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**Date** August 7, 2024 **Report No.** 2024-450  
**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 [X]

### 2.0 Topic

**Application No.** A35-2024  
**Agent** Castle Concepts Ltd. (c/o Robert Grundy)  
**Applicant/Owner** Scott Vet Clinic (c/o Shannon Lee)  
**Location** 904 Colborne Street

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### 3.0 Recommendation

- A. THAT application A35-2024 seeking relief from Section 9.8.2.1.7.2 of Zoning By-Law 160-90 to permit a side yard setback of 3.86 m, whereas 6.0 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,

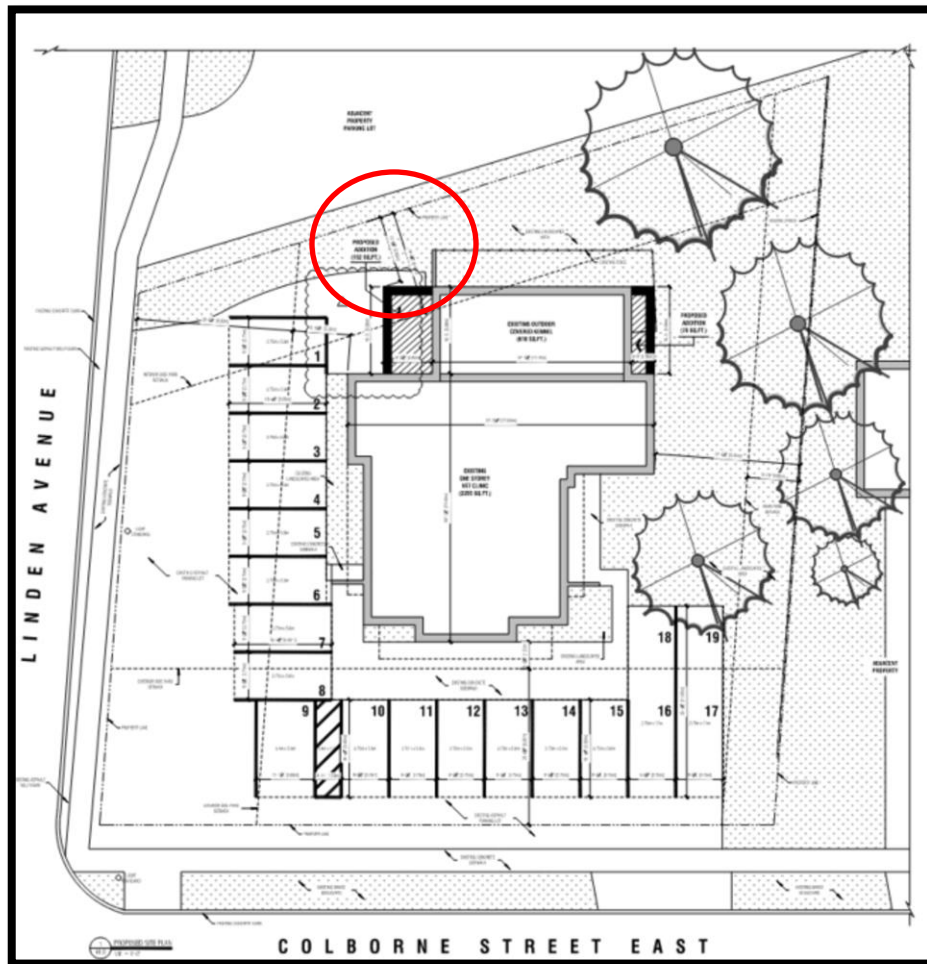
- C. THAT pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

*“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 2024-450.”*

#### 4.0 Purpose and Description of Applications

A Minor Variance application has been received for the lands municipally described as 904 Colborne Street. The purpose of this application is to facilitate the construction of an addition for a new office space to the existing veterinary clinic, as shown in **Figure 1**.

Figure 1 - Conceptual Site Plan



The applicant is requesting a minor variance for the rear yard setback, as shown in **Table 1**. A planning analysis of 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
Side Yard Setback	Section 9.8.2.1.7.2	6 m	3.86 m	- 2.14 m

## 5.0 Site Features

The subject lands are located on the corner of Colborne Street and Linden Avenue. The lands contain an existing vet clinic with a kennel in the back, as shown in **Figure 2**.

**Figure 2 - Photo of Subject Lands**



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

- North**      Apartment building
- South**     Commercial restaurant

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<b>East</b>	Single detached dwelling
<b>West</b>	Single detached dwelling and convenience store

## 6.0 Input from Other Sources

### 6.1 Technical Comments

This application was circulated to all applicable departments and agencies on June 6, 2024. No notable comments or objections were received.

### 6.2 Public Response

A Notice of Public Hearing was issued by personal mail on July 19, 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 “Intensification Corridor” in the Official Plan and zoned “General Commercial Zone (C8)” 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.

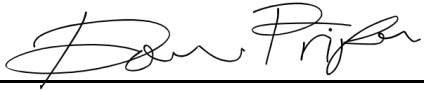
Table 2 - Minor Variance tests

Four Tests	Discussion
1. That the requested variance is <b>minor</b> in nature	The lot is an irregular shape, which makes it challenging for the placement of the building addition. Planning Staff note that the existing building doesn't meet the 6.0 m side yard requirement. The requested relief is only slightly less than the existing side yard. Therefore, Staff is of the opinion the relief sought after in this application is minor.

Four Tests	Discussion
<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 “General Commercial (C8)” in the City’s Zoning By-law, as shown in <b>Appendix B</b>. Section 9.8.2.1.7.1.2 of the by-law requires a 6.0 m side yard for any lot abutting any other lot line other than a commercial lot.</p> <p>The intent of the side yard setback requirement is to ensure privacy from other neighbouring properties as well as to provide amenity space. The requested relief in the side yard should not create any privacy concerns as the northern neighbouring apartment building is far removed from the abutting lot line. 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 <b>Official Plan</b> is maintained</p>	<p>The subject lands are designated “Intensification Corridor”, as shown in <b>Appendix A</b>. This designation encourages infill and redevelopment and allows for a variety of commercial uses. The proposed addition is intended for an office use, which is permitted in the Official Plan. It is the opinion of Staff that the proposed side yard variance would 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>It is the opinion of Staff that the proposal is desirable as it would facilitate the creation of additional office space for the existing veterinary clinic, which is appropriate for the subject lands.</p>

## 7.2 Conclusion

A site inspection was completed on July 8, 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 veterinary clinic, which is appropriate for the subject lands. 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 A35-2024 be approved.



Dora Pripon  
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Prepared on: August 1, 2024



Reviewed By:  
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