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**Date** December 16, 2024 **Report No.** 2024-694  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Dora Pripon  
Development Planner

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### 1.0 Type of Report

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

**2.0 Topic** **Application B38-2024 & A58-2024 – 61 - 73 Murray Street**

**Agent – Corbett Land Strategies Inc. (c/o Nick Wood)**

**Applicant/Owner – Multani Custom Homes (c/o Rob Multani)**

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### 3.0 Recommendation

- A. THAT consent application B38-2024 to create an easement for access to a parking space over 61-73 Murray Street (Part 3 on Plan 2R-7864) in favour of Part 4 in Plan 2R-7864, BE APPROVED, subject to the conditions listed in **Appendix A** of Report No. 2024-694;
- B. THAT the reasons for approval of the consent application are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act* and Staff are satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in

adverse impacts on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning By-law;

- C. THAT minor variance application A58-2024 seeking relief from Section 7.9.4.51.1 of Zoning By-law 160-90 to permit a minimum lot area of 450 m<sup>2</sup>, whereas 453 m<sup>2</sup> is otherwise required, BE APPROVED;
- D. 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 not considered minor in nature, and desirable for the appropriate development of the subject lands; and,
- E. THAT pursuant to Section 45(8) – (8.2) and Sections 53(17) – (18.2) 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. 2024-694”.*

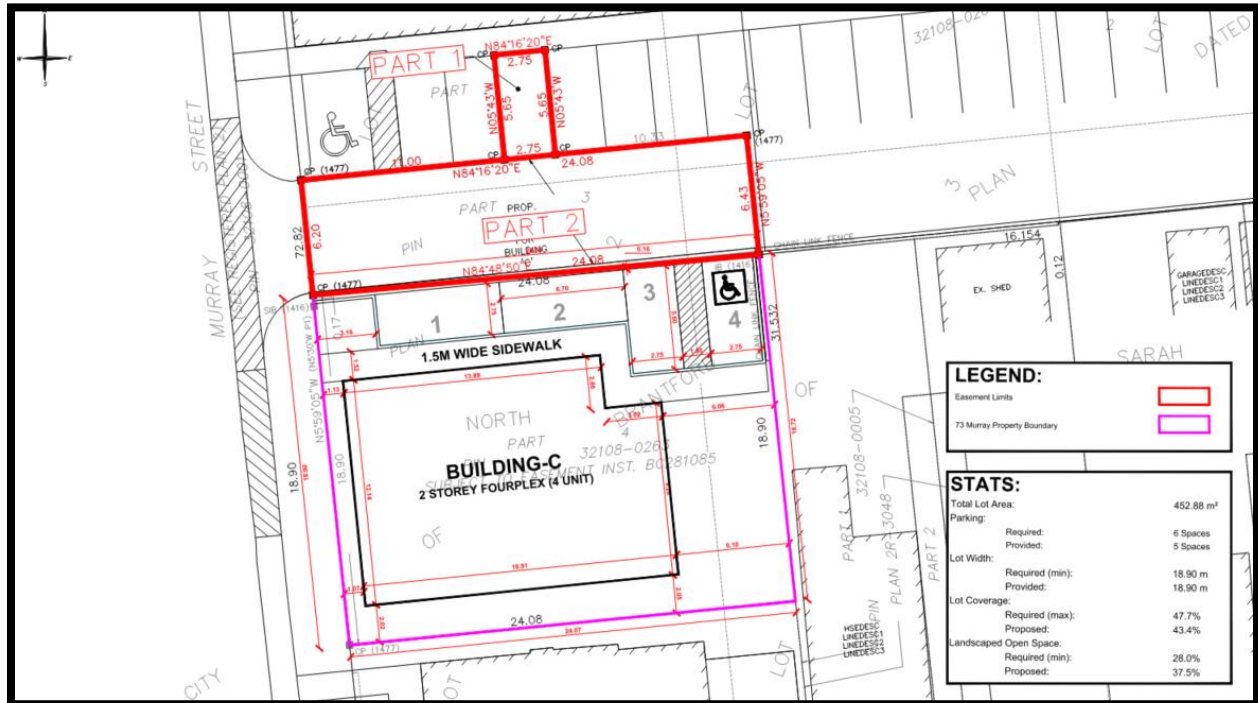
## 4.0 Purpose and Description of Application(s)

Table 1 - Description of Application(s)

Application Details	
Type of Application	Consent (easement) and Minor Variance
Purpose of Application	<p>To create an easement over 61-73 Murray Street, in favour of the property referred to as Part 4 on 2R-7864, which is to be developed as a future 2-storey fourplex building fronting on Murray Street. The easement will provide access to part of the drive aisle as well as access to a single space in the existing parking lot for the proposed fourplex, as shown in <b>Figure 1</b>.</p> <p>The proposed dimensions of the proposed easement are shown in <b>Table 2</b>.</p> <p>A minor variance application was also applied for to address the minimum lot area as a result of a zoning deficiency identified by staff. The requested relief from Zoning By-law 160-90 is detailed in <b>Table 3</b>.</p>
Additional Relevant Information	

Previous Applications	B69-2004; PZ-01-14 & OP-01-14; B10-2015 & B11-2015; and B18-2022 & A20-2022
Concurrent Planning Applications	N/A
Any other relevant information	<p>An application to sever the subject lands (Part 2 on 2R-7864 or 0 Murray Street) from 73 Murray Street was approved in 2015 (file no. B10-2015). The reference plan deposited showed the severed lot as slightly smaller than the zoning requirement. For this reason, a variance application was applied for.</p> <p>The applicant applied for a consent application back in 2022 (file no. B18-2022) to create the same easement that is proposed in this application. That application was approved but has since lapsed as not all the conditions of consent were satisfied within the prescribed timeline. At that time, a minor variance application to allow 5 parking spaces whereas 6 parking spaces were required was also approved for the proposed fourplex (file no. A20-2022) and continues to remain in force and effect.</p>

Figure 1 – Easement Plan



(see Attachment for larger resolution)

Table 2 - Lot Dimensions of Easement

Regulation	Part 1	Part 2
Area	15.5 m <sup>2</sup>	152 m <sup>2</sup>

Table 3 - Relief Requested for Minor Variance

Regulation	Zoning By-law 160-90 Section	Required	Proposed	Relief Requested
Lot Area	Section 7.9.4.51.1	453 m <sup>2</sup>	450 m <sup>2</sup>	- 3 m <sup>2</sup>

Figure 2 – Aerial of subject lands



Table 4 – 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"><li>• A housing resource centre / general office use (on 73 Murray Street)</li><li>• A parking lot</li></ul> <p>See <b>Figures 2, 3 &amp; 4</b> of the Subject Lands</p>
Surrounding Context	<p>The following are the surrounding features/uses of the subject lands:</p> <p><b>North</b>      A housing resource centre and single detached dwellings</p> <p><b>South</b>      Single detached dwellings</p> <p><b>East</b>        Vacant lot and single detached dwellings</p> <p><b>West</b>        Single detached dwellings</p>

Figure 3 – Photo of Subject Lands – Resource Centre on 73 Murray Street



Figure 4 – Photo of Subject Lands – Where fourplex is proposed on 0 Murray Street



## 5.0 Input from Other Sources

### 5.1 Technical Comments

The application was circulated to all applicable departments and agencies on October 18, 2024.

The notable comments are summarized below.

Table 5 - Technical Comments

Department/Agency	Comments
<b>Development Engineering</b>	A Municipal Numbering Assignment Request Form to assign a municipal address number to 0 Murray St. will need to be submitted. This comment has been captured as a condition of consent in <b>Appendix A</b> .
<b>Building</b>	A minimum of 55 m <sup>2</sup> /unit is required for the proposed fourplex. This requirement will be reviewed during the building permit stage.  An agreement providing for the continuation of the required parking space is entered into with the owners of both lots and the City of Brantford and is registered against both parcels of

	<p>land. This comment was captured as a condition of consent in <b>Appendix A</b>.</p> <p>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>
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## 5.2 Public Comments

This application was circulated for public comment on November 15, 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 – Exception 23 (R1B-23)” for 73 Murray Street “Residential Medium Density Type A Zone – Exception 51 (R4A-51)” for 0 Murray Street in the Zoning By-law 160-90, as shown in **Appendix B** and **Appendix C** respectively. The subject lands are currently zoned “(Residential Mid-Rise – Exception 65 (RMR-65) and ““(Residential Mid-Rise – Exception 35 (RMR-35)” as shown on **Appendix D**. Zoning By-law 124-2024 was approved by Brantford City Council on September 24, 2024. By-law 124-2024 has since been appealed to the Ontario Land Tribunal (OLT).

### 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.

Table 6 - Consent Criteria

Criteria for Considering a Consent Application	Discussion
1. That the plan conforms to the Official Plan	<p>Section 9.3 (i) of the Official Plan states that “<i>Consents may be permitted for the creation of up to three (3) new lots, to create easements, boundary adjustments, rights-of-way, lot additions and long-term leases in accordance with the provisions of the Planning Act.</i>” The applicant has applied for a consent application for an easement and thus satisfies this provision in the Official Plan.</p> <p>The subject lands are also designated “Residential” in the Official Plan. The purpose of this application is to create an easement in order for a proposed fourplex, to have access to the public roadway and an additional parking space. The consent application conforms to the Official Plan.</p>
2. The dimensions and shapes of the proposed lot	This criterion is not applicable as no new lot is being created as a result of this consent application.
3. The adequacy of utilities and municipal services	This criterion is not applicable as no new utilities or services are needed as a result of this consent application. Public services are available within the public road allowance.

## 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 7 - 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. This minor variance application is seeking relief for a reduction of 3 m <sup>2</sup> in lot area. This proposed relief is not expected to have any adverse impacts on the surrounding neighbourhood. Staff are of the opinion that this minor variance application is considered minor in nature.
2. That the intent and purpose of the <b>Zoning By-law</b> is maintained	The site-specific minimum lot area requirement was approved through a Zoning By-law amendment in 2014 (file no. PZ-01-14). The intent of this lot area requirement being established at 453 m <sup>2</sup> was to recognize the smaller size of the lot in a compact infill development, which was always intended to be developed as a fourplex. The minor variance application seeks to reduce the lot area by 3 m <sup>2</sup> and thus, is not expected to impact the original intent of recognizing a smaller lot for infill development. Staff are of the opinion that this minor variance maintains the general intent of the Zoning By-law.
3. That the general intent and purpose of the <b>Official Plan</b> is maintained	The subject lands are designated “Residential” in the Official Plan and this minor variance seeks to bring a residential lot into conformity with the Zoning By-law. The Residential designation also encourages a variety of built forms, including fourplexes, as is proposed. This application meets the general intent of the Official Plan designation.
4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure	The requested relief will not have any negative impacts on the surroundings and will bring a lot which can accommodate a residential building into compliance with the Zoning By-law. Staff consider this minor variance application desirable.

### 6.3 Conclusion

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


- The applications satisfies Section 51(24) and Section 45(1) of the *Planning Act*, as detailed above.

- The applications will bring a residential lot into compliance with the Zoning By-law as well as create an easement which will enable a proposed fourplex development in the City.
- A site inspection was completed on November 5, 2024 and no issues were found.



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Prepared by:  
Dora Pripon, Development Planning  
December 12, 2024



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Reviewed by:  
Jeff Medeiros, MCIP, RPP, Acting  
Manager of Development Planning  
December 12, 2024

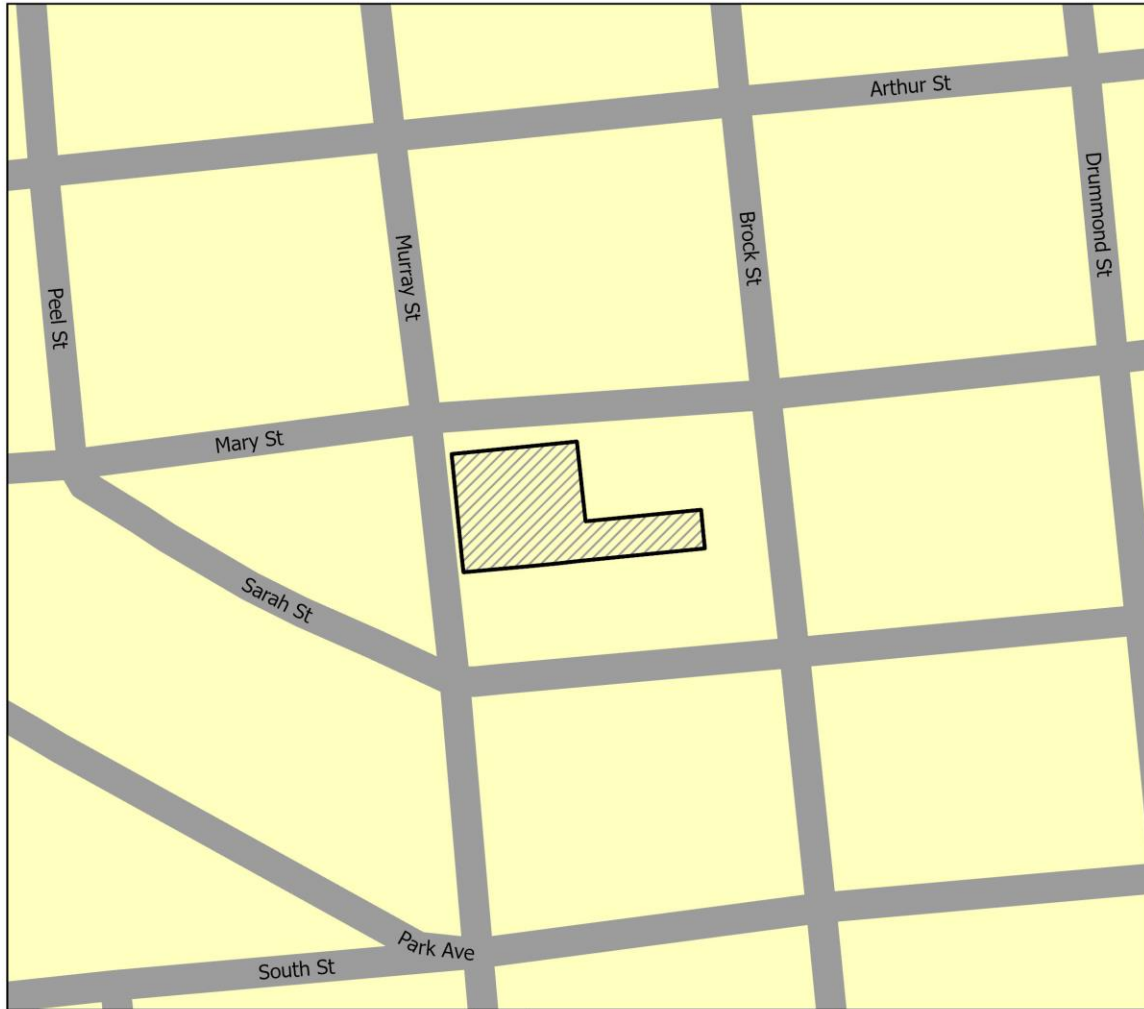
## **APPENDIX A – Conditions of Consent (B38-2024)**

1. Receipt of a registered Reference Plan showing the easement for access
2. Receipt of confirmation that all taxes are paid up to date.
3. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*).
4. Receipt an undertaking provided from the applicant's solicitor confirming that all applicable easements will be registered on title for the properties;
5. Receipt of updated Parking Agreement and Easement with signatories from the City of Brantford and property owners, to the satisfaction of Chief Planner and Director of Development Services and the City Solicitor.
6. The applicant shall provide to the Manager of Development Engineering or his/her designate, draft easement schedules for approval by the City.
7. The applicant shall, together with the final version of the easement schedules, provide to the City Solicitor an undertaking indicating that:
  - i. The easement schedules approved by the City are the final schedules to be submitted for registration, subject only to changes requested by the Land Registrar.
  - ii. The City will be notified of any required changes prior to registration; and
  - iii. Forthwith following registration of the easements, a copy of the instruments will be provided to the City.
8. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to 0 Murray Street has been submitted.
9. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **December 16, 2026**, after which time the consent will lapse.

## APPENDIX B – Official Plan

### OFFICIAL PLAN EXCERPT MAP

Application: B38-2024  
61-73 Murray Street



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 C – Zoning By-law 160-90

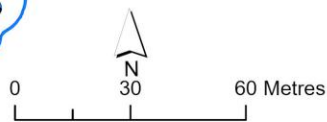
## ZONING MAP

Application: B38-2024  
61-73 Murray Street



**Zoning**  
// Subject Land  
□ Zoning

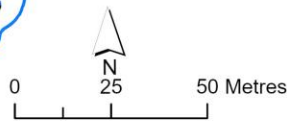
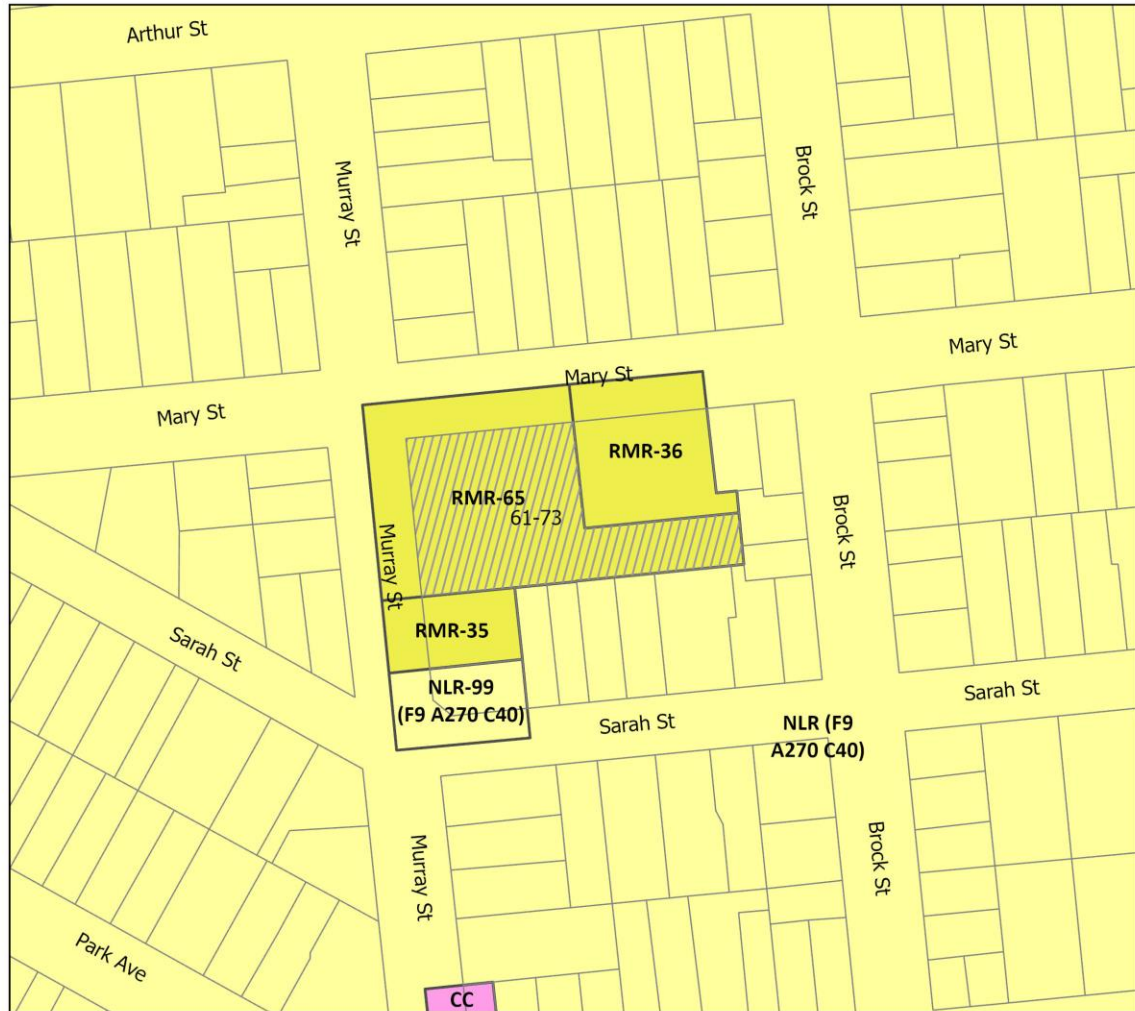
**ZONING (Bylaw 160-90) and County of Brant(61-16)**  
RC Residential Conversion  
R4A Residential Medium Density Type A  
R4B Residential Medium Density Type B  
C7 Convenience Commercial  
- # Exception Number



## APPENDIX D – Zoning By-law 124-2024

# ZONING (Bylaw 124-2024)

Application: B38-2024  
 61-73 Murray Street



- Legend**
- /// Subject Land
- Schedule A Zones**
- Mixed Use Zones**
- Historic Mainstreets (HM)
  - Upper Downtown (UD)
  - Lower Downtown (LD)
  - Major Commercial Centre (MCC)
  - Brant Heritage Conservation District (BHCD)
  - Intensification Corridor (IC)
- Commercial Zones**
- Automotive Service (AS)
  - Convenience Commercial (CC)
  - Neighbourhood Commercial (NC)
- Residential Zones**
- SR (Suburban Residential)
- Greenfield Neighbourhood Low-Rise (GNLR)
  - Neighbourhood Low-Rise (NLR)
  - Residential Mid-Rise (RMR)
  - Residential High-Rise (RHR)
- Employment Zones**
- General Employment (GE)
  - Prestige Employment (PE)
- Institutional Zones**
- Minor Institutional (I1)
  - Major Institutional (I2)
- Other Zones**
- Agricultural (A)
  - Core Natural (N)
  - Open Space (OS)
  - Development (D)
  - Six Nations