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Date: July 3, 2024

To: Committee of Adjustment

From: Lindsay King
Intermediate Development Planner

Re: 111/113 Pearl Street Consent (Boundary Adjustment) and
Minor Variance – File No. B15-2024 and A15-2024

This memo provides an update on the boundary adjustment and minor variance applications for the properties municipally known as 111 and 113 Pearl Street, and Planning Staff's position, with a request for deferral.

The applicant had originally requested a boundary adjustment to allow space for an addition to an accessory structure. Due to the location of the proposed addition, minor variances were also requested to reduce the required rear yard to 0 m, and to increase the maximum accessory lot coverage to 20.1% (111 Pearl Street). The application also includes a reduction to 113 Pearl Street's rear yard to address a deficiency that the boundary adjustment would create.

The application was initially reviewed by the Committee in April of 2024, when staff provided [Report 2024-201](#) recommending refusal based on several planning considerations. Previously staff identified that the requested variance to permit a 0 m rear yard for 111 Pearl Street was not minor due to potential stormwater drainage issues and adverse impacts on the adjacent remediation site and property in general. The proposal was considered incompatible with the neighbourhood character and potentially precedent setting. Maintaining minimum yards is essential for harmonious development and privacy, and maintaining maximum lot coverages is an important means of preserving landscaping and amenity space, as well as impervious surfaces to promote natural infiltration of rainwater, and to help mitigate urban heat island effects by limiting the amount of built surfaces. The proposal which would lead to increased drainage on the hard and soft cap of the remediation site also conflicts with Guiding

Principle #2 as identified in the Official Plan which emphasizes environmental stewardship and sustainable development.

After deferral at the applicant's request, staff and the applicant have engaged in further discussions to explore possible revisions and conditions of approval in an attempt to address staff's concerns. The applicant has revised the proposal to include a rear yard setback of 0.6 m instead of the originally proposed 0 m. Despite this revision, staff continue to recommend refusal of the application for the following reasons:

1. **Stormwater Drainage Concerns:** even with a 0.6 m setback, the permitted encroachment of eaves is 0.3 m from the property line, which means that stormwater would continue to drain approximately 12 inches from the hard cap of the remediation site. The revised proposal continues to pose a risk to the integrity of the remediation hard cap and soft cap, particularly in the long term.
2. **Impact on Abutting Lands:** the proximity of a large accessory building to the abutting property would have significant negative impacts. Staff are of the opinion that the proposed development is not desirable for the appropriate use of the lands.
3. **Non-conformity with the Official Plan and Zoning By-law:** the revised proposal still fails to maintain the intent and purpose of the Official Plan and Zoning By-law, especially regarding environmental stewardship, sustainable development, and compatibility.

Planning Staff are still awaiting Development Engineering comments on the revised concept. Therefore, Staff recommend that the Committee of Adjustment defer the joint minor variance and consent applications for 111 and 113 Pearl Street until these comments are received and further evaluation is conducted.



Lindsay King
Intermediate Development Planner

Attachments:

Appendix A - Concept Plan detailing application revisions