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Date November 6, 2024 **Report No.** 2024-632
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 A52-2024 – 160 Parkside Drive**
Applicant/Owner – Brian Wood

3.0 Recommendation

- A. THAT minor variance application A52-2024 seeking relief from Section 6.3.1.1 of Zoning By-law 160-90 to permit a maximum lot coverage of 12.5%, whereas a maximum of 10% is otherwise required, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance application 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. 2024-632”.

4.0 Purpose and Description of Application

Table 1 - Description of Application(s)

Application Details	
Type of Application	Minor Variance
Purpose of Application	To facilitate the construction of a 49.05 m ² accessory structure as shown in Figure 1 . The site plan has the proposed structure labelled as a garage, but Staff note that the proposed building appears to be intended for storage and no driveway is being proposed as shown on the site plan. Thus, it will be referred to as a detached accessory structure for the remainder of this report. 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

Table 2 - Relief Requested for Minor Variance

Regulation	By-law Section	Required	Proposed	Relief Requested
Lot coverage for accessory structures (max)	Section 6.3.1.1	10%	12.5%	+ 2.5%


Figure 1 – Aerial

AERIAL PHOTO MAP

Application: A52-2024
160 Parkside Drive



Legend

 Subject Land
Aerial Photo from spring 2021

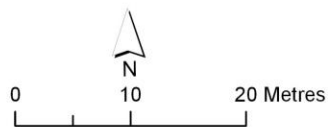


Figure 2 – Site Plan

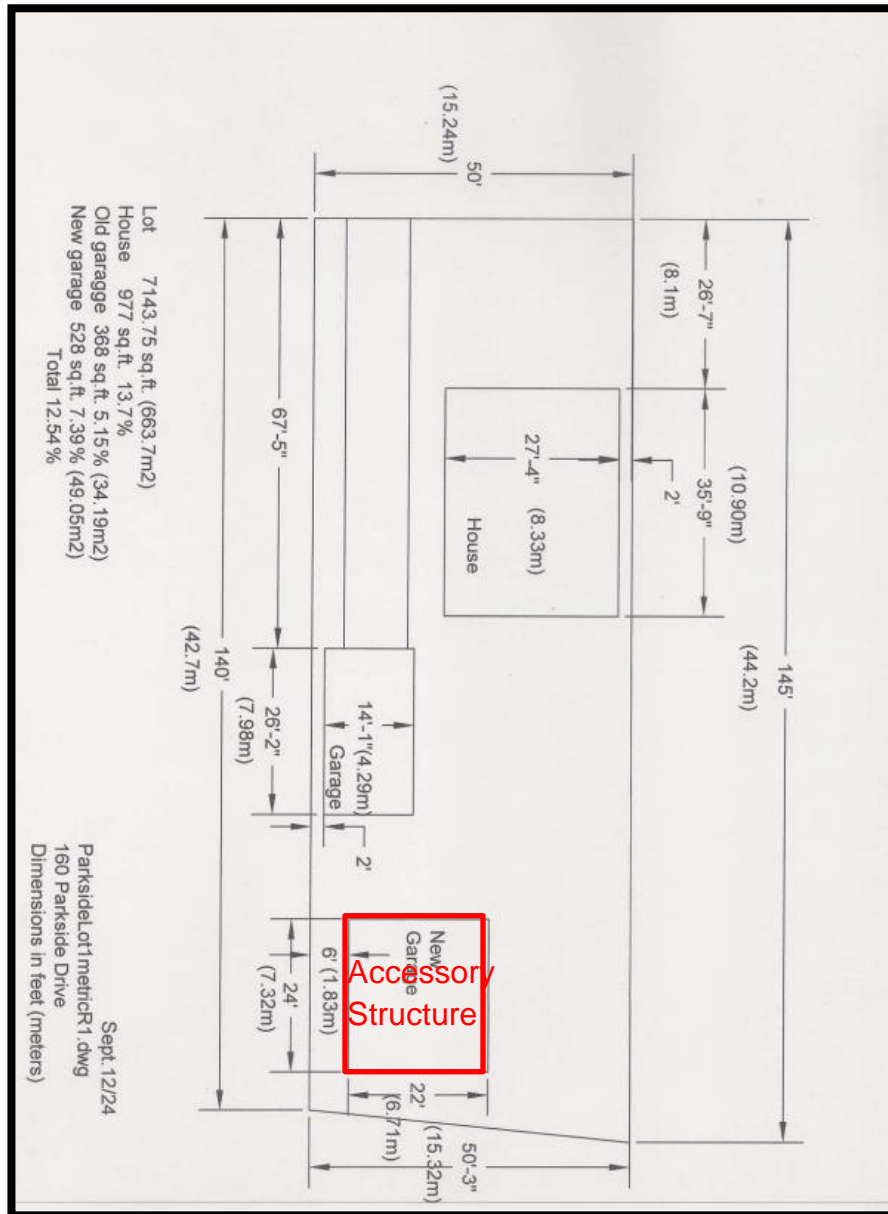


Table 3 – Information on the Subject Lands

Site Details	
Site Features	<p>The site features on the subject lands include:</p> <ul style="list-style-type: none"> Existing single detached dwelling Existing detached garage (to remain) <p>See Figure 2 - Photo of the Subject Lands</p>

Surrounding Context	The following are the surrounding features/uses of the subject lands: North Single detached dwellings South Single detached dwellings East Single detached dwellings West Single detached dwellings
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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 September 20, 2024.

The notable comments are summarized below.

Table 4 - Technical Comments

Department/Agency	Comments
Building	<ul style="list-style-type: none">• The new shed needs to be a minimum of 0.6 m from the side and rear property line and 1.5 m from the existing garage.• Eaves to be a minimum of 0.3 m from property lines.• Maximum height from average grade to peak of the roof to be 4.5 m.• No accessory building or structure shall be used for a habitable room, or for the purposes of a home occupation, excluding an accessory dwelling unit.• Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may be applicable to any new development. <p>The proposed shed meets the requirements stated above and the applicant was made aware of the future Building Department requirements.</p>

5.2 Public Comments

This application was circulated for public comment on October 18, 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 “Residential Type 1B (15 Metre) Zone” in Zoning By-law 160-90, as shown in **Appendix A** and **Appendix B** respectively.

6.1 Planning Analysis for Consent

The *Planning Act* sets the standard to which provincial and local interests, policies, and goals are implemented. Section 51(24) of the *Planning Act* lists the criteria that the Committee of Adjustment must have regard for when considering a consent application, as summarized in the table below.

6.2 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 shed meets the requirements for the side yard and rear yard in the Zoning By-law. The proposed shed is not expected to have any adverse impacts on the neighbouring properties.</p>
2. That the intent and purpose of the Zoning By-law is maintained	<p>The intent of the maximum lot coverage requirement for accessory buildings/structures in the Zoning By-law is to ensure that accessory buildings/structures are not oversized compared to the lot that they are on and there is adequate landscaping area for amenity space and stormwater management. In this case, the accessory structure would not be oversized. The lot has a detached garage which counts towards the 10% maximum lot coverage requirement. If the garage was attached, this variance would not be needed as the lot coverage of the detached accessory structure-only would not exceed 10%. Therefore, there is adequate landscaping area of amenity space and stormwater management and the variance meets the general intent of the Zoning By-law.</p>

Four Tests	Discussion
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 shed 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 shed, while still maintaining a minimum distance required from the interior side yard and rear yard.


6.3 Conclusion

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

- The application(s) satisfies Section 45(1) of the *Planning Act*, as detailed above.
- This application is desirable as it would facilitate the construction of a new shed, while still maintaining a minimum distance required from the interior side yard and rear yard.
- A site inspection was completed on October 8, 2024, and no issues were found.



Prepared by:
Dora Pripon, Development Planning
October 31, 2024

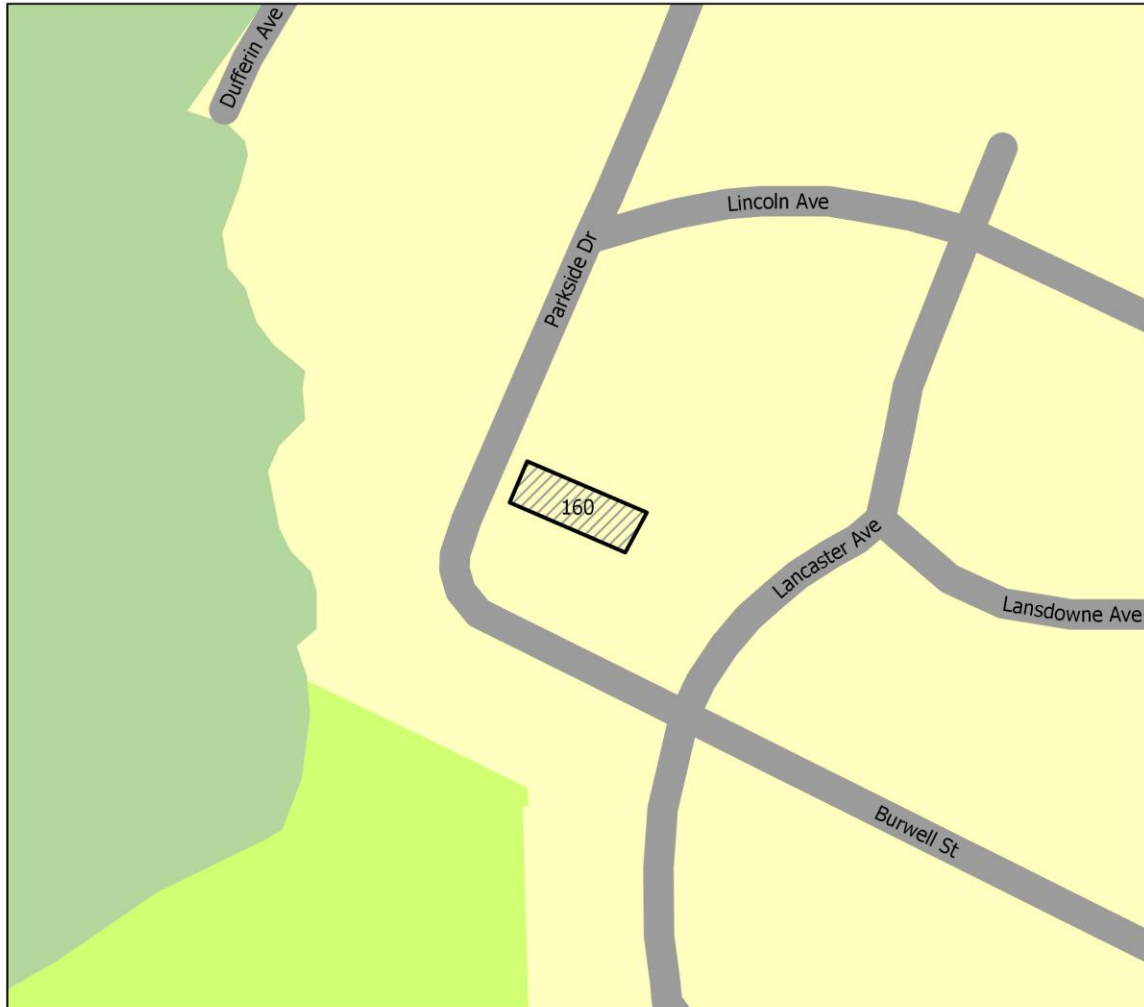


Reviewed by:
Jeff Medeiros, MCIP, RPP, Acting,
Manager of Development Planning
October 30, 2024

APPENDIX A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A52-2024
160 Parkside Drive



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 | |



APPENDIX B – Zoning By-law

ZONING MAP

Application: A52-2024
160 Parkside Drive



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)
- OS1 Open Space Type 1
- F Floodplain Provision
- # Exception Number



0 40 80 Metres