



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date July 3, 2024 **Report No.** 2024-408
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 [X]

2.0 Topic

Application No. A31-2024
Agent/Applicant/Owner: Jen Pescod
Location 82 Park Avenue

3.0 Recommendation

- A. THAT minor variance application A31-2024 seeking relief from Section 7.8.2.1.8.2 of Zoning By-law 160-90 to permit a gross floor area of 47.45 m²/unit, whereas a minimum gross floor area of 55 m²/unit is otherwise required, BE APPROVED;
- B. 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,

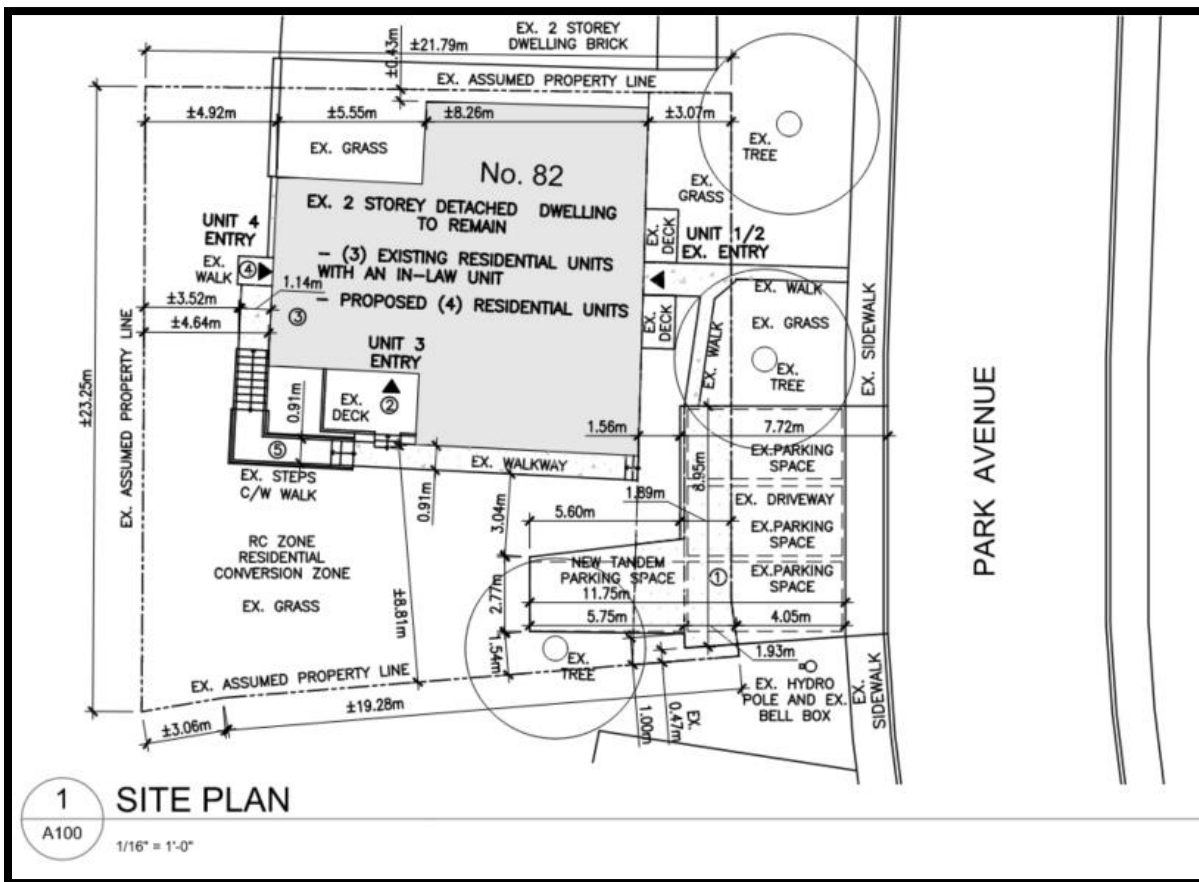
C. THAT pursuant to Section 45(8)-(8.2) of the Planning Act, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“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 2024-408.”

4.0 Purpose and Description of Application

A Minor Variance application has been received for the lands municipally known as 82 Park Avenue. The purpose of this application is to facilitate the conversion of an in-law suite in the basement into a 4th residential dwelling unit. The existing dwelling on the subject lands is considered a converted dwelling and contains 3 separate dwelling units as well as an in-law suite in the basement (see **Figure 2**). The applicant is proposing to remove the stair access from the unit above to the in-law suite, thus creating a separate unit. The proposal also includes adding a fourth parking space in tandem north of the existing parking spaces, as shown in **Figure 1**.

Figure 1 - Conceptual Site Plan



The applicant has applied for a minor variance to permit a reduced gross floor area per unit for the converted 4th unit, as shown in **Table 1** below:

Table 1 - Minor Variance Relief Requested

Regulation	By-law Section	Required	Proposed	Relief Requested
Gross Floor Area	Section 7.8.2.1.8.2	55 m ²	47.45 m ²	- 7.55 m ²

5.0 Site Features

The subject lands are located north of Alfred Street, south of Park Street, east of Mary Street and west of South Street.

Figure 2 - Photo of Subject Lands



The following is a description of the land use surrounding the subject lands.

North	Single detached dwellings
South	Apartment buildings (2) and single detached dwellings
East	Single detached dwellings
West	Single detached dwellings

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on May 22, 2024. The following is a brief summary of notable comments.

Transportation Staff note that the existing gravel parking area is mostly contained within the boulevard, and these parking spaces cannot be guaranteed for perpetuity. The City may at any time, at our discretion require the boulevard for road or sidewalk work or improvements, which would leave this property without parking. It is recommended the existing parking area be expanded into the side yard, as there is adequate space for at least 2 on-site parking spaces.

Planning Staff note that many of the properties along Park Avenue have their parking spaces fully or partially in the municipal right-of-way. It is correct that the City may at any time require the boulevard for road or sidewalk work or improvements, however, a solution would have to be reached for all the properties along the street that would be losing their parking spaces as a result of any planned municipal activities. Furthermore, Planning Staff believes that moving one more parking space on site versus leaving it in the right-of-way is not worth the reduction in landscape/amenity space it would create on the property.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on June 21, 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.

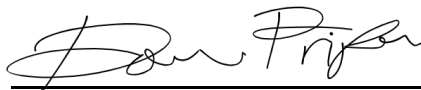
Table 2 - Minor Variance tests

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 proposed development seeks to convert a unit that is 7.55 m ² smaller than what is required in the Zoning By-law. The applicant is not proposing to increase the building footprint and all renovations will be interior to the building, which can limit the available gross floor area when creating new residential units. Therefore, there are no expected adverse impacts on the surrounding area. Staff is of the opinion the relief sought in this application is minor.
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 Zoning By-law, as shown in Appendix A . The intent of the minimum gross floor area requirement in the Zoning By-law is to ensure adequate-sized units for residential uses. In this case, the deficiency per unit is only 7.55 m ² and thus, there is no significant concern that the units wouldn’t be able to be used for their intended residential purposes. It is Planning Staff’s opinion that the proposed variance would maintain the general intent of the Zoning By-law.
3. That the general intent and purpose of the Official Plan is maintained	The subject lands are designated “Residential”, wherein a wide variety of residential units are permitted. The Official Plan generally encourages infill development as well as increasing density and adding additional dwelling units to properties where appropriate. Therefore, it is the opinion of Staff that the proposed variance would maintain the general intent and purpose of the Official Plan.

Four Tests	Discussion
4. That the variance is desirable for the appropriate development and use of the land, building or structure	It is the opinion of staff that the proposal is desirable as it would facilitate the creation of one additional rentable dwelling unit in a residential area. The proposed density is suitable for the neighbourhood.

7.2 Conclusion

A site inspection was completed on June 19, 2024. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The proposed application will intensify an existing converted dwelling into a 4-unit converted dwelling. This will add one additional dwelling unit to the City's housing stock. 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 A31-2024 be approved.



Dora Pripon, Development Planner
Prepared on: June 27, 2024

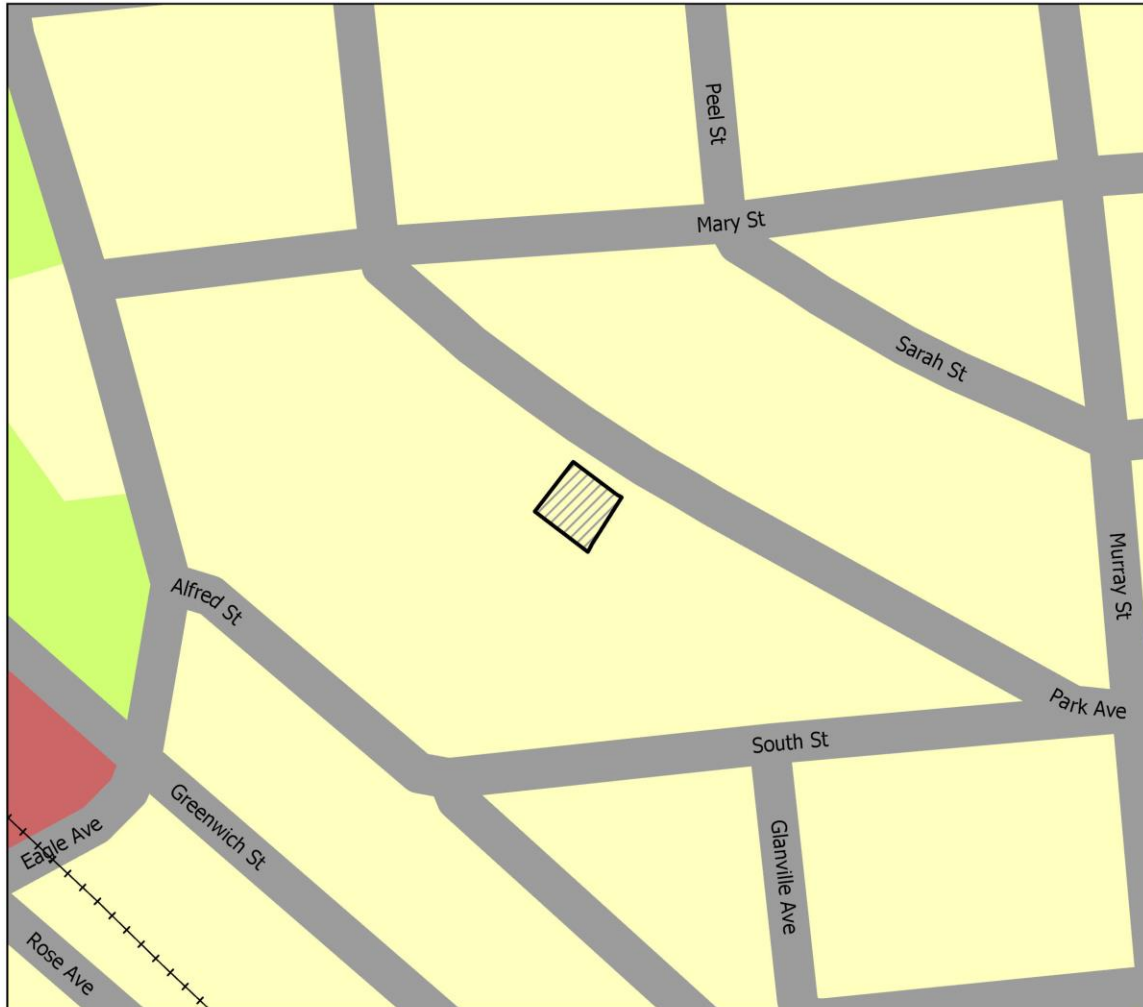


Reviewed By: Jeff Medeiros, MCIP RPP,
Senior Project Manager, Development
Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A31-2024
82 Park Avenue



Legend

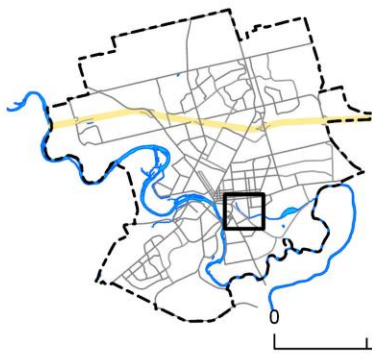
- | | |
|--|---------------------------------|
| Agricultural Designation | Prestige Employment Designation |
| Core Natural Areas Designation | Commercial Mixed Use Corridor |
| Residential Designation | General Employment Designation |
| Major Institutional Designation | Six Nations Territory |
| Parks 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: A31-2024
82 Park Avenue



Zoning

- Subject Land
- Zoning

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

- RC Residential Conversion
- R4B Residential Medium Density Type B
- OS1 Open Space Type 1
- # Exception Number



80 Metres