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Date October 2, 2024 **Report No.** 2024-580
To Chair and Members
City of Brantford Committee of Adjustment
From Dora Pripon
Development Planner

1.0 Type of Report

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

2.0 Topic **Application A47-2024 – 29 Rosehill Avenue**

Agent/Applicant/Owner – Ellen Arsenault

3.0 Recommendation

- A. THAT minor variance application A47-2024 seeking relief from Section 9.2 of the City adopted County of Brant Zoning By-law 61-16 to permit a garage with a minimum interior side yard of 0.63 m, whereas a minimum of 1.5 m is otherwise required, BE APPROVED subject to the garage being no closer than 0.3 m from the side lot line;
- B. THAT the reasons for the approval of the minor variance are as follows: the proposed variance is 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,
- C. 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 5.2 of Report No. 2024-580”.

Table 2 - Relief Requested for Minor Variance

Regulation	By-law Section	Required	Proposed	Relief Requested
Interior Side Yard	Section 9.2	1.5 m	0.63 m	- 0.87

Table 3 – Information on the Subject Lands

Site Details	
Site Features	<p>The site features on the subject lands include:</p> <ul style="list-style-type: none"> An existing single detached dwelling <p>See Figure 2 - Photo of the Subject Lands</p>
Surrounding Context	<p>The following are the surrounding features/uses of the subject lands:</p> <p>North Single detached dwellings</p> <p>South Single detached dwelling and open space</p> <p>East Single detached dwelling</p> <p>West Park (Farrington Park)</p>

Figure 2 – Photo of Subject Lands



5.0 Input from Other Sources

5.1 Technical Comments

The application was circulated to all applicable departments and agencies on August 16, 2024.

The notable comments are summarized below.

Table 4 - Technical Comments

Department/Agency	Comments
Development Engineering	<ol style="list-style-type: none"> <li data-bbox="586 726 1382 905">1. A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 29-2023. This Permit is administered by the City's Development Engineering Department.
	<ol style="list-style-type: none"> <li data-bbox="586 932 1382 1142">2. A Right of Way Activity Permit will be required for any access/driveway activity, any proposed excavation activity within the Right of Way and any occupancy activity within the Right of Way. This Permit is administered by the City's Operational Services Department.
	<ol style="list-style-type: none"> <li data-bbox="586 1169 1382 1268">3. Full public services are to be constructed, or replaced if damaged (sidewalk, boulevards, driveway approaches, curb, etc.)
	<ol style="list-style-type: none"> <li data-bbox="586 1295 1382 1367">4. Depending on the orientation of the garage roof extra considerations for drainage may be recommended. <p data-bbox="537 1404 1398 1583">The applicant was made aware of these comments and has confirmed that the proposed garage roof slopes towards the front and rear of the property (former example above). This is consistent with the main residence and is not expected to cause any adverse drainage impacts.</p>
Building	<ol style="list-style-type: none"> <li data-bbox="586 1606 1349 1709">1. Section 4.43 permits 0.5m eave encroachment, the proposed encroachment is 0.3m, but requests a minimum distance to the property line. <p data-bbox="537 1747 1357 1856">This request is captured in Section 3 of this report, where approval of this application is recommended subject to the garage being no closer than 0.3 m from the side lot line.</p>

	<p>2. Construction is also to comply with 9.10.15.5 of the Ontario Building Code and no unprotected openings (windows) are permitted when the wall is within 4'0 (1.2 m) of the property line.</p> <p>The applicant was made aware of this Building Code requirement.</p>
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5.2 Public Comments

This application was circulated for public comment on September 13, 2024, to property owners within 60 m 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.

6.0 Planning Staff Comments and Conclusion

The subject lands are designated “Residential” in the City’s Official Plan and zoned “Suburban Residential - County (SR)” in the city-adopted County of Brant Zoning By-law 61-16, as shown in **Appendix A** and **Appendix B** respectively.

6.1 Planning Analysis for Minor Variance

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 5 - 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 proposed garage with a reduced side yard is not expected to cause adverse impacts on privacy for the adjacent neighbouring property as windows on that side of</p>

Four Tests	Discussion
	the building are not permitted, as per the building code. The reduction is also not expected to cause adverse impacts to drainage, as stated above. Staff are of the opinion that the proposed variance is minor in nature.
2. That the intent and purpose of the Zoning By-law is maintained	The main intent of the side yard requirement in residential zones in the Zoning By-law is to ensure that there is adequate room along the side yard of a dwelling to access the rear yard. The proposed reduction would still allow for access to the rear and there is approximately a 2 m interior side yard on the other side of the dwelling as well. Staff are of the opinion the proposed variance meets the general intent of the zoning by-law.
3. That the general intent and purpose of the Official Plan is maintained	The intent of the Residential designation is to encourage a mix of residential built-forms and housing types. The proposed garage addition would expand the existing residential use of the property and therefore meets the general intent of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	The variance is desirable as it would facilitate the construction of a new garage addition, while still maintaining a minimum distance from the interior side yard.

6.2 Conclusion

Staff recommends approval of the subject application(s) for the following reasons:

- The application(s) satisfies the Section 45(1) of the *Planning Act*, as detailed above.
- The proposal would facilitate the construction of a garage for an existing residential dwelling.
- A site inspection was completed on September 9, 2024, and no issues were found.



Prepared by:
Dora Pripon, Development Planning
September 26, 2024

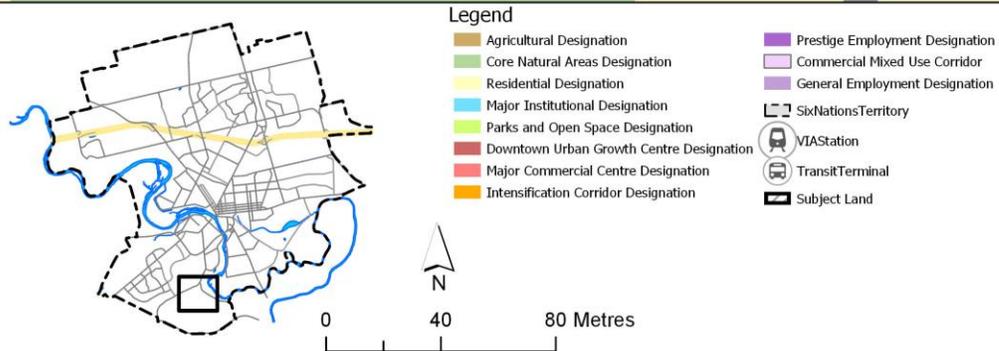
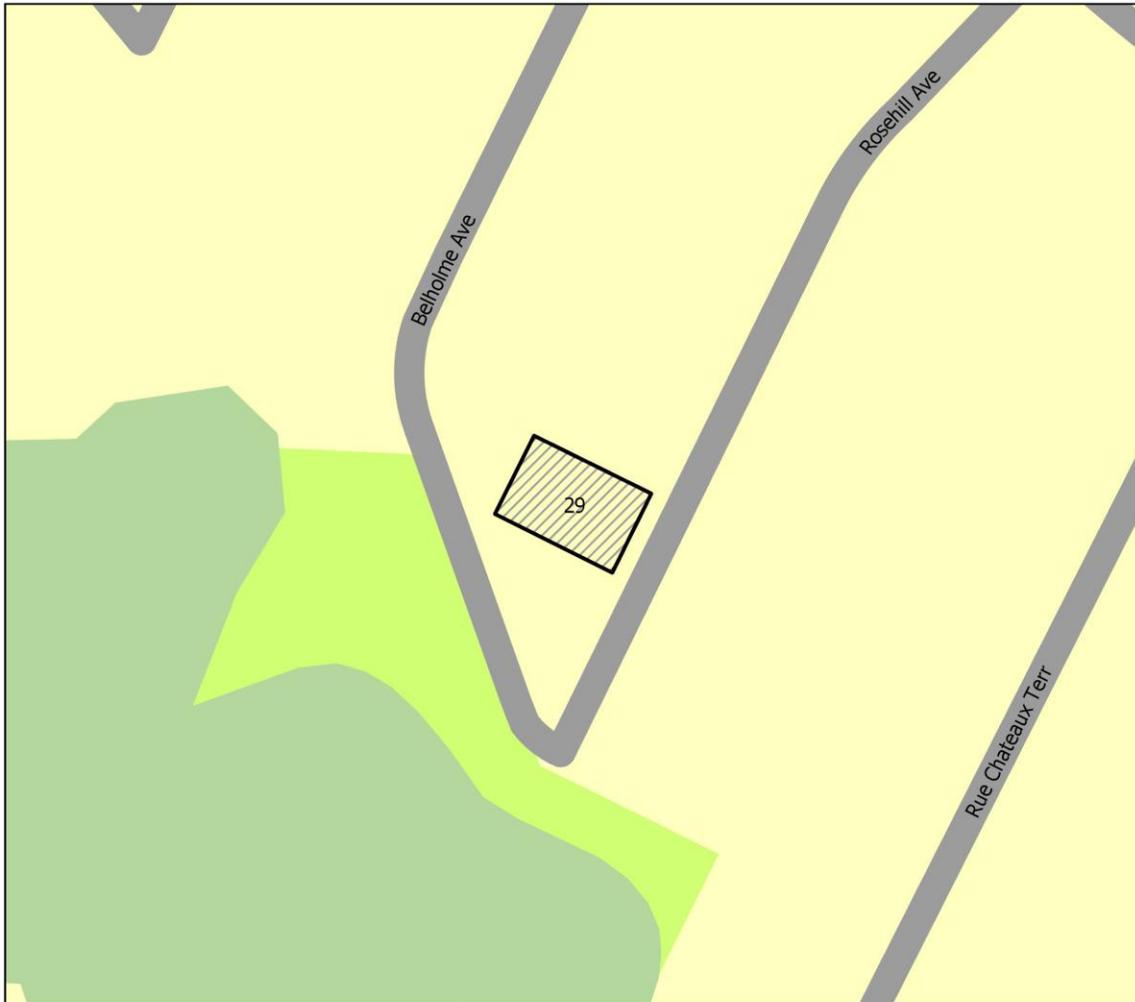


Reviewed by:
Jeff Medeiros, MCIP, RPP, Acting,
Manager of Development Planning
September 26, 2024

APPENDIX A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A47-2024
29 Rosehill Avenue



APPENDIX B – Zoning By-law

ZONING MAP

Application: A47-2024
29 Rosehill Avenue



Zoning
//// Subject Land
□ Zoning

ZONING (Bylaw 160-90) and County of Brant(61-16)
SR (County) Suburban Residential
NH (County) Natural Heritage Zone
OS2 (County) Recreational Facilities
- # Exception Number

