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**Date** November 6, 2024 **Report No.** 2024-650  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Patrick Vusir  
Intermediate Planner

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### 1.0 Type of Report

Application for Minor Variance []  
Item for Consideration or Consent []

### 2.0 Topic **Application A54-2024 – 81 George Street & 97 Wellington Street**

**Agent – Maninderjeet Singh Toor**

**Applicant/Owner – GM Developers Inc.**

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### 3.0 Recommendation

- A. THAT minor variance application A54-2024 seeking relief from Section 6.18.2.2.1. of Zoning By-law 160-90 to provide a minimum of 3 existing parking spaces, whereas the 4 existing parking spaces are required to be provided BE APPROVED.
- B. THAT minor variance application A54-2024 seeking relief from Section 6.23.4.2. of Zoning By-law 160-90 to permit a driveway providing access to a loading space with a minimum width of 4.24 m for two-way traffic, whereas a minimum driveway width of 7.0 m is required for two-way traffic BE APPROVED.
- C. THAT minor variance application A54-2024 seeking relief from Section 9.2.2.1.2. of Zoning By-law 160-90 to permit the existing lot width of 20.14 m, whereas 30.0 m is required for apartment dwellings BE APPROVED.

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- D. THAT minor variance application A54-2024 seeking relief from Section 9.2.2.1.3. of Zoning By-law 160-90 to permit the existing lot coverage of 55%, whereas the maximum lot coverage for an apartment dwelling is 50% BE APPROVED.
- E. THAT minor variance application A54-2024 seeking relief from Section 9.2.2.1.6.2. of Zoning By-law 160-90 to permit the existing rear yard of 4.24 m, whereas 7.5 m is required for apartment dwellings BE APPROVED.
- F. THAT minor variance application A54-2024 seeking relief from Section 9.2.2.1.7.1. of Zoning By-law 160-90 to permit the existing interior side yard of 0.0 m, whereas 4.5 m is required for a 3-storey apartment dwelling BE APPROVED.
- G. THAT minor variance application A54-2024 seeking relief from Section 9.2.2.1.8.1. of Zoning By-law 160-90 to permit up to three dwelling units to have a minimum gross floor area of 20 m<sup>2</sup>, whereas 37 m<sup>2</sup> is required BE APPROVED.
- H. THAT minor variance application A54-2024 seeking relief from Section 9.2.2.1.9. of Zoning By-law 160-90 to permit the existing landscaped open space of 15.6%, whereas 20% is required for apartment dwellings BE APPROVED.
- I. THAT the reasons for the approval of the minor variances area 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
- J. THAT pursuant to subsections 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 5.2 of Report 2024-650”*

## 4.0 Purpose and Description of Applications

Table 1: Description of Application A54-2024.

Topic	Details
Type of Application:	Minor Variance
Purpose of Application:	<p>To facilitate the conversion of the existing place of worship building to an apartment dwelling containing 28 dwelling units. One storey will be added to the former church school and auditorium, increasing the height to three storeys, which will match the nave portion of the church. The footprint of the existing building will remain unchanged.</p> <p>A site plan is shown in <b>Figure 1</b>, and <b>Figures 2 and 3</b> show the front, rear, and side elevations.</p> <p>The requested relief from Zoning By-law 160-90 is shown in <b>Table 2</b>.</p>
Previous Applications:	n/a
Concurrent Planning Applications:	Site Plan application File No. SPC-22-24

Figure 1: Site Plan for 81 George Street & 97 Wellington Street.

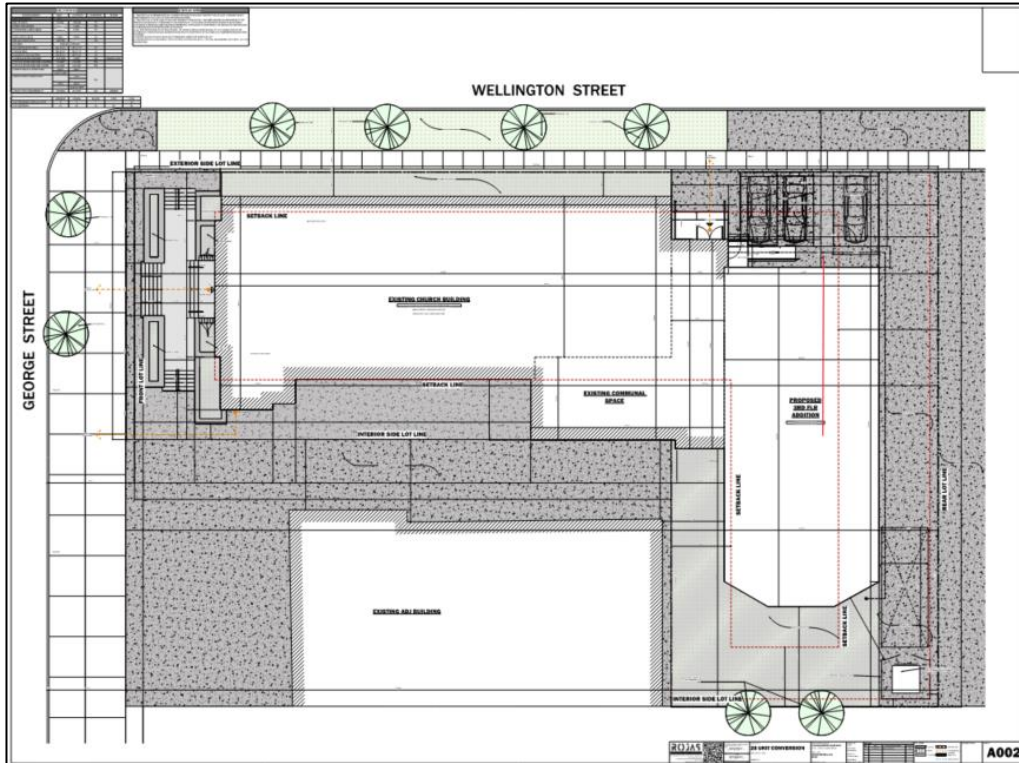


Figure 2: Front and rear elevations of 81 George Street & 97 Wellington Street.

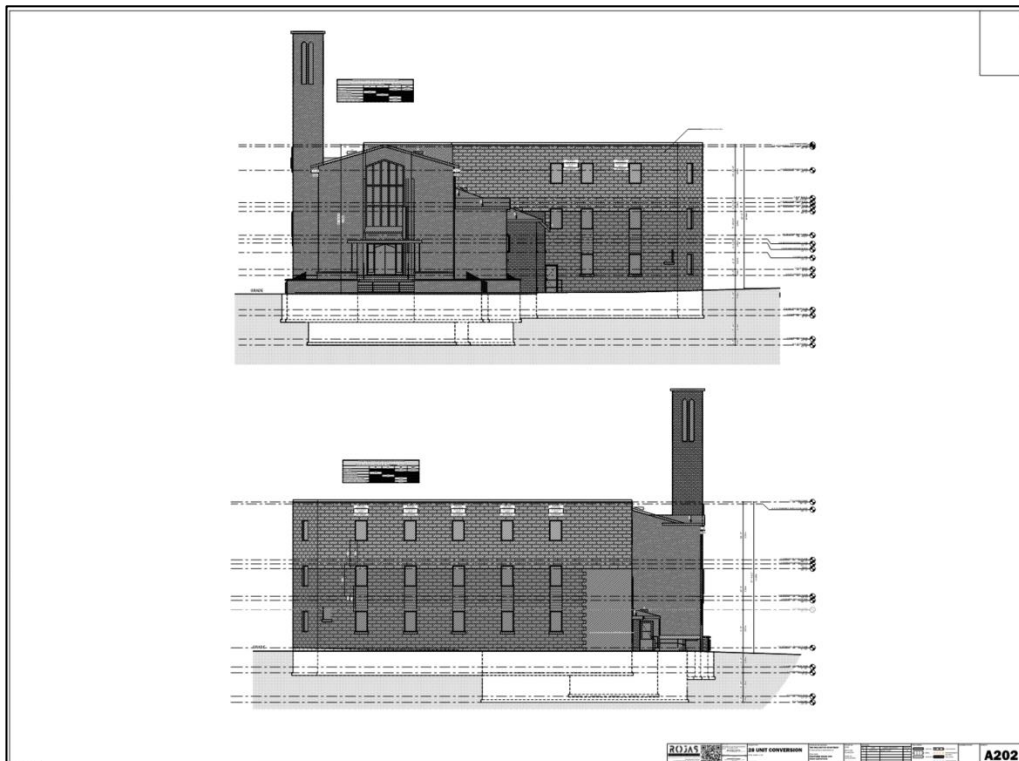


Figure 3: Side elevations of 81 George Street & 97 Wellington Street.



Table 2: Relief Requested through Minor Variance Application A54-2024.

Regulation	By-law Section	Requirement	Proposed	Relief Requested
Existing number of parking spaces to be maintained	6.18.2.2.1	4 existing parking spaces.	3 existing parking spaces to be provided	1 parking space
Access aisle for required loading space	6.23.4.2	7.0 m aisle width	4.24 m aisle width	- 2.76 m
Minimum Lot Width	9.2.2.1.2	30 m for apartment dwellings	20.14 m (existing)	- 9.86 m
Maximum Lot Coverage	9.2.2.1.3.	50% for apartment dwellings	55% (existing)	+ 5%

Regulation	By-law Section	Requirement	Proposed	Relief Requested
Minimum Rear Yard Setback	9.2.2.1.6.2	4.24 m	7.5 m (existing)	- 3.26 m
Minimum Interior Side Yard Setback	9.2.2.1.7.1.	4.5 m (1.5 m per storey)	0.0 m (existing)	- 4.5 m
Minimum Gross Floor Area for Apartment Dwelling Units.	9.2.2.1.8.1.	37 m <sup>2</sup>	20 m <sup>2</sup> (for a maximum of 3 apartment dwelling units.)	- 17 m <sup>2</sup> (for a maximum of 3 units)
Minimum Landscaped Open Space	9.2.2.1.9.	20%	15.6% (existing)	- 4.4%

Table 3: Information on the Subject Lands (81 George Street & 97 Wellington Street).

Topic	Details
Site Features	<p>The site features on the subject lands include:</p> <ul style="list-style-type: none"> <li>The existing (c. 1960) place of worship from George Street, which replaced the prior (c.1865) place of worship which was destroyed in 1959 when the church spire was struck by lightning and fell into the nave of the church.</li> <li>The existing (c. 1956) church school and auditorium fronting Wellington Street.</li> </ul> <p>See <b>Figures 4 &amp; 5</b> for photos of the subject lands.</p>
Surrounding Context	<p><b>North</b> Institutional (former City Hall &amp; POA Court complex, and Brant County Court House).</p> <p><b>South</b> Institutional (Laurier – Carnegie Building).</p> <p><b>East</b> Residential.</p> <p><b>West</b> Open space (Victoria Park).</p> <p>See <b>Figure 6</b> for an Aerial Photo Map.</p>

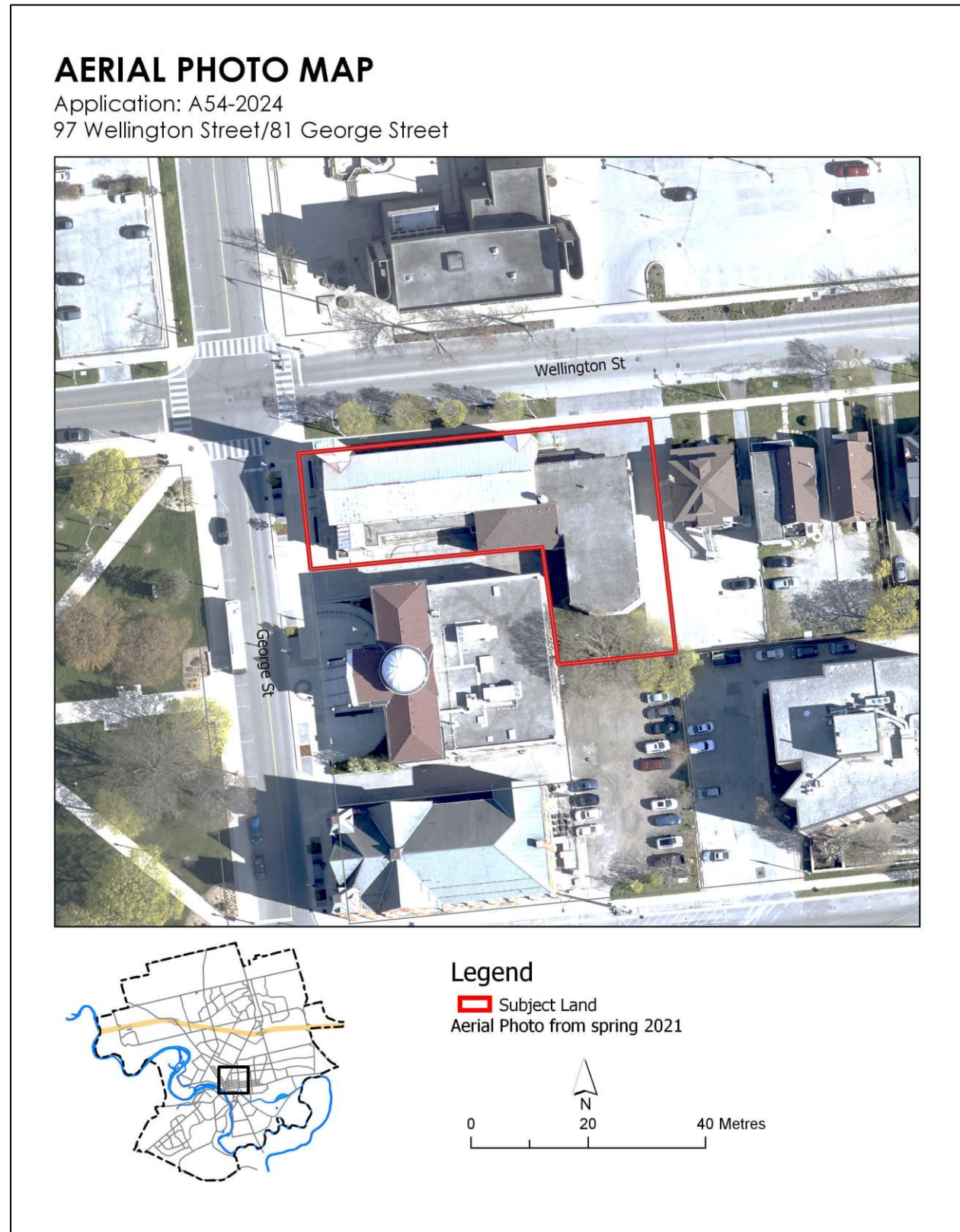
Figure 4: George Street Façade of 81 George Street & 97 Wellington Street.



Figure 5: Wellington Street facade of 81 George Street & 97 Wellington Street



Figure 6: Aerial Photo Map showing 97 Wellington Street.





## 5.0 Input from Other Sources

### 5.1 Technical Comments

The application was circulated to all applicable departments and agencies on September 24, 2024. Notable comments are summarized in **Table 4**.

*Table 4: Department Comments for Minor Variance Application A54-2024.*

Department	Comments
Accessibility	Accessible parking would still be calculated based on the required number of parking spaces; all new elements would need to comply with the Design of Public Spaces Standard.
Development Engineering (Transportation)	Given the existing building envelope and lack of space for maneuvering, staff would permit the reduced loading area. A special condition within the site plan agreement will be required to ensure safe egress/ingress from the subject property.
Environmental Services	Due to the large projected volume of waste and recycling materials, the Owner will be required to utilize private collection services, at the property or building owner's expense, for the management of all waste streams.

With respect to the above comments, Staff will note the following:

- The applicant will be retaining the existing accessible parking space on site despite the request for relief which will address the Accessibility comments.
- The applicant and the City will work through the concurrent site plan application (SPC-22-24) to address the matters related to Transportation and Environmental Services comments.

### 5.2 Public Comments

This application was circulated for public comment on October 21, 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 “Downtown Urban Growth Centre” in the City’s Official Plan as shown in **Appendix A** and more specifically, fall within the Upper Downtown Precinct,

### 6.1 Planning Analysis

When evaluating the merits of a minor variance application, the Committee of Adjustment must be satisfied that the four tests of subsection 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>The test of “Minor” is determined by impact, not by the value of the variance being sought.</p> <p>The proposed conversion of 81 George Street / 97 Wellington Street from a place of worship to an apartment dwelling seeks to utilize the existing building in its entirety.</p>
2. That the intent and purpose of the <b>Zoning By-law</b> is maintained	<p>The subject lands are zoned “Fringe Core Commercial (C2)” zone in Zoning By-law 160-90 as shown in <b>Appendix A</b>.</p> <p>Existing Number of Parking Spaces to be Maintained:</p> <ul style="list-style-type: none"> <li>• The purpose of this regulation is to ensure that, where a change (or expansion) of a legally existing use occurs, and that the existing parking spaces are provided at a lower rate than may be required, that existing parking remains.</li> <li>• Relief is being requested to reduce existing parking (4 spaces) to 3 parking spaces – 2 standard parking spaces and 1 accessible space – so that the accessible parking space can be shifted out of the access aisle for the loading space, thus providing for safer use of the accessible parking space as well as the access aisle for</li> </ul>

<b>Four Tests</b>	<b>Discussion</b>
	<p>the loading space. There remains ample on-street parking surrounding the property and the subject lands are within walking distance of the City's bus transit terminal.</p> <p>Access Aisle for Required Loading Space:</p> <ul style="list-style-type: none"><li>• The purpose of this regulation is to ensure that loading spaces can be accessed safely.</li><li>• As indicated by Development Engineering (Transportation) Staff, a special condition will be imposed through the concurrent Site Plan Control Application under review by the City (SPC-22-24). The City will utilize existing strategies, used in other developments downtown, to ensure that the reduced drive aisle width can still be utilized safely.</li></ul> <p>Minimum Lot Width:</p> <ul style="list-style-type: none"><li>• The purpose of a minimum lot width requirement is to ensure consistency amongst the street and lot fabric, and to contribute to usable lot space.</li><li>• The relief being requested would recognize the existing lot width.</li></ul> <p>Maximum Lot Coverage:</p> <ul style="list-style-type: none"><li>• The purpose of maximum lot coverage is to ensure that lots are not overdeveloped and that there is consistency between buildings and their massing.</li><li>• The relief being requested would recognize the existing lot coverage.</li></ul> <p>Minimum Rear Yard Setback and Minimum Interior Side Yard Setback:</p> <ul style="list-style-type: none"><li>• The purpose of rear and side yard setbacks is to allow for exterior access around buildings, to provide space for stormwater flow, and – with respect to rear yards in a residential context – provide space on the lot for outdoor amenity space.</li><li>• The relief requested would recognize the existing rear yard setback. Exterior walls will remain accessible for maintenance, travel, and emergencies, as well as overland stormwater flow. Outdoor amenity space will</li></ul>

Four Tests	Discussion
	<p>be provided in the interior side yards, behind the former place-of-worship school land auditorium wing rather than in the rear yard.</p> <ul style="list-style-type: none"><li>• The relief requested for the interior side yard, to permit a setback of 0 m, would recognize existing conditions and only occurs along a relatively small section of the interior side yard (the portion dating to c. 1865). Greater existing side yard setbacks – once again existing conditions - are provided along much of the place-of-worship’s nave section (2.19 m to an existing stairwell entrance and a compliant 4.58 m to most of the nave), and the former auditorium and school space (3.56 m interior side yard setback) which provided need access to the sides of the building and allow for stormwater flow.</li></ul> <p>Minimum Gross Floor Area for Apartment Dwelling Units:</p> <ul style="list-style-type: none"><li>• The purpose of a minimum gross floor area for dwelling units is to ensure that apartment dwellings are of a comfortable size and that bachelor-style units are not the only ones provided.</li><li>• The relief requested would permit a maximum of three dwelling units to have a minimum gross floor area of 20 m<sup>2</sup>; the remaining 25 of 28 dwelling units would meet or exceed the requirement. Furthermore, the applicant is proposing a range of unit sizes, from bachelor units up to four- and five-bedroom units, ensuring that there is a mix of unit types within the proposal. The Ontario Building Code also includes regulations for minimum unit size, and the relief requested for up to three dwelling units would still exceed the minimum gross floor area required in the Ontario Building Code.</li></ul> <p>Minimum Landscaped Open Space:</p> <ul style="list-style-type: none"><li>• 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/character, and – in a residential context – the provision of outdoor amenity spaces.</li></ul>

Four Tests	Discussion
	<ul style="list-style-type: none"> <li>Existing landscaped open space on the subject lands is proposed to be maintained by the applicant. The requested relief recognizes the landscaped open space which is existing on the lot, and it is not proposed to be reduced. The applicant will also be providing amenity space for residents within the building and will comply with zoning requirements for total amenity space needed.</li> </ul> <p>For the reasons outlined above, Staff is of the opinion that the intent and purpose of the Zoning By-law are maintained.</p>
<p>3. That the general intent and purpose of the <b>Official Plan</b> is maintained</p>	<p>The subject lands are designated “Downtown Urban Growth Centre” in the Official Plan, as shown in <b>Appendix B</b>.</p> <ul style="list-style-type: none"> <li>This designation permits a range of uses including residential units in stand-alone and mixed-use mid rise residential buildings.</li> <li>It is part of the intent of this designation to “<i>promote economic revitalization within the context of historic preservation, recognizing the potential for adaptive re-use, redevelopment and intensification</i>” (Policy 5.3.1.a.ii).</li> <li>The property is within the Historic Mainstreets Precinct of the Downtown Urban Growth Centre designation, and more specifically within the Victoria Park Square Heritage Conservation District as shown on Schedule 5 of the Official Plan. Policy 5.3.1.i. gives precedence to design criteria within the Victoria Park Square Heritage Conservation District Study. The proposal seeks to maintain the existing designated building, and the only external changes – the addition of a third floor over the former church school – will align window openings and design details with the existing second story.</li> </ul> <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>

Four Tests	Discussion
	<ul style="list-style-type: none"> <li>i. <i>Have regard for, and conserve cultural heritage resources;</i></li> <li>ii. <i>Be planned in a manner that conserves and enhances the context in which heritage resources are situated; and,</i></li> <li>iii. <i>Wherever possible, incorporate cultural heritage resources into any new development plans.”</i></li> </ul> <p>Staff is of the opinion that the general intent and purpose of the Official Plan are maintained.</p>
<p>4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure</p>	<p>The requested minor variances are desirable for the appropriate development and use of the land as the conversion of the place-of-worship to apartment dwellings will maintain an existing structure with cultural heritage value through adaptive re-use rather than demolition and replacement. This conversion will provide for additional dwelling units within a strategic growth area, near public transit services, a range of uses, and contribute to a vibrant Downtown Brantford.</p>

## 6.2 Conclusion

After thoroughly reviewing the relevant policies, Planning Staff is supportive of the application. The requested minor variances will facilitate the conversion of a place-of-worship into 28 apartment dwelling units. This development is consistent with the character of the surrounding area (Downtown Brantford, and the Victoria Park Square Heritage Conservation District) and provides additional dwelling units in an area well served by public transit and within walking distance of shops, restaurants, services and Wilfrid Laurier University. 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 A54-2024 be approved.

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Prepared by:



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Intermediate Planner

Reviewed By:



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Jeff Medeiros, MCIP, RPP  
Acting Manager of Development  
Planning

Appendices:

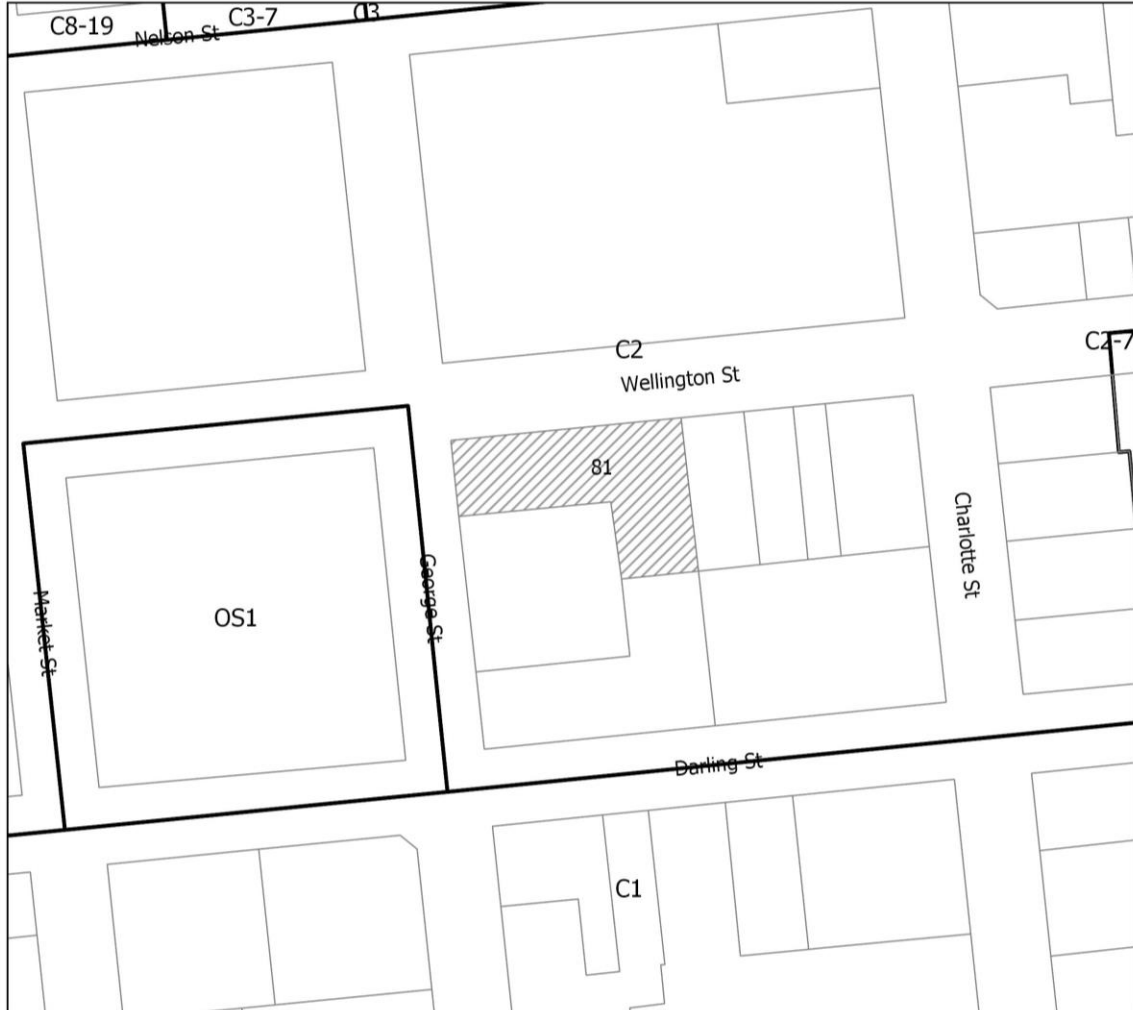
Appendix A: Zoning Map

Appendix B: Official Plan Land Use Designation Map

Appendix C: Site Plan and Building Elevations.

## Appendix A: Zoning Map

Application: A54-2024  
97 Wellington Street/81 George Street

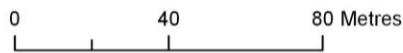


### Zoning

- //// Subject Land
- Zoning

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

- C1 Core Commercial
- C2 Fringe Core Commercial
- C3 Mixed Commercial Residential
- C8 General Commercial
- OS1 Open Space Type 1
- # Exception Number





## Appendix B: Official Plan Land Use Map

Application: A54-2024  
97 Wellington Street/81 George Street

