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Date August 7, 2024 **Report No.** 2024-457
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Intermediate Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding []
Application for Minor Variance [x]

2.0 Topic

Application No.: A37-2024
Agent: Bryce Casier
Applicant/Owner: Allen Dickenson
Location: 17 Pleasant Crescent

3.0 Recommendation

- A. THAT application A37-2024 seeking relief from Section 4.4 (b) and 9.2 of Zoning By-law 61-16 to permit an accessory building in an exterior side yard, and within 2.7 m of Mount Pleasant Road and within 5.4 m of Pleasant Crescent, whereas a minimum distance of 7.5 m from a public roadway is otherwise required, BE APPROVED; and,
- B. THAT the reasons for the approval of the minor variances are as follows: the proposed variance is in keeping with the general intent and purpose of the

Zoning By-law, and the Official Plan, and that the relief requested is considered minor in nature and 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 statements 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 No. 2024-457.*”

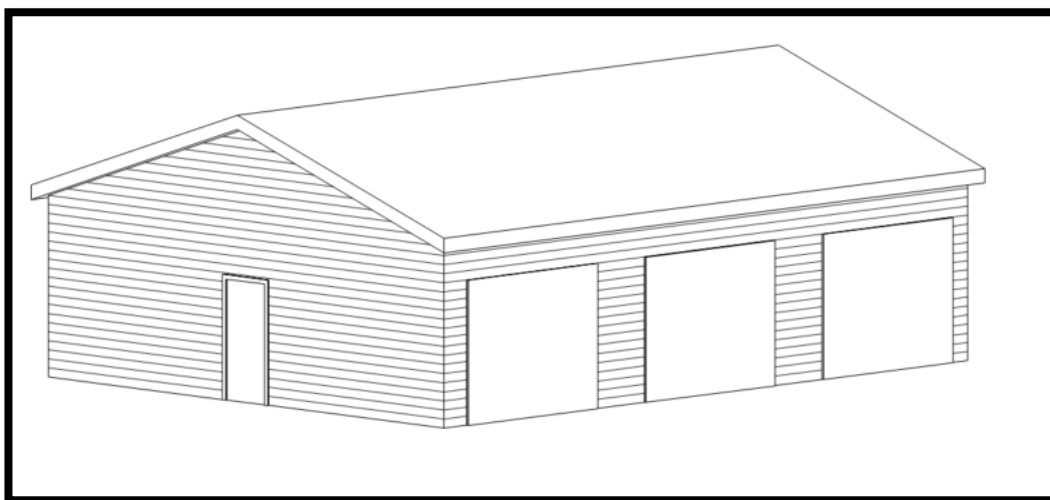
4.0 Purpose and Description of Applications

The applicant is seeking approval for a minor variance application for the lands municipally known as 17 Pleasant Crescent to construct an accessory building in the exterior side yard. See **Figure 1** and **Figure 2** for conceptual drawings.

Figure 1 - Conceptual Site Plan



Figure 2 - Concept Drawing



This proposed location necessitates a minor variance since accessory structures are not otherwise permitted in exterior side yards in the Suburban Residential Zone (SR). Due to the triangular shape of the property, the applicant also requires relief from the minimum exterior side yard setbacks to permit a structure within 2.7 m of Mount Pleasant Road and within 5.4 m of Pleasant Crescent. The property owner has already been approved through the Operations Department for a driveway permit for a second driveway that would lead to the proposed accessory building. The variances are detailed in **Table 1**.

Table 1 - Minor Variance Requests

No.	Regulation	By-law Section	Required	Current Proposal	Deficiency
1.	Accessory Building Location	4.4 (b)	No permitted	Permitted	N/A
2.	Street Setback	9.2	7.5 m	2.7 m from the Mount Pleasant Road property line, 5.4 m from the Pleasant Crescent Property line	4.8 m and 2.1 m

5.0 Site Features

The subject lands are directly southwest of the intersection of Mount Pleasant Road and Pleasant Crescent, as shown in **Figure 1**. The property is approximately 2,145 m² in area and has approximately 83 m of frontage along Pleasant Crescent. It currently features a single detached dwelling with an internal garage. A cedar tree hedge runs along the western, northern (abutting Mount Pleasant Road), and some of the eastern (abutting Pleasant Crescent) property lines, as shown in **Figure 3**. An aerial photo the site is also provided in **Figure 4**. Additionally, there is a small section of fencing facing the intersection of Mount Pleasant Road and Pleasant Crescent. The general area consists of low-density residential development, primarily in the form of single detached residential development. The subject lands were previously part of Brant County and were assumed by the City of Brantford in 2017 and are therefore currently subject to Zoning By-law 61-16.

Figure 3 – West-facing street view



Figure 4 - Aerial Photo



6.0 Input from Other Sources

6.1 Technical Comments

Staff circulated this application for technical review on June 21, 2024 and received no objections to the proposed variances. The notable comments are summarized below:

The **Building Department** stated that Spatial Separation Calculations would be required at the Building Permit stage, although they have no concerns regarding the proposed variance.

Transportation Staff are supportive of the application despite future road widening plans and urbanization improvements along Mount Pleasant Road.

Six Nations requested a 10:1 tree replacement ratio given the site’s proximity to the Grand River and ecological value of the area.

Mississauga’s of the Credit First Nation commented that they were willing to waive an Archaeology Study, but that if any archaeological remains are found during any ground disturbance, all groundwork must stop immediately and MCFN DOCA be contacted.

6.2 Public Comments

This application was circulated for public comment on July 18, 2024, to property owners within 60 m of the subject lands. At the time of writing this report, no public comments on this application have been submitted.

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.

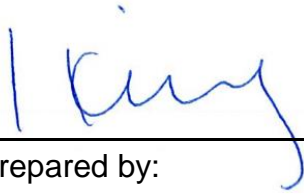
Table 2 - 4 Minor Variance Tests

Four Tests	Discussion
That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. In this case, the approval would allow an accessory building to be permitted in an exterior side yard within 2.7 m of Mount Pleasant and 5.4 m from Pleasant Crescent. An existing hedge row that borders the property will provide screening and mitigate visual impacts on the street and other neighbouring properties. The proposed location of the accessory structure will not impact site lines, or sign visibility. As such, staff are of the opinion that any impacts of the proposed accessory building are considered minor.
That the general intent and purpose of the Zoning By-law is maintained	Exterior Side yards are defined in Zoning By-law 61-16 as “a <i>side yard</i> immediately adjoining a <i>street</i> ”. The purpose of not permitting an accessory building in the Exterior Side Yard is to create visual consistency with streetscapes, allow space for the installation and maintenance of public utilities and to maintain unobstructed obstruct sight-lines. The existing landscaping between the

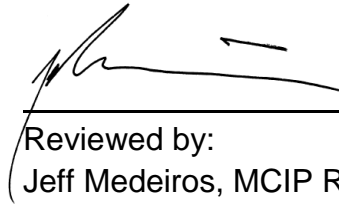
	<p>proposed development and the street will ensure a consistent streetscape, and there will be no impact to public utilities or obstruction of sight lines. This application was also circulated to all public utilities for comment and received no concerns in this regard. With this, Planning Staff are satisfied that the purpose and intent of Zoning By-law 61-16 are maintained.</p>
<p>That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Residential”. Section 5.2.1(a) of the Official Plan notes that the intent of the Residential designation is as follows:</p> <p><i>“Lands within the Residential designation may include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. It is recognized that areas within the Residential designation will continue to evolve, with compatible development playing a modest role in achieving the City’s overall target for residential intensification in the built-up area.”</i> The proposal is considered compatible with the character of the neighbourhood and in accordance with Section 5.1 (c) of the Official Plan.</p>
<p>That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<p>Staff considers the proposed accessory structure desirable for the appropriate use of the subject lands since it will allow the property owner to use more of their irregularly shaped lot without impacting the character of the neighbourhood or the environment.</p>

7.2 Conclusion

In conclusion, the proposed minor variance application for 17 Pleasant Crescent to permit the construction of an accessory building in the exterior side yard meets all four tests of a minor variance. The impact of the variance is minimal due to the existing landscaping buffering, and the general intent and purpose of the Zoning By-law and Official Plan are both maintained. The development will not impede pedestrian traffic or affect the future road widening plans for Mount Pleasant Road. Furthermore, the proposed accessory structure is a desirable and appropriate use of the triangular-shaped lot, enhancing the property’s functionality without compromising the neighbourhood’s character. Therefore, Staff recommend approval of minor variance application A37-2024.



Prepared by:
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