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**Date:** September 9, 2024  
**To:** Committee of Adjustment  
**From:** Lindsay King  
Intermediate Development Planner  
**Re:** Minor Variance File No. A32-2024 – 9 Garden Avenue

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This memo provides a modified recommendation to the Committee of Adjustment regarding minor variance application A32-2024 for the property municipally known as 9 Garden Avenue. The applicant has revised their application since staff’s recommendation to refuse the application was presented to the Committee on July 3, 2024. The applicant initially proposed a minimum lot area/unit of 102 m<sup>2</sup>/unit and a minimum parking ratio of 1.11 spaces/unit. The applicant is now requesting a minimum lot area/unit of 115 m<sup>2</sup>/unit and a minimum parking ratio of 1.25 spaces/unit respectively. The applicant is requesting these revised variances after reducing the number of units from 51 to 45. Based on the revised proposal and subsequent review, Planning Staff now recommend approval of minor variance application A32-2024 as detailed in **Table 1** (Minimum Parking Ratio) and **Table 2** (Minimum Lot Area/Unit).

**Table 1 - Four Minor Variance Tests – Parking**

<b>Four Tests</b>	<b>Discussion</b>
That the requested variance is minor in nature	“Minor” is determined by impact, and not by the value of the variance being sought. In this case, the impact of approval would be to permit 57 parking spaces for 45 units, for a parking ratio of 1.25 spaces/unit, which is consistent with the proposed zoning requirement under the draft zoning by-law. Although the draft zoning by-law has not yet been approved by Council, the

	<p>proposed parking ratio in the draft by-law is based on significant parking studies and research. In Planning Staffs opinion, given the walkability of the neighbourhood, nearby amenities, and convenient public transit connections, the impact of the reduction to the parking ratio can be considered minor.</p>
<p>That the general intent and purpose of the Zoning By-law is maintained</p>	<p>The purpose of a minimum residential parking requirement is to ensure that there is sufficient parking for residents and visitors. Transportation Staff are satisfied that the proposed 1.25 spaces/unit, which equates to 57 parking spaces for 45 units, will ensure adequate visitor parking. Of the 57 parking spaces, 12 parking spaces will be designated as visitor parking spaces. The proposed parking ratio is also comparable to other similar townhouse projects approved by the City. It is Staff's opinion that the purpose and intent of the Zoning By-law are met.</p>
<p>That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated Residential. The proposed stacked townhouse dwellings are a permitted use on the subject lands.</p> <p>The City of Brantford Official Plan supports the parking reduction based on several key provisions under Section 7.0 Integrated Transportation System.</p> <p>Section 7.1 Multi-Modal Transportation System</p> <ul style="list-style-type: none"> <li>➤ Subsection (o) allows for adjustments to parking requirements where sufficient public transit and Transportation Demand Management (TDM) measures are available. The subject lands benefit from a public transit stop within 30 m, along with extensive pedestrian infrastructure including street-lit sidewalks, crosswalks, and bike lanes.</li> <li>➤ Subsection (p) permits parking adjustments for specific housing types, such as affordable housing, provided there is sufficient transit to serve residents, employees, and visitors. The applicant's grant application for 11 units of affordable housing further supports this criterion.</li> <li>➤ Subsection (s) emphasizes the City's commitment to reducing single-occupant vehicle trips and promoting sustainable transportation options, aligning with the proposal's TDM strategies.</li> </ul> <p>The application upholds the purpose and intent of the Official Plan by ensuring adequate alternative transportation options,</p>

	<p>promoting sustainable travel choices, and supporting affordable housing efforts, all of which align with the City’s policies for reducing parking demands. It is Staff’s opinion that the purpose and intent of the Official Plan are met.</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 reduction in parking desirable for the appropriate use of the lands since the reduction in available parking spaces would promote a compact built form and increase the available supply of new housing. Reduced parking requirements would help to create a complete community, defined in <i>A Place to Grow: Growth plan for the Greater Golden Horseshoe</i> as “places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options, and public service facilities.” Therefore, the proposed reduction aligns with the regional growth objectives and contributes to the sustainable development of the community.</p>

Table 2 – Four Tests of a Minor Variance - Minimum Lot Area

Four Tests	Discussion
<p>That the requested variance is minor in nature</p>	<p>“Minor” is determined by impact, and not by the value of the variance being sought. The reduction from the minimum lot area/unit from 153 m<sup>2</sup>/unit to 115 m<sup>2</sup>/unit will have the impact of permitting a property that is 1,530 m<sup>2</sup> smaller than would otherwise be permitted. The reduction in lot area is a result of the applicant increasing the number of units on-site from 34 to 45. Since eleven of the dwelling units are proposed within the basement of the proposed townhouse blocks, this variance will not result in any increases to the overall building footprint. Given the walkability of the neighbourhood and proximity to several parks, an extensive trail system, and various recreational facilities, staff consider this deficiency minor in nature.</p>
<p>That the general intent and purpose of the Zoning By-law is maintained</p>	<p>The purpose of minimum lot area per unit is to regulate population density, to ensure adequate livable and amenity space, and to ensure consistency with the built form and streetscapes. The additional units are all proposed as basement units, and so the built form is not intended to change from the previous minor variance application or the conditionally approved site plan. Furthermore, the minimum amenity space exceeds the</p>

	<p>required amenity space by approximately 4.75 m<sup>2</sup>/unit. The other zoning provisions are maintained including the minimum landscaped open space, minimum front yard, interior side yard, rear yard, lot coverage, etc. Given this, staff are satisfied that the purpose and intent of the Zoning By-law is 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></p> <p>Section 3.1 of the Official Plan contains policies which promote housing opportunities consisting of a mix and range of market-based housing types, tenures and affordability characteristics to meet the needs of a growing and diverse population. The proposed minor variance would facilitate an additional residential development and contribute to much needed housing in Brantford. The proposed development meets the general intent 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>The request for a reduction to the minimum lot area/unit will contribute to an additional 11 dwelling units to the City of Brantford’s housing supply. Given the current supply of housing, the walkability of the neighbourhood, the nearby amenities including trail networks, parks, restaurants, etc., Staff are of the opinion that the proposed development is desirable for the appropriate use of the lands.</p>

**Appendix A** shows the revised Site Plan including the additional 11 basement units and the corresponding entry-points. The Site Plan includes a Zoning Compliance table that details the revised provisions. The revised minor variance application was circulated to the public on August 16, 2024, and a revised public notice sign was erected on August 19, 2024. The public comments received to date, attached as **Appendix B**, primarily pertain to concerns of overdevelopment and increased traffic. Staff are of the opinion that the variance requests are now within the acceptable limits of what can be considered minor and align more closely with the original zoning parameters based on

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the four tests of a minor variance, as detailed in **Table 1** and **Table 2**, Staff are supportive of the minor variance application and recommend the following:

- A. THAT minor variance application A32-2024 seeking relief from Section 7.9.4.79.2.1 to permit a minimum lot area of 115 m<sup>2</sup>/unit, whereas 153 m<sup>2</sup>/unit is otherwise required, BE APPROVED; and
- B. THAT minor variance application A32-2024 seeking relief from Section 7.9.4.79.2.12 to permit a parking ratio of 1.25 spaces/unit, whereas 1.5 spaces/unit is otherwise required, BE APPROVED; and
- C. THAT the reasons for the approval of the minor variance are as follows: the proposed variance is minor in nature, in keeping with the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development and use of the subject lands; and
- D. 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 memo 2024-537.”*



Lindsay King  
Intermediate Planner

Attachments:  
Appendix A – Revised Site Plan  
Appendix B – Public Comments