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**Date** September 4, 2024 **Report No.** 2024-530  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Ashley Timbs  
Development Planner

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### 1.0 Type of Report

Application for Minor Variance [X]  
Item for Consideration or Consent [ ]

### 2.0 Topic **Application A39-2024 – 42 Bee Crescent**

**Agent/Applicant – Alexander Hardy (c/o Armstrong Planning)**

**Owner – Empire Communities Ltd.**

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### 3.0 Recommendation

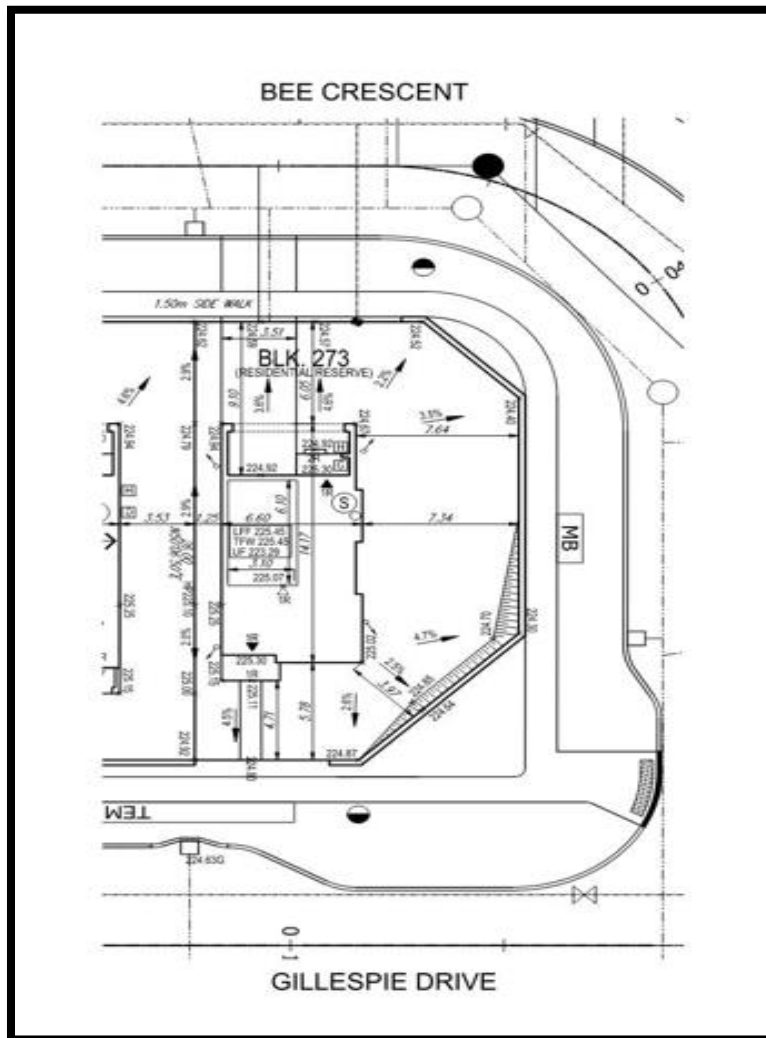
- A. THAT application A39-2024 seeking relief from Section 7.5.3.6.6 of Zoning By-Law 190-60 to permit a minimum rear yard of 6.05 m, whereas 7.0 m is otherwise required, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variances are as follows: the proposed variance is in keeping with 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 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 2024-530”*

#### 4.0 Purpose and Description of Applications

A Minor Variance application has been received for the lands municipally addressed as 42 Bee Crescent. This lot was created as part of the Wyndfield Phase 8 Plan of Subdivision (File No. 29T-17505) and is being developed by Empire Communities. The purpose of this application is to facilitate the construction of a single detached dwelling on the vacant lot, as shown in **Figure 1**.

Figure 1 – Conceptual Site Plan



The applicant is requesting a minor variance for the minimum rear yard as shown in **Table 1**. To facilitate the development as proposed, the applicant is seeking the following relief Zoning By-law 160-90:

**Table 1 – Minor Variance Relief Requested**

Regulation	By-law Section	Required	Proposed	Relief Requested
Rear Yard Setback	Section 7.5.3.6.6	7.0m	6.05m	- 0.95m

## 5.0 Site Features

The subject lands are located on the corner of Bee Crescent and Gillespie Drive. The lands are currently vacant as shown in **Figure 2** (note that Bee Crescent is the road depicted behind the subject property). In keeping with surrounding land use, the front lot line is Gillespie Drive as defined in Zoning By-Law 160-90.

**Figure 2 – Photo of Subject Lands from the Front Lot Line on Gillespie Dr.**



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

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<b>North</b>	Single detached dwellings.
<b>South</b>	Single detached dwellings.
<b>East</b>	Street townhouses.
<b>West</b>	Vacant/Single detached dwellings.

## 6.0 Input from Other Sources

### 6.1 Technical Comments

This application was circulated to all applicable departments and agencies on July 19, 2024. No notable comments or objections were received.

### 6.2 Public Response

A Notice of Public Hearing was issued by personal mail on August 16, 2024, to property owners within 60 metres of the subject lands pursuant to the *Planning Act*. At the time of writing this report, no public comments on this application have been received.

## 7.0 Planning Staff Comments and Conclusion

### 7.1 Planning Analysis for Minor Variance

The Subject Lands are designated “Residential” in the Official Plan and zoned “Residential Type 1D Zone (R1D-6)” in the 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 the general intent and purpose of the Zoning By-law and Official Plan must be maintained. These tests are discussed in the table below:

Table 2 - Four Tests of a Minor Variance

Four Tests	Discussion
1. That the requested variance is <b>minor</b> in nature	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>This relief is not anticipated to create any disturbance to surrounding neighbours as the rear lot line abuts Bee Crescent. Staff is therefore of the opinion that the relief sought in this application is minor.</p>
2. That the intent and purpose of the <b>Zoning By-law</b> is maintained	<p>Section 7.5.3.6.6 of the Zoning By-law requires a 7.0 m minimum rear yard for lots zoned R1D-6. An intent of the rear yard setback is to ensure privacy from neighbouring properties and to allow for rear yard amenity space. Adjacent neighbours are zoned R4A-65 with a permitted rear yard of 6.0 m and given the rear lot line abuts Bee Crescent, there are no foreseen privacy issues. The proposed development satisfies all of the other required provisions of the R1D-6 zone. Therefore, it is Staffs opinion that the proposed variance maintains the general intent of the Zoning By-law.</p>
3. That the general intent and purpose of the <b>Official Plan</b> is maintained	<p>The subject lands are designated “Residential” in the Official Plan, and residential low-rise buildings are permitted. It is the opinion of Staff that the proposed rear yard variance would maintain the general intent and purpose of the Official Plan.</p>
4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure	<p>It is the opinion of Staff that the proposal is desirable as it would facilitate the development of a single detached dwelling on an otherwise vacant lot. Adjacent lots have already been developed, and this dwelling would create additional housing stock for the surrounding neighbourhood and is a permitted use in the Zoning By-law and Official Plan.</p>

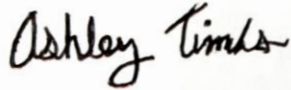
## 7.2 Conclusion

A site inspection was completed on August 12, 2024. Upon review of the applicable polices and the site visit, Planning Staff are supportive of the subject application. The proposed application is minor and will facilitate the development of a single detached dwelling, as permitted in the Zoning By-law and Official Plan. The minor variance satisfies the criteria of Section 45(1) of the Planning Act, and for these reasons and those

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mentioned above, Staff recommends that application A39-2024 be approved



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Prepared by:  
Ashley Timbs, Planner, Development  
Planning  
August 29, 2024



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Reviewed By:  
Jeff Medeiros, MCIP, RPP,  
Acting Manager of Development  
Planning  
August 29, 2024

## Appendix A – Official Plan

### OFFICIAL PLAN EXCERPT MAP

Application: A39-2024  
42 Bee Crescent



#### 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     |                                 |



0 40 80 Metres

## Appendix B – Zoning

### ZONING MAP

Application: A39-2024  
 42 Bee Crescent



**Zoning**  
 // Subject Land  
 □ Zoning

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

- R1A Residential Type 1A (18 metre)
- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- R1D Residential Type 1D ( 9 metre)
- R4A Residential Medium Density Type A
- I2 Institutional School
- OS1 Open Space Type 1
- H Holding Provision
- # Exception Number



0 40 80 Metres