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Date November 6, 2024 **Report No.** 2024-628
To Chair and Members
City of Brantford Committee of Adjustment
From Ashley Timbs
Development Planner

1.0 Type of Report

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

2.0 Topic **Application A53-2024 – 7 Kennedy Street**

Agent – Darlene Lombardi

Applicant/Owner - Darlene and Franco Lombardi

3.0 Recommendation

- A. THAT minor variance application A53-2024 seeking relief from Section 6.3.1.1 of Zoning By-law 160-90 to permit a maximum lot coverage of 17% for accessory buildings/structures, 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. 2024-628”.

4.0 Purpose and Description of Application(s)

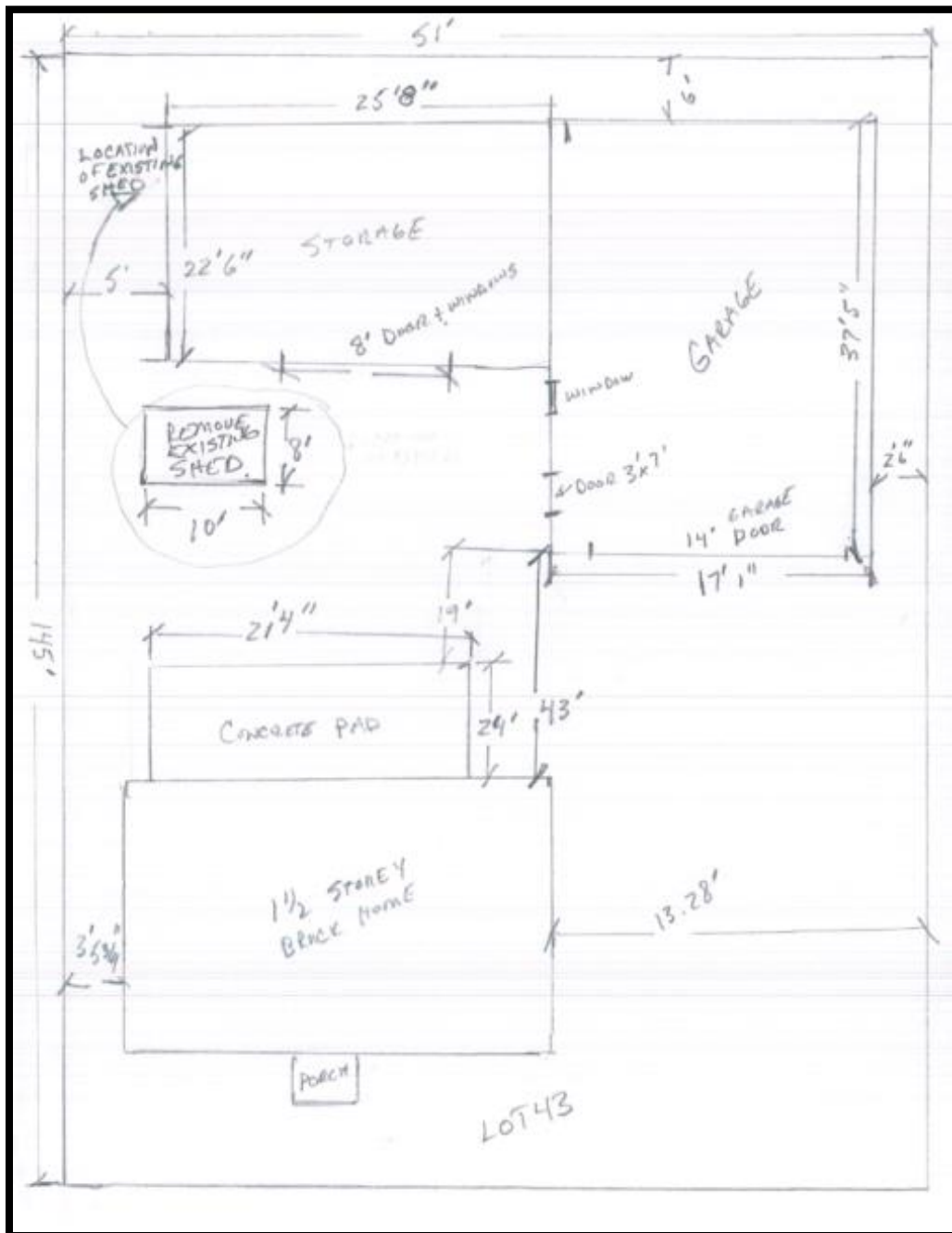
Table 1 - Description of Application(s)

Application Details	
Type of Application	Minor Variance
Purpose of Application	To facilitate the construction of a 175.98 m ² addition on the existing detached accessory building (garage), as shown in Figures 1 & 2 . The requested relief from Zoning By-law 160-90 is shown in Table 1 .
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
Maximum lot coverage for accessory buildings/structures.	Section 6.3.1.1	10%	17%	+ 7%

Figure 1 – Site Plan



(see Attachment for larger resolution)

Figure 2 – Aerial Photo

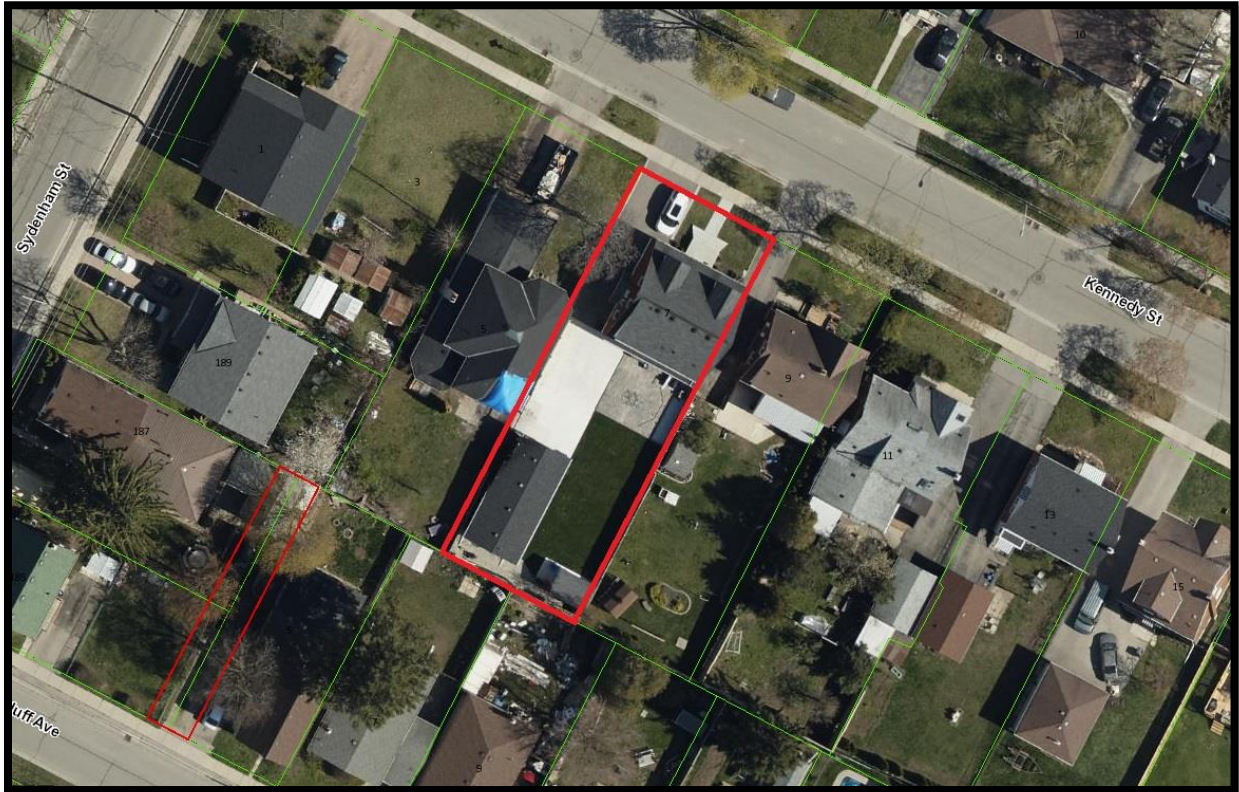


Table 3 – Information on the Subject Lands

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 194.31 m² accessory garage Existing 24.38 m² shed (to be demolished) <p>See Figures 3 & 4 - 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 Dwellings & Burnley Park</p> <p>East Single Detached Dwellings</p> <p>West Single Detached Dwellings</p>

Figure 3 – Photo of Subject Lands



Figure 4 – 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.

No notable comments or objections were received.

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 Conversion (RC)” 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 4 - Four Tests of a Minor Variance

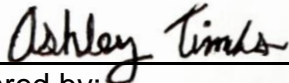
Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. The proposed addition meets rear and side yard requirements in the Zoning By-law. Therefore, Staff do not anticipate any adverse impacts on neighbouring properties.

Four Tests	Discussion
2. That the intent and purpose of the Zoning By-law is maintained	The intent of the maximum lot coverage provision for accessory buildings/structures in the Zoning By-law is to ensure that accessory buildings/structures are not oversized on the lot and to maintain adequate space for landscaped outdoor amenity space and stormwater management. It is the opinion of Staff that the variance meets the intent of the zoning by-law as the proposed addition is not oversized for the lot and will still maintain adequate space for landscaped outdoor amenity space and stormwater management.
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 housing and related outdoor amenity space. The proposed addition is permitted within this designation and would provide additional space for residential storage. Therefore, it is Staff's opinion that it 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	Staff is of the opinion that this variance is desirable as it would facilitate an addition on the existing detached garage. The existing 24.38 m ² shed will be demolished to facilitate the 175.98 m ² addition, the net result of the addition is approximately 151.6 m ² . The addition will allow for additional storage space, while still maintaining adequate landscaped amenity space, stormwater management and required rear and side yard setbacks.

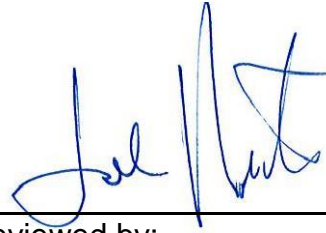
6.2 Conclusion

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.
- The proposed variance is minor in nature as the detached accessory garage addition will have no adverse impacts on adjacent properties and maintains the general intent of the Official Plan and Zoning By-law as described above.
- A site inspection was completed on October 15, 2024, and no issues were found.



Prepared by:
Ashley Timbs, Development Planner
October 31st, 2024



Reviewed by:
Joe Muto, MCIP, RPP, Acting Director of
Economic Development, Tourism and
Cultural Initiatives
October 31st, 2024

APPENDIX A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A53-2024
7 Kennedy Street



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 | |



0 40 80 Metres

APPENDIX B – Zoning By-law

ZONING MAP

Application: A53-2024
7 Kennedy Street



Zoning

- //// Subject Land
- Zoning

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

- R1C Residential Type 1C (12 metre)
- RC Residential Conversion
- R4A Residential Medium Density Type A
- # Exception Number

