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Date September 4, 2024 **Report No.** 2024-527
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Development Planner

1.0 Type of Report

Application(s) for Consent and/or Minor Variance [
Item for Consideration or Consent []

2.0 Topic **Application A40-2024 – 108-112 George Street**

Agent - None

Applicant/Owner – Ginco Group Corp. c/o Colin Comissiong

3.0 Recommendation

- A. THAT minor variance application A40-2024 seeking relief from Section 9.3.2.1.11.2 to permit a 308.0 m² expansion of a building, whereas 110.0 m² is otherwise the maximum permitted for Converted Dwellings, BE APPROVED;
- B. THAT minor variance application A40-2024 seeking relief from Section 9.3.2.1.8 to permit a minimum landscaped open space of 12.5%, whereas 25% landscaped open space is otherwise the minimum required, BE APPROVED;
- C. THAT the reasons for the approval of the minor variances are as follows: the proposed variances are 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

D. THAT pursuant to 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 no. 2024-527.”

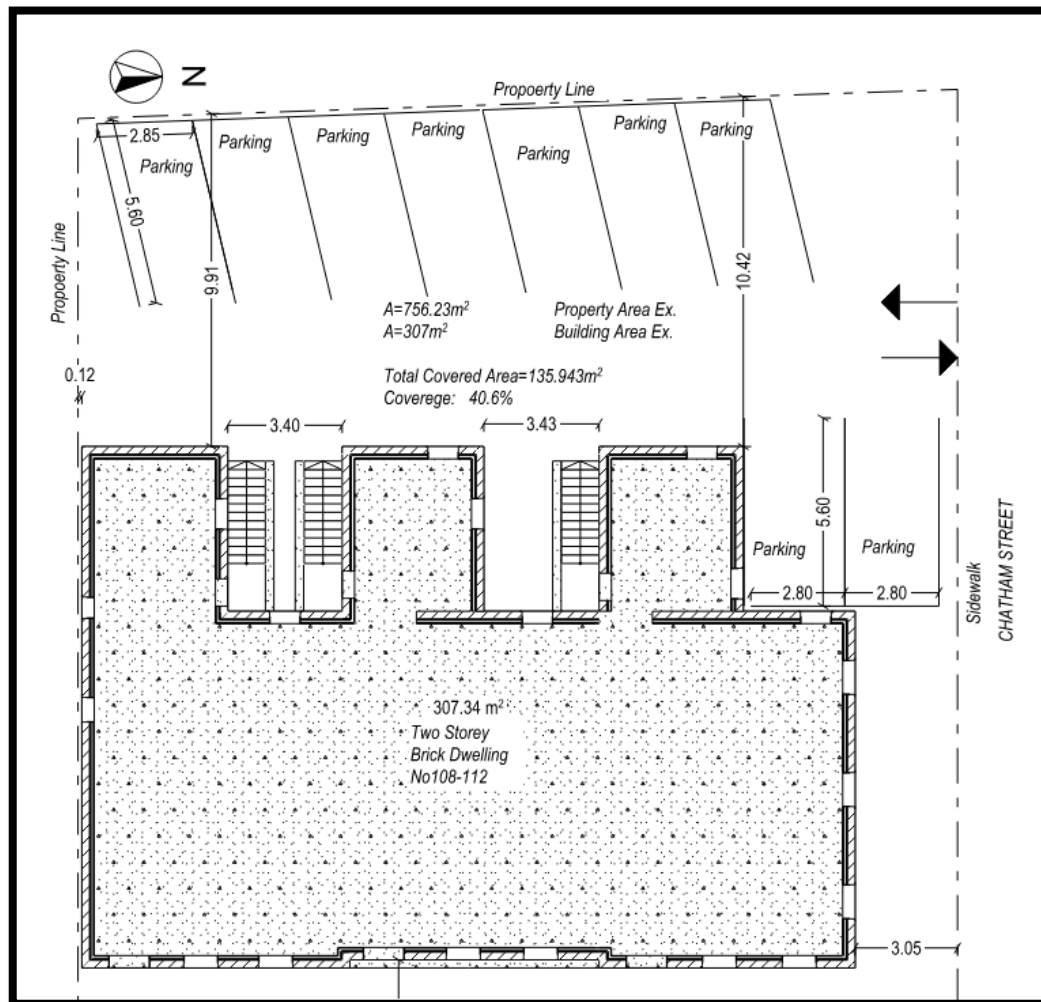
4.0 Purpose and Description of Applications

A Minor Variance application has been received for the lands municipally addressed as 108-112 George Street. The applicant seeks an increase to the maximum building expansion of a converted dwelling and a reduction to the required landscaped open space to facilitate the conversion of an existing mixed-use building into a converted dwelling. The current building contains three residential units, and the applicant is proposing a total of nine residential units with the addition. **Figure 1** shows an aerial photo of the site, and **Figure 2** shows the concept plan.

Figure 1 - Aerial Photo



Figure 2 - Concept Drawing (full scale version attached as Appendix A)



Although no changes are proposed to the building exterior, the applicant intends to dig out the basement to facilitate the creation of three of the nine units proposed. The area of the proposed basement (approximately 308 m²) exceeds the maximum area of an addition to a converted dwelling, necessitating the first variance. The change in use from a mixed-use building to a converted dwelling also results in a greater landscaped open space requirement, which necessitates the second variance. Additional minor renovations are proposed to ensure adequate access to individual units. No major changes are proposed to the building exterior, landscaping, or parking lot.

Figure 3 - Exterior Side Yard of Heritage Building from George Street



Figure 4 - Subject Property Front Yard from Chatham Street



5.0 Site Features

In 1989, the subject property was designated as a heritage property due to the significance of the primary building on the property; originally constructed between 1861-1862. The implementing heritage designation by-law states that the building is a unique example in Brantford of a brick European-style rowhouse, as illustrated in **Figure 3** and **Figure 4**. The applicant has begun consultation with both the City of Brantford Heritage Planning Staff and the Building Department to obtain the necessary approvals and facilitate the conversion of the building. The applicant understands the requirement to obtain both heritage and building permits in addition to this minor variance.

The following are the surrounding features/uses of the subject lands:

North Residential with some mixed-use commercial

South Private club, institutional, parks, downtown

East Service commercial, residential

West Service commercial, residential, restaurant

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies on July 22, 2024. Landscaping Development Engineering Staff requested that any asphalt not being used for parking be converted to landscaping. Transportation Development Engineering recommended revisions to the parking layout, which the applicant made, and which is illustrated in **Figure 2**. There were no technical objections to approval.

6.2 Public Comments

This application was circulated for public comment on August 16, 2024, to property owners within 60 m of the subject lands pursuant to the *Planning Act*. At the time of writing this report, one public comment on this application has been received, siting concerns regarding parking, snow removal, and landscaping (attached as **Appendix B**). Planning Staff note that the proposal conforms to the parking requirement, and that no changes are proposed to the existing parking or landscaping.

7.0 Planning Staff Comments and Conclusion

The subject lands are designated “Major Commercial Centre” in the City’s Official Plan and zoned “Mixed Commercial Residential Zone (C3)” in Zoning By-law 160-90 as shown in **Appendix C** and **Appendix D**, respectively.

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 1 - Four Tests of a Minor Variance

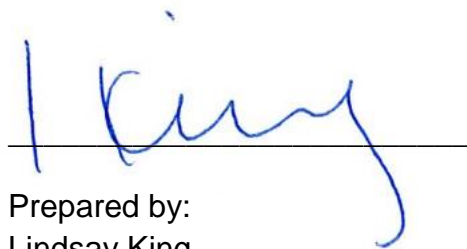
Four Tests	Discussion
1. That the requested variance is minor in nature	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>The applicant is seeking to convert a mixed-use building into a converted dwelling, defined in the Zoning By-law as meaning “a building located on a lot, which was originally designed to provide one or more dwelling units, and which is altered to create additional dwelling units”. The additional units proposed in the basement exceeds the maximum area otherwise permitted as an addition, necessitating the minor variance. Staff consider this relief minor as it will not negatively impact the outward aesthetics of the building, and since one storey of the mixed-use building is currently residential.</p> <p>The applicant also seeks relief from the minimum landscaped open space requirement for converted dwellings which is greater than the minimum landscaped open space requirement for mixed-use buildings. Although no changes are proposed to the landscaped open space, the applicant requires relief due to the change in use. Staff are of the opinion that the impact of this variance is minor given that the subject lands currently have attractive and existing landscaping which is proposed to remain.</p>

Four Tests	Discussion
<p>2. That the intent and purpose of the Zoning By-law is maintained</p>	<p>The subject lands are zoned “Mixed Commercial Residential Zone (C3)” as shown in Appendix A and are subject to a maximum building expansion area of 110 m², and a minimum landscaped open space of 25%.</p> <p>The zoning provision that limits the expansion of converted buildings to either 50% of the total Gross Floor Area, or 110 m² (whichever is lesser), ensures that converted dwellings remain proportional in scale to the original structure. It prevents significant alterations that could change the character of the building or the neighbourhood. Since the proposed expansion is entirely within the basement and no significant changes are proposed, Staff are of the opinion that the purpose and effect of the Zoning By-law are maintained.</p> <p>Minimum landscaped open space requirements ensure that developments are not solely focused on maximizing building footprints but also consider the importance of green space for environmental sustainability, aesthetic appeal, and the well-being of the community. Given that there is existing landscaping that is proposed to remain, there are no proposed additions, and the building exterior is controlled under its designation as a heritage building, Staff are of the opinion that the purpose and intent of the Zoning By-law are maintained.</p>
<p>3. That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Downtown Urban Growth Centre” in the Official Plan, as shown in Appendix B. This designation permits a range of uses including commercial, residential, office, recreational, and institutional. Staff are of the opinion that the proposed use conforms to the designation.</p> <p>Section 3.4(g) of the Official Plan states that, “<i>All new development permitted by the land use policies and designations of this Plan shall:</i></p> <ul style="list-style-type: none"><i>i. Have regard for, and conserve cultural heritage resources;</i><i>ii. Be planned in a manner that conserves and enhances the context in which heritage resources are situated; and,</i>

Four Tests	Discussion
	<p><i>iii. Wherever possible, incorporate cultural heritage resources into any new development plans.”</i></p> <p>Staff are of the opinion that the proposal will not hinder the conservation of the cultural heritage resources and that any changes made to the exterior of the building will be subject to building permits and a heritage permit.</p>
<p>4. That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<p>The proposed development constitutes as a building retrofit since the applicant proposes digging out a basement and creating three new dwelling units. The applicant also proposes converting the existing Children’s Aid Society offices to residential units, which Staff consider positive given the need for housing. Overall, Staff are of the opinion that a variance to allow existing features and permit the change in use is desirable for the appropriate development and use of the lands.</p>

7.2 Conclusion

A site inspection was conducted on August 16, 2024. After completing the inspection and thoroughly reviewing the relevant policies, Planning Staff supportive of the application. The requested minor variances will facilitate the development of six additional residential dwelling units. This development is consistent with the character of the surrounding area. Based on these considerations and those outlined earlier in the report, Staff are of the opinion that the minor variance meets the criteria of Section 45(1) of the *Planning Act*. Therefore, Staff recommends that minor variance application A40-2024 be approved.

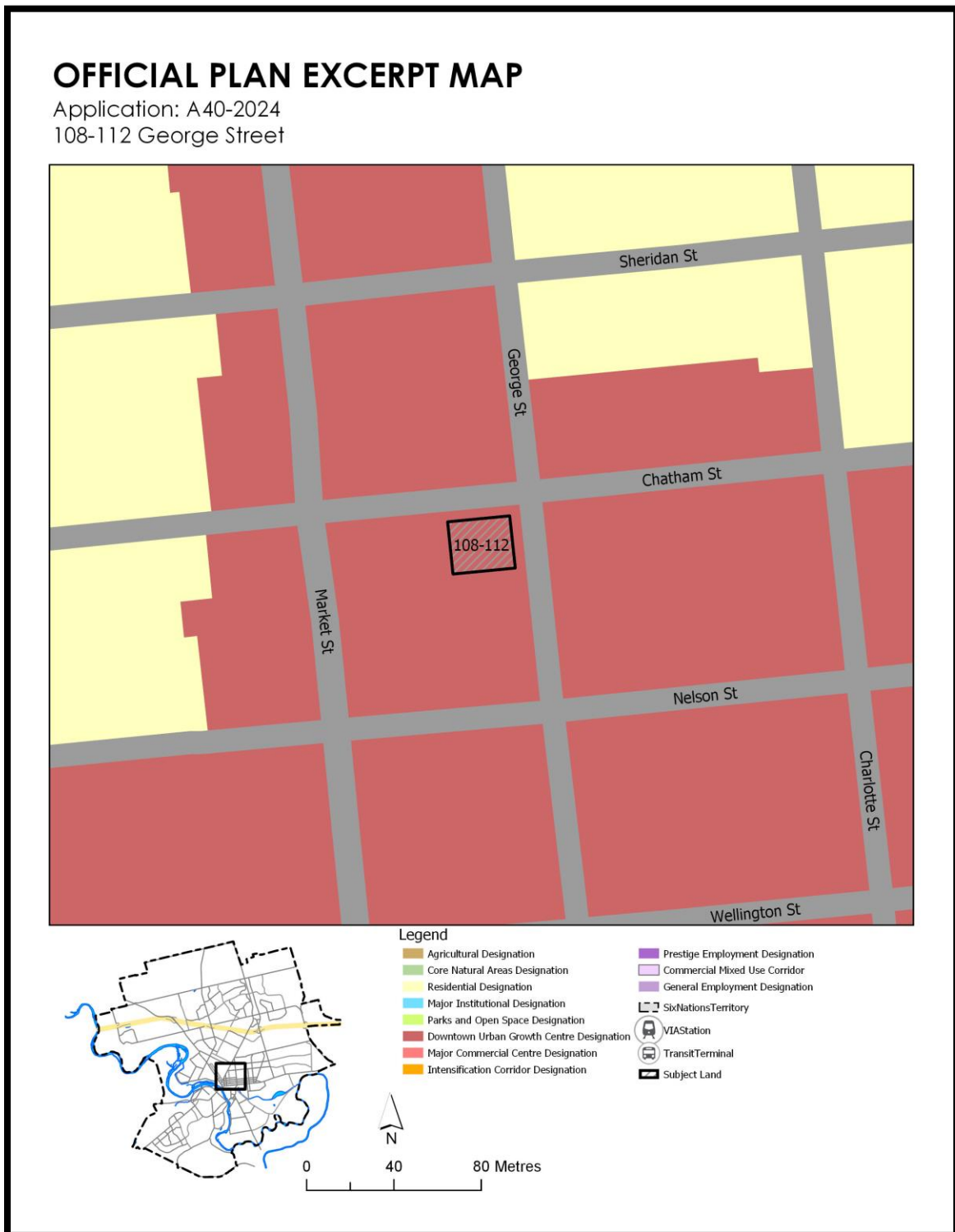


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August 28, 2024



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APPENDIX A – OFFICIAL PLAN DESIGNATION



APPENDIX B – ZONING

