and block townhouses
<b>South</b>	Single detached dwellings and street townhouses
<b>East</b>	Pumping station and reservoir
<b>West</b>	Former Golf Course

Figure 3 – 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 May 24, 2024. Several departments provided comments and the following is a brief summary of notable comments.

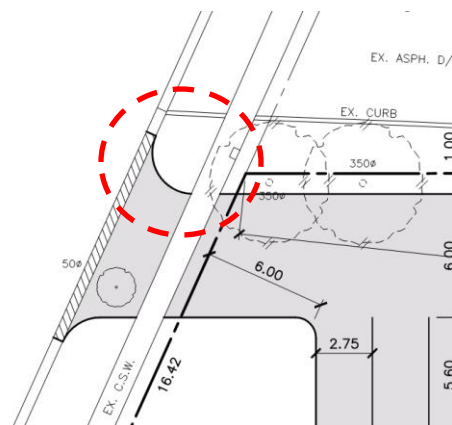
**Engineering** Staff note that they are in support of the proposed minor variances (i.e., rear yard setback, front yard setback, front yard landscaped open space and lot coverage) with the understanding that the

front yard and rear yard setback reduction only applies to the Stanley Street frontage. Development Engineering would not be in support of any setback reductions if frontage is created to Campbell Street. Clarification on which setbacks are supported has been captured in the wording of the recommendations in **Section 3 – Recommendations** of this Report.

**Landscaping** Staff note that there are several municipal trees located along the Stanley St Right-of-Way, which are subject to the City’s Tree By-law (38-23). The Owner/Applicant will be responsible for providing tree protection for the trees. The applicant has been made aware of this requirement, which will be addressed when the applicant applies for a right-of-way permit to the City.

**Transportation** Staff request that a daylight triangle measuring 4.5 m x 4.5 m is to be conveyed to public roadway at the corner of the property nearest the intersection of Campbell Street at Stanley Street. This was captured as a condition of consent in the previous consent application on the property (B26-2024) and must be satisfactorily addressed prior to the City issuing the certificate of official. Additionally, the driveway curb return radius should not extend beyond the projection of the property limit. For example, at the access on Stanley Street, the proposed north curb extends beyond the frontage of the property (see Figure 4 below). The applicant has been made aware of this requirement, which will, again, be addressed when the applicant applies for a right-of-way permit to the City as the works are in the City’s right-of-way.

Figure 4 - Curb extending beyond property line circled



**The Mississaugas of the Credit First Nation** would like to notify that we are the Treaty Holders of the land on which the development of two 5-unit block townhouses will be taking place. This project is located on the

Between the Lakes Treaty No. 3, of 1792. In light of this, the MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. This requirement is captured as a condition of consent in the previous consent application on the property (B26-2024) and will need to be addressed.

**Canada Post** advised that this development of 14 units in total will require a Community mailbox to be installed for mail delivery and it will be installed on Stanley St between the 2 properties. Canada Post will work with the developer on a site location when ready. The applicant was made aware of this comment.

## 6.2 Public Response

A Notice of Public Hearing was issued by personal mail on June 21, 2024 to property owners within 60 metres of the subject lands (107 notices) 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

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 – Severed Lot 1: Front Yard Landscaped Open Space

Four Tests	Discussion
1. That the requested variance is <b>minor</b> in nature	It is noted that the site plan submitted with the previous application had the parking lot for the double duplex at the rear of the building instead of the front. With this configuration, a variance for the front yard landscape open space would not have been needed. However, the

Four Tests	Discussion
	<p>applicant decided to move the parking area to the front with the reasoning that the long north face of the building was very close to the driveway which would impose safety and noise problems. The aim was to push the building to the back to isolate it from the traffic and having the surrounding landscaped area as a safe amenity space would be a better design. As this design, would ultimately reduce the amount of asphalt needed and thus, preserve the landscaping on site, Staff is of the opinion the relief sought in this application is minor.</p>
<p>2. That the intent and purpose of the <b>Zoning By-law 160-90</b> is maintained</p>	<p>The subject lands are zoned “Residential Medium Density Type A Zone (R4A)” in the Zoning By-law, as shown in <b>Appendix A</b>. The intent of the front yard landscape open-space provision is to ensure there is adequate landscaping to enhance the streetscape and provide additional amenity space. The subject lands have a large front yard and can accommodate about 70 m<sup>2</sup> of landscaped open space. Planning Staff is satisfied that the requested relief still adequately meets the intent of the Zoning By-law.</p>
<p>3. That the general intent and purpose of the <b>Official Plan</b> is maintained</p>	<p>The subject lands are zoned “Residential” in the Zoning By-law, as shown in <b>Appendix B</b>. This designation permits a range of dwelling types including duplexes. It is the opinion of Planning Staff that the proposal maintains the general intent and purpose of the Official Plan.</p>
<p>4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure</p>	<p>The variances will allow for the creation of a new double duplex development. Staff believe that this proposal is an efficient use of underutilized land and will add addition units to the City’s housing stock. Planning Staff are of the opinion that the proposed variance is desirable for the appropriate development of the land.</p>

Table 3 - Minor Variance tests – Severed Lot 2: Front Yard Setback, Rear Yard Setback and Lot coverage

Four Tests	Discussion
<p>1. That the requested variance is <b>minor</b> in nature</p>	<p>The requested variances to reduce the rear and front yard are technical in nature and are only required due to this site being located on a corner and a result of the definition of the front lot line (the shorter of the two lines abutting a street). If Campbell Street were considered the front yard, which is the final intention of this development as the townhouse units are planned to be subdivided, the</p>



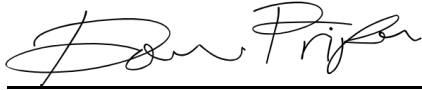
Four Tests	Discussion
	<p>proposal would meet all zoning provisions, with lot coverage being the exception. If Campbell Street were considered the front yard, the current front yard of 2.75 m would become the exterior side yard and the requirement would be 3 m. This is a difference of 0.25 m. Additionally, the rear yard of 2.1 m would become the interior side yard and the requirement would be 2.4 m. This is a difference of 0.3 m.</p> <p>As for maximum lot coverage, the requested relief is for an increase of 6.2%. As this reduction would not be noticeable and the townhouse units would have sufficient landscaped open/amenity space in the rear yard and front yard, Staff would consider this variance minor in nature.</p>
<p>2. That the intent and purpose of the <b>Zoning By-law 160-90</b> is maintained</p>	<p>The subject lands are zoned “Residential Medium Density Type A Zone (R4A)” in the Zoning By-law, as shown in <b>Appendix A</b>. The intent of the front yard, rear yard and lot coverage provisions is to ensure that parcels can appropriately accommodate a dwelling, the required parking and landscaping, as well as outdoor amenity space. It is Staff’s opinion that the proposal can appropriately accommodate these requirements and meets the intent of the zoning by-law.</p>
<p>3. That the general intent and purpose of the <b>Official Plan</b> is maintained</p>	<p>The subject lands are zoned “Residential” in the Zoning By-law, as shown in <b>Appendix B</b>. This designation permits a range of dwelling types including townhouses. It is the opinion of Planning Staff that the proposal will maintain the general intent and purpose of the Official Plan.</p>
<p>4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure</p>	<p>The variances will allow for the creation of a new townhouse development. Staff believe that this proposal is an efficient use of underutilized land and will contribute to the wide range of housing stock needed in the City. Planning Staff are of the opinion that the proposed variances are desirable for the appropriate development of the land.</p>

## 7.2 Conclusion

A site inspection was completed on April 12, 2024. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The proposed development will intensify an underutilized site and

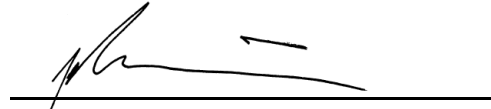
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facilitate the construction of a double duplex and 10-unit townhouse, which are an appropriate built form for the neighbourhood. For these reasons and the ones mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A22-2024 be approved.



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Dora Pripon, Development Planner  
Prepared on June 27, 2024



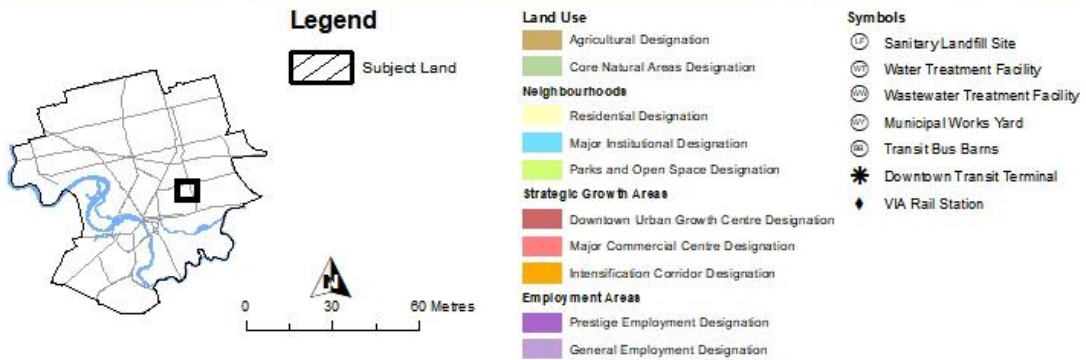
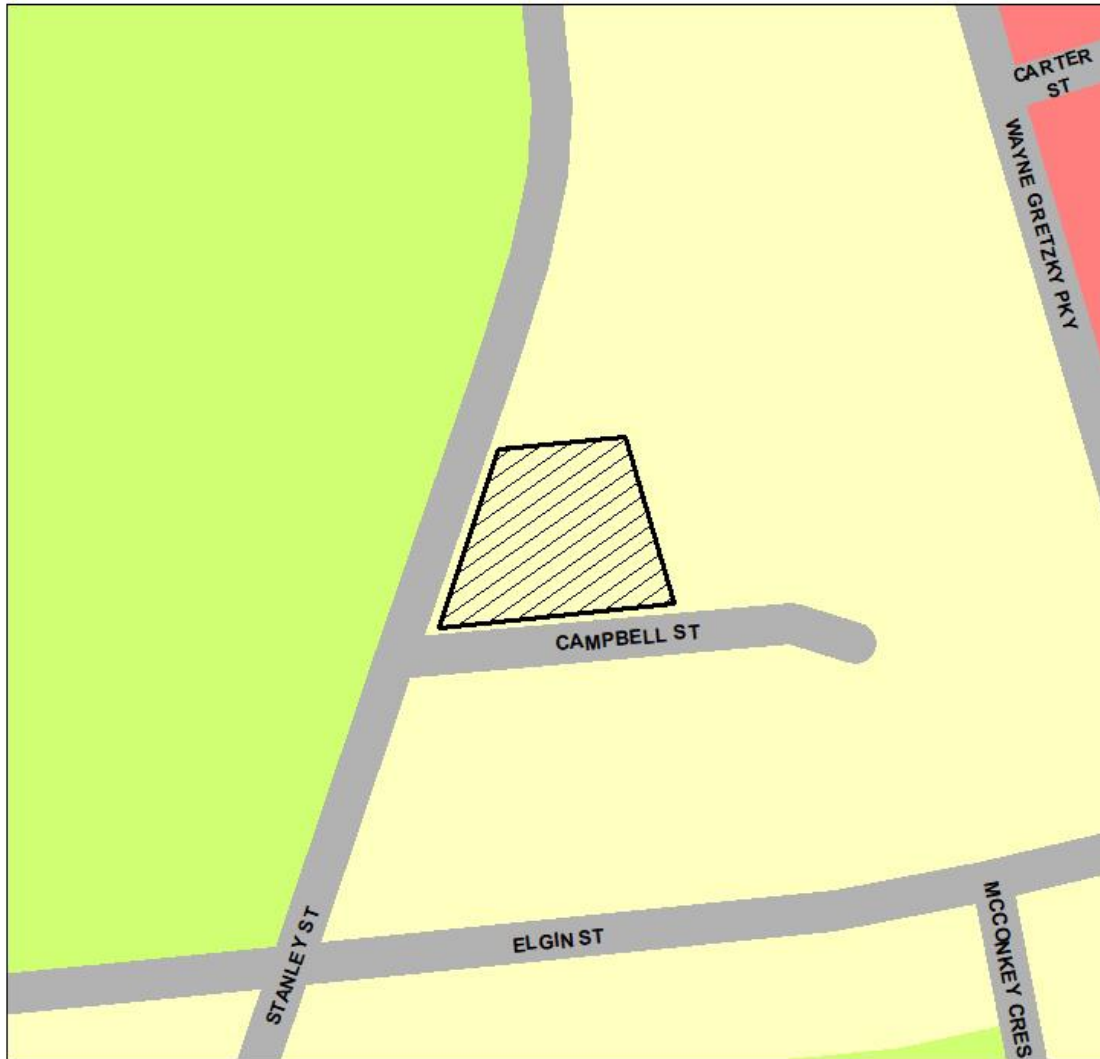
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Reviewed By: Jeff Medeiros, MCIP RPP,  
Senior Project Manager, Development  
Planning

## Appendix A – Official Plan

### OFFICIAL PLAN EXCERPT MAP

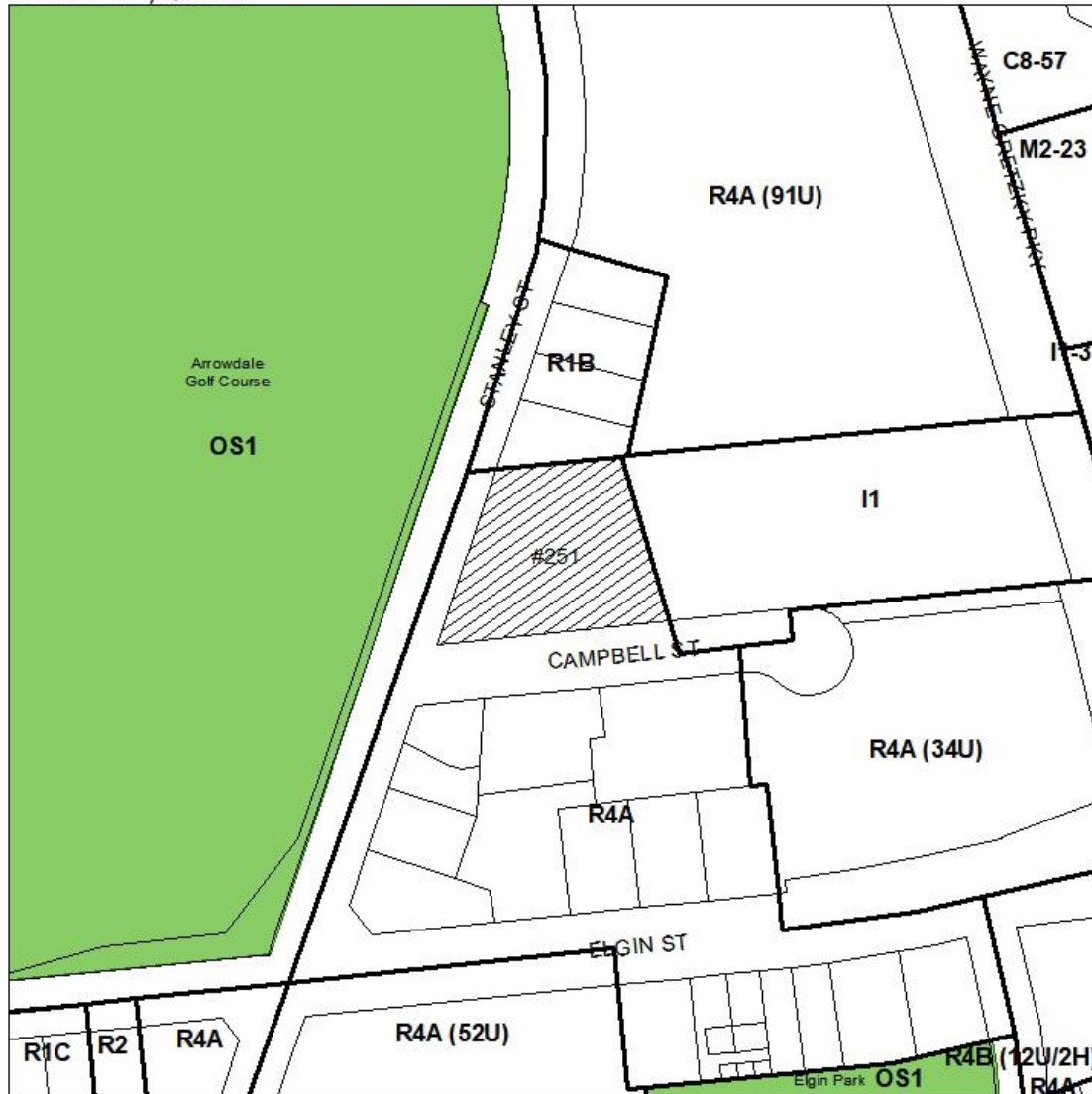
Application: A22-2024  
251 Stanley Street





**Appendix B – Zoning By-law**

**ZONING**

Application: A22-2024  
 251 Stanley Street



**Legend**

-  Subject Land
-  Zone Boundary



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

- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- R2 Residential Type 2
- R4A Residential Medium Density Type A
- R4B Residential Medium Density Type B
- I1 Institutional Service
- I2 Institutional School
- C8 General Commercial
- M2 General Industrial
- OS1 Open Space Type 1
- # Exception Number