

size of 93.0 m², whereas a maximum of 56.0 m² is otherwise required, BE APPROVED; and,

D. THAT the reasons for the approval of the minor variance(s) are as follows: the proposed variance(s) 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,

E. 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:

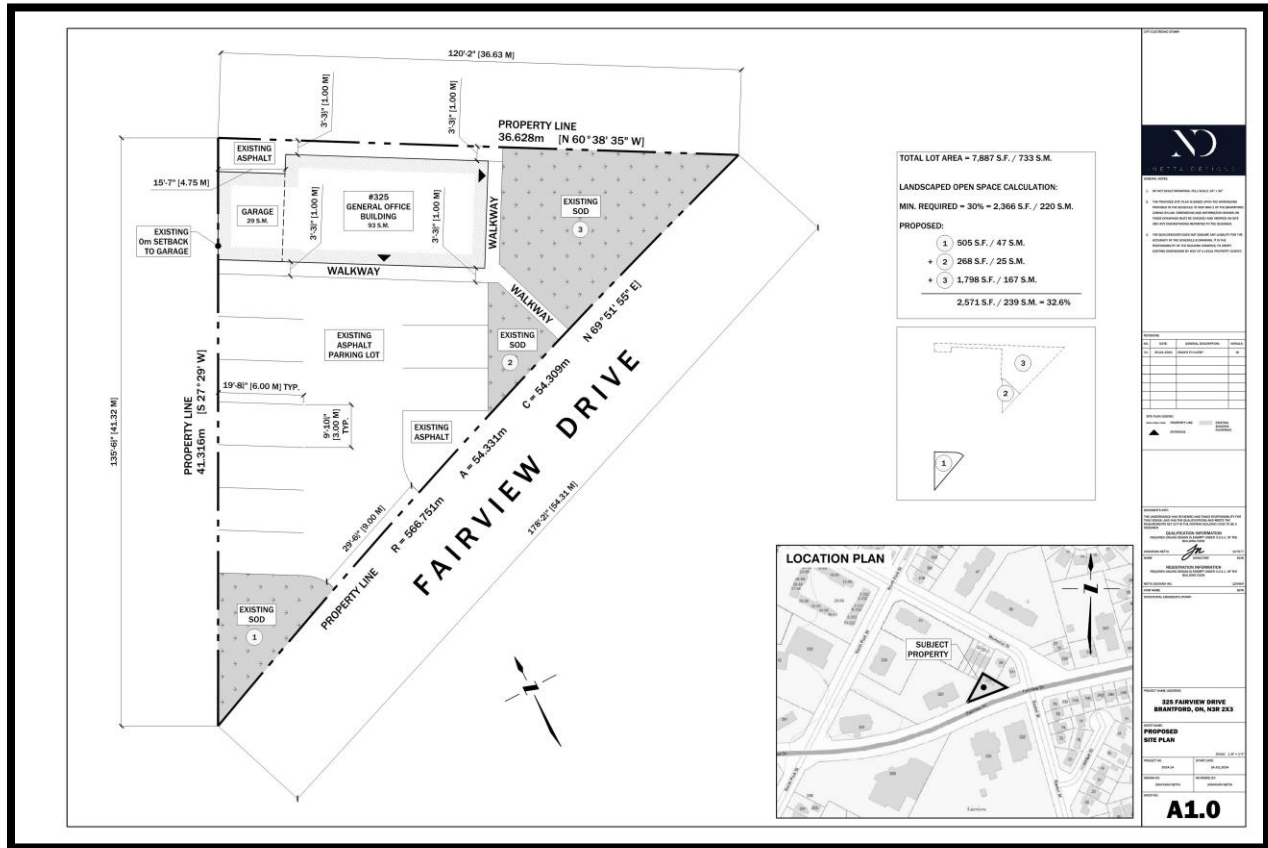
“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2024-579”.

4.0 Purpose and Description of Applications

Table 1 - Description of Application(s)

Application Details	
Type of Application	Minor Variance
Purpose of Application	To address existing site deficiencies and to permit personal service stores in their existing building, as shown in Figure 1 . The requested relief from Zoning By-Law 160-90 is shown in Table 2 .
Additional Relevant Information	
Previous Applications	N/A
Concurrent Planning Applications	N/A
Any other relevant information	Previous owners obtained a building permit to construct an upper-level deck on the west side of the existing building. This extension was converted into an enclosed storage area without a building permit prior to the current owners purchasing the property.

Figure 1 – Site Plan



(see Attachment for larger resolution)

Table 2 - Relief Requested for Minor Variance

Regulation	By-law Section	Required	Proposed	Relief Requested
Neighbourhood Convenience Stores, Personal Service Stores	Section 7.11.2.6.1	Personal service stores shall be located at a finished grade level as an integral part of the apartment dwelling in which it is located.	To permit a personal service store within the existing building.	-
In accordance with all	Section 7.11.4.1.1	The existing building shall	To permit the existing	-

Regulation	By-law Section	Required	Proposed	Relief Requested
regulations shown on Schedule B, Map RHD-1.		be in accordance with all regulations shown on Schedule B, Map RHD-1.	enclosure of an upper-level deck converted into a 29 m ² storage area on the west end of the building.	
Total Gross Floor Area, General Office	Section 7.11.4.1.2.2	56.0m ²	93.0m ²	+ 37.0m ²

Table 3 – Information on the Subject Lands

Site Details									
Site Features	<p>The features on the subject lands include:</p> <ul style="list-style-type: none"> • An existing mixed-use building containing ground floor commercial units and one residential unit on the second storey. The commercial units include one personal service store, one general office unit, and one enclosed storage area. • Previous property owners enclosed an upper-level deck on the west end of the building into an enclosed storage area. • The site contains parking along the front of the property adjacent to Fairview Drive, the building is located on the east side of the property. <p>See Figures 2 & 3 – Photos of the Subject Lands</p>								
Surrounding Context	<p>The following are the surrounding features/uses of the subject lands:</p> <table> <tr> <td>North</td> <td>Residential</td> </tr> <tr> <td>South</td> <td>Institutional – St Patrick School & Brant Haldimand Norfolk Catholic School Offices</td> </tr> <tr> <td>East</td> <td>Residential</td> </tr> <tr> <td>West</td> <td>Residential & Institutional (Place of Worship)</td> </tr> </table>	North	Residential	South	Institutional – St Patrick School & Brant Haldimand Norfolk Catholic School Offices	East	Residential	West	Residential & Institutional (Place of Worship)
North	Residential								
South	Institutional – St Patrick School & Brant Haldimand Norfolk Catholic School Offices								
East	Residential								
West	Residential & Institutional (Place of Worship)								

Figure 2 – Photo of Subject Lands



Figure 3 – 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.

No objections were received, one notable comment is summarized below.

Table 4 - Technical Comments

Department/Agency	Comments
Building	The building department has no objections to this variance application provided that a building permit be applied for and obtained for the deck enclosure constructed without the benefit of a building permit.

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 designed “Residential” in the City’s Official Plan and zoned “Residential High Density - Exception 1 Zone (RHD-1)” in the Zoning By-law 160-90, 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

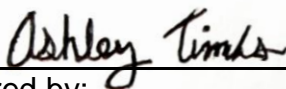
Four Tests	Discussion
<p>1. That the requested variance is minor in nature</p>	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>Two of the requested variances address current site conditions and the third will permit a larger office GFA, which is not anticipated to create any negative impacts. Staff is therefore of the opinion that the relief sought in this application is minor.</p>
<p>2. That the intent and purpose of the Zoning By-law is maintained</p>	<p>The site is zoned Residential High-Density Exception 1 Zone (RHD-1), and the intent of this zone is to allow site specific regulations for this unique parcel.</p> <p>Section 7.11.2.6.1 permits personal service stores as an ancillary use within apartment buildings. With respect to the proposed existing building, it is primarily used for commercial purposes, and the current zoning already allows for additional uses with the RHD Zone. The requested relief aims to address current site conditions and broaden the permitted uses on-site.</p> <p>The intent of Section 7.11.4.1.1 of the Zoning By-law is to reflect site conditions of this exception zone; the requested relief addresses a pre-existing storage area that was constructed by a previous owner.</p> <p>Section 7.11.4.1.2.2 of the Zoning By-law is a site-specific regulation that limits the GFA for general office areas, however staff note that the proposed office area is an expansion within the existing building.</p> <p>Therefore, it is of Staff’s opinion that the proposed variances maintain the general intent of the Zoning By-law.</p>
<p>3. That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Residential” in the Official Plan. Neighbourhood Supporting Uses such as general business and personal service stores are permitted within the Residential designation and encouraged where appropriate and desirable. Staff is of the opinion that the existing and proposed uses are appropriate and desirable in the neighbourhood. It is therefore the opinion of Staff that</p>

Four Tests	Discussion
	the proposed variances would maintain the general intent and purpose of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	It is the opinion of Staff that the proposal is desirable as it would address existing site deficiencies and allow for a wider range of uses in the building. Surrounding properties include high density residential buildings, single detached dwellings and institutional buildings, and the proposed variances are not anticipated to create any adverse impacts on the neighbourhood.

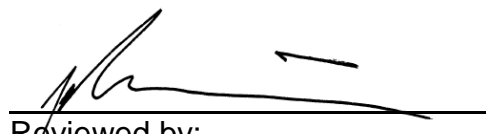
6.2 Conclusion

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 address existing site deficiencies and allow for a wider range of uses in the building.
- A site inspection was completed on September 10, 2024, and no issues were found.



Prepared by:
Ashley Timbs, Development Planning
September 26, 2024

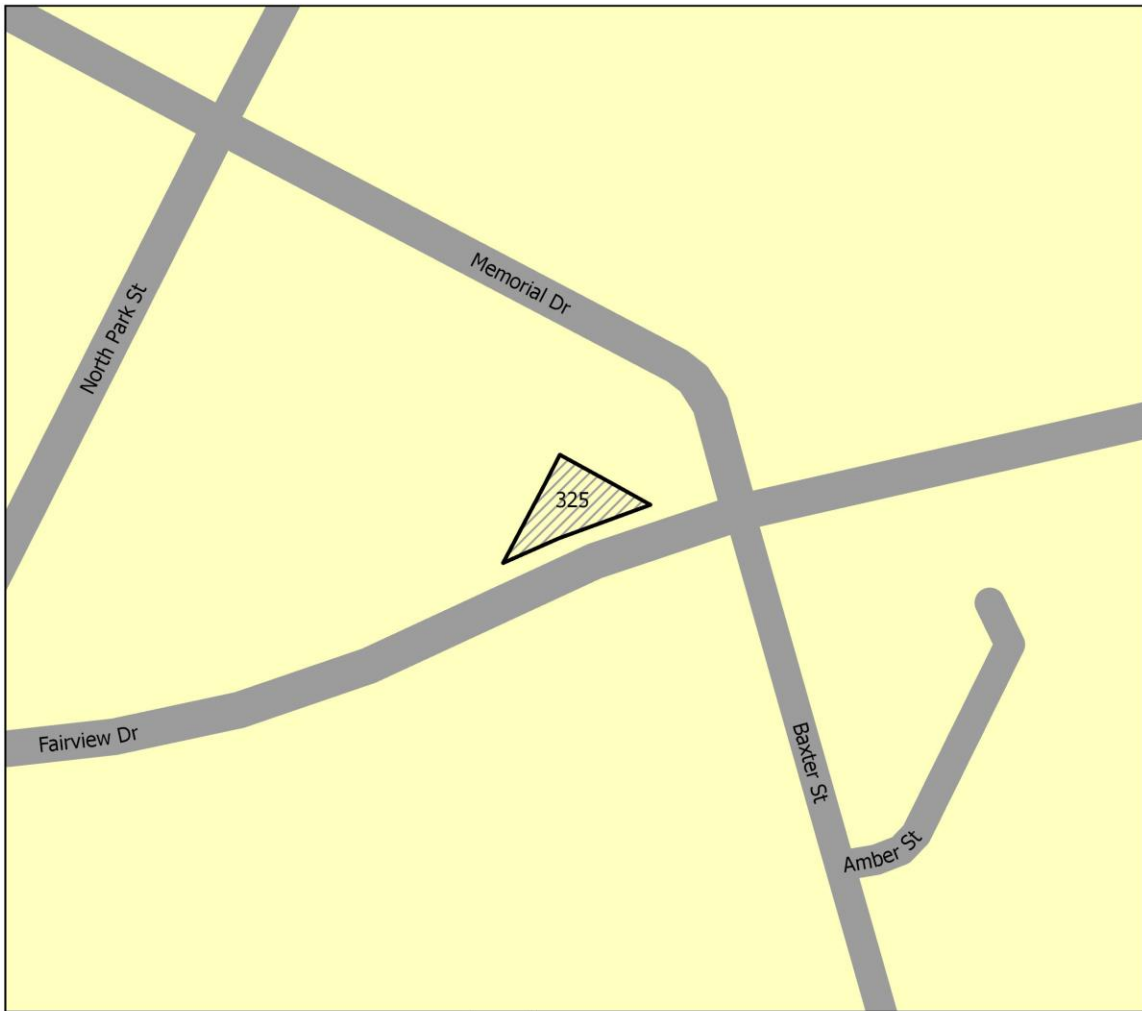


Reviewed by:
Jeff Medeiros, MCIP, RPP, Acting
Manager of Development Planning
September 26, 2024

APPENDIX A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A49-2024
325 Fairview Drive



Legend

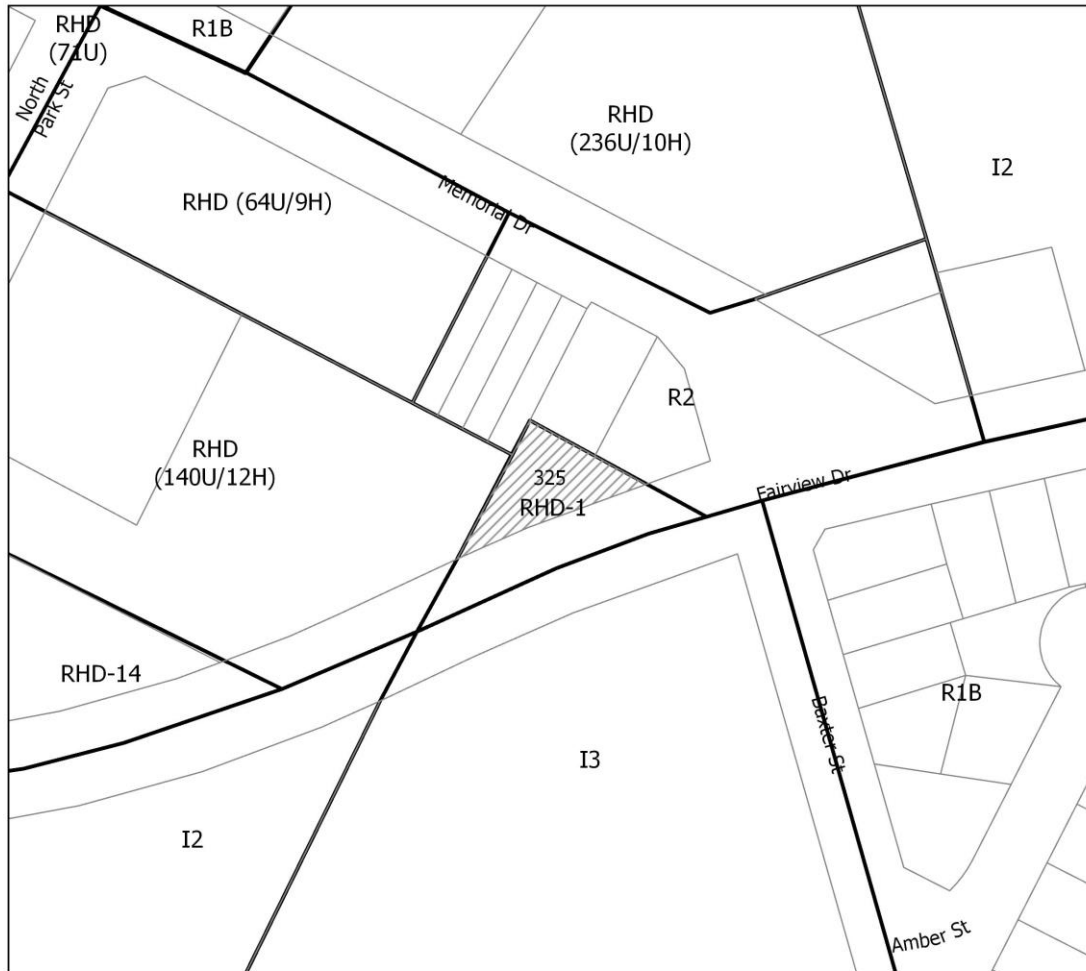
- Agricultural Designation
- Core Natural Areas Designation
- Residential Designation
- Major Institutional Designation
- Parks and Open Space Designation
- Downtown Urban Growth Centre Designation
- Major Commercial Centre Designation
- Intensification Corridor Designation
- Prestige Employment Designation
- Commercial Mixed Use Corridor
- General Employment Designation
- Six Nations Territory
- VIA Station
- Transit Terminal
- Subject Land



APPENDIX B – Zoning Map

ZONING MAP

Application: A49-2024
325 Fairview Drive



Zoning

- //// Subject Land
- Zoning

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

- R1B Residential Type 1B (15 metre)
- RHD Residential High Density
- I2 Institutional School
- I3 Institutional Major
- # Exception Number

