



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

**Date** December 1, 2021 **Report No.** 2021-751  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Alexandra Mathers MCIP RPP  
Development Planner

---

### 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

### 2.0 Topic

<b>APPLICATION NO.</b>	A44/2021
<b>AGENT</b>	J.H Cohoon Engineering Limited
<b>APPLICANT/OWNER</b>	Claudio Pavan
<b>LOCATION</b>	71 Ravenwood Road

---

### 3.0 Recommendation

- A. THAT Application A44/2021 requesting relief from Section 6.4.1.1 of the Zoning By-law 160-90 to permit an existing deck to project into the required rear yard to a maximum of 3.65 m, whereas 2.5 m projection is permitted, provided the projection is no closer than 1.2 m from the lot line is required, BE APPROVED; and
- B. THAT the reason(s) for approval are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the land; and

- 
- C. THAT pursuant to Section 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 6.2 of Report No. 2021-751”*

#### 4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 71 Ravenwood Road. A location map is attached as **Appendix A**. The applicant is seeking relief from Zoning By-law 160-90 in order to legalize a recently built deck. To legalize the deck, the applicant is seeking relief from Section 6.4.1.1 to permit the existing deck to project 3.65 m into the required rear yard, whereas a 2.5 m projection is permitted, provided the projection is no closer than 1.2 m is required. While the updated site sketch illustrates a projection of 3.52 m, the applicant has requested a projection of 3.65 m in order to account for any errors in measurement.

For background, the deck was recently constructed under a Building Permit. At the time of Building Permit, the applicant’s agent had provided a survey as part of their submission to illustrate the setback between the deck and the lot line. However, as the survey illustrated the previous deck that was existing at the time of the survey, the dimensions provided did not accurately depict what was proposed as part of the Building Permit application. Through the site inspection, it was noted that the deck projected further into the required rear yard, and that a minor variance would be required. The applicant has now applied for the variance to rectify the error. The site plan is included as **Appendix B**.

#### 5.0 Site Features

The subject lands are located on the east side of Ravenwood Road, south of Cameron Lane. An aerial photo and site photographs are attached as **Appendices C** and **D**. A single detached dwelling exists on the property. The property is located within a neighbourhood comprised of single detached dwellings. Brier Park Public School and Brier Park abuts the rear of the property to the east.

---

## 6.0 Input from Other Sources

### 6.1 Technical Comments

This application was circulated to all appropriate departments and agencies. The Building Department had commented that the survey provided at the time of the submission was inaccurate. Planning Staff had requested a new site sketch which illustrated the correct projections and a setback from the lot line, which is included as **Appendix B**. Detailed comments from Building and Engineering Departments are attached as **Appendices E and F**.

### 6.2 Public Response

Notice of public hearing was issued by personal mail (25 notices) and by posting a sign on-site. At the date of the preparation of this Report, no comments had been received. A map of the area of notification is included as **Appendix G**.

## 7.0 Planning Staff Comments and Conclusion

### 7.1 Provincial Policy Context

Application A44/2021 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario's long term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis of guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. Planning Staff is of the opinion that the proposed minor variance application is consistent with the direction set out in the PPS and conforms to the Growth Plan.

### 7.2 City of Brantford Official Plan Envisioning Our City: 2051

The subject lands are designated "Residential" on Schedule 3 of the City of Brantford's Official Plan (**Appendix H**). The "Residential" designation permits a full range of residential dwelling types and accessory buildings,

---

including the existing single detached dwelling. The subject application conforms to the policies set out in the Official Plan, which is discussed further in Section 7.4 of this Report.

### **7.3 City of Brantford Zoning By-law 160-90**

The subject lands are zoned “Residential Type 1B (R1B) Zone” in Zoning By-law 160-90 (**Appendix I**). The R1B Zone permits single detached dwellings and accessory structures. Yard encroachments are regulated under the General Provisions of the Zoning By-law. The proposed variance is to permit a 3.65 m projection into the required rear yard, whereas 2.5 m is required. The subject lands comply with all other regulations of the Zoning By-law.

### **7.4 Planning Analysis**

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 the general intent and purpose of the Zoning By-law and Official Plan must be maintained.

The proposed additional projection into the rear yard is considered minor in nature and appropriate development and use of the lands as it is not expected to have an adverse impact on neighbouring properties. The additional projection in the rear would not create any overlook or privacy concerns as the abutting property to the rear is a public school and the deck is located 3.93 m away from the lot line, which would mitigate any safety concerns relating to proximity of the lot line from the school yard.

The general intent and purpose of a maximum projection and minimum proximity to the lot line for a deck in the Zoning By-law is to ensure that there is adequate space between the main building and the projection towards the lot line, ensuring no privacy or overlook concerns, fire prevention, and maintaining yards on a property. The existing deck is located approximately 3.93 m from the rear yard lot line and allows for sufficient area between the dwelling and the lot line to ensure access along the rear yard. Further, the rear lot line is landscaped which provides additional buffering. The applicant’s agent provided that no side yard encroachment variances are required. It is Planning Staff’s opinion that the general intent of the Zoning By-law and Official Plan is maintained.

---

---

## 7.5 Conclusion

A site inspection was completed on November 16, 2021. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. In Staff's opinion, the deck projection will not create any adverse impacts in regards to access in the rear yard, privacy and overlook or safety concerns. For reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act* and Staff recommend that application A44/2021 be approved.



---

Prepared by: Alexandra Mathers MCIP,  
RPP  
Development Planner  
Prepared on: November 25, 2021



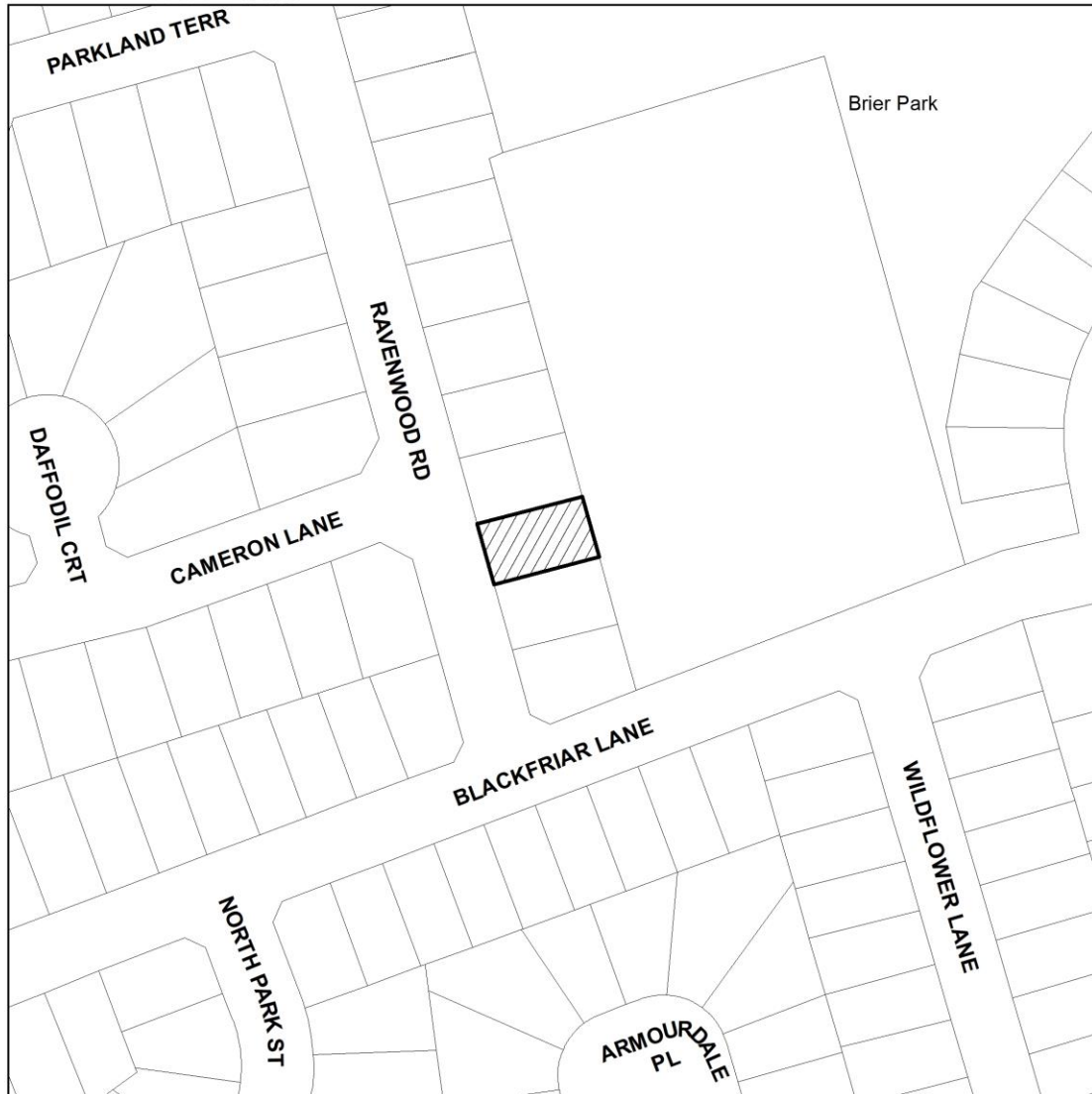
---

Reviewed By: Joe Muto MCIP, RPP  
Manager of Development Planning


## Appendix A – Location Map

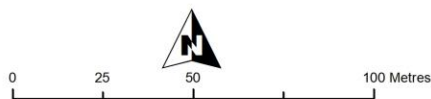
### LOCATION MAP

Application: A44/2021  
71 Ravenwood Road

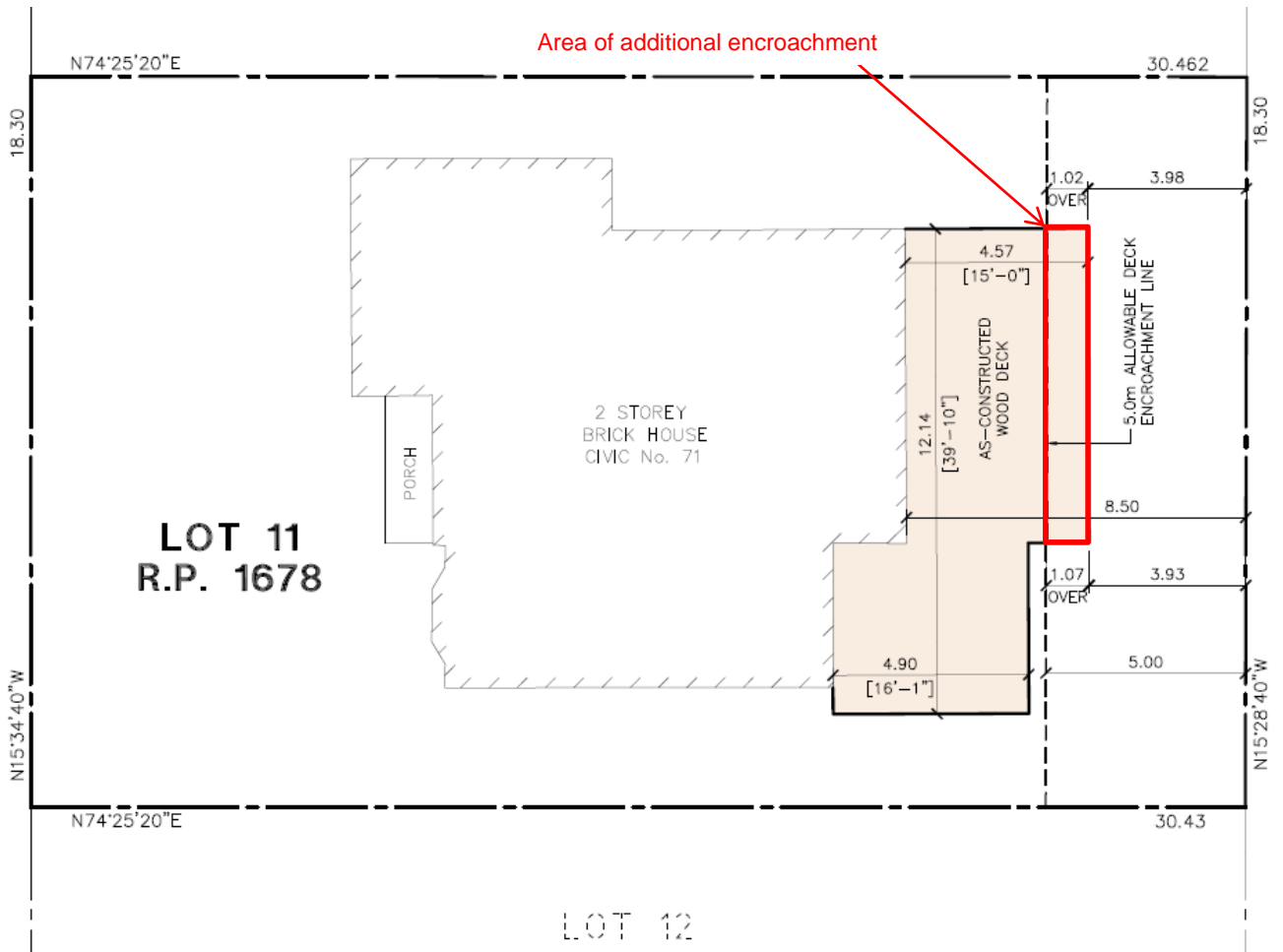


#### Legend

 SUBJECT LAND



**Appendix B – Site Plan**




## Appendix C – Aerial Photograph

### AERIAL PHOTO

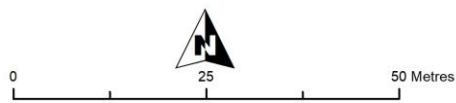
Application: A44/2021  
71 Ravenwood Road



### Legend

 Subject Land

Aerial Photo from spring 2020





---

## Appendix D – Site Photograph



Photo 1 (above) & Photo 2 (below): photos from side yard illustrating area rear yard encroachments.



---

---

## Appendix E – Building Department Comments



### BUILDING DEPARTMENT

#### PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/>	MINOR VARIANCE	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/>	SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N<sup>o</sup> ..... B25/2021 & A42/2021

---

*SITE:* 71 Ravenwood

*TO PERMIT:* Multiple

*APPLICANT:* Claudio Pavan

---

*COMMENTS:*

BYLAW: 160-90      ZONE: R1B

1. Provided survey should not be used as reference as it does not acutely depict the current situation.
2. Variance required to permit deck to project into required rear yard to a maximum of 3.65m whereas a maximum of 2.5m is permitted.

---

Jessica Ryan  
Residential Plans Examiner

---

10/25/2021

## Appendix F – Engineering Comments



**CITY OF BRANTFORD**  
**ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
<b>FILE NO.:</b>	A44/2021		
<b>DATE DUE TO PLANNING</b>	November 9, 2021		
<b>AGENT</b>	JH Cohoon Engineering		
<b>APPLICANT / OWNER</b>	Claudio Pavan		
<b>ADDRESS</b>	71 Ravenwood Road		
<b>TRANSPORTATION</b>			

> Transportation has no comments.

Sivana Younan  
Transportation Technologist

### ENVIRONMENTAL SERVICES

> I reviewed the subject noted application—as prepared by JH Cohoon Engineering Ltd., MacAULAY, White & Muir Ltd. and the City of Brantford—on behalf of Environmental Services and have no objections to the proposed variance.

Jennifer Elliott, LET, C.E.T., Dipl.M.M.  
Manager of Capital and Development, Environmental Services


### DEVELOPMENT ENGINEERING

> No comments.

Nathan Xuereb, C. Tech.  
Development Engineering Reviewer

\*ADDITIONAL COMMENTS MAY BE ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED\*

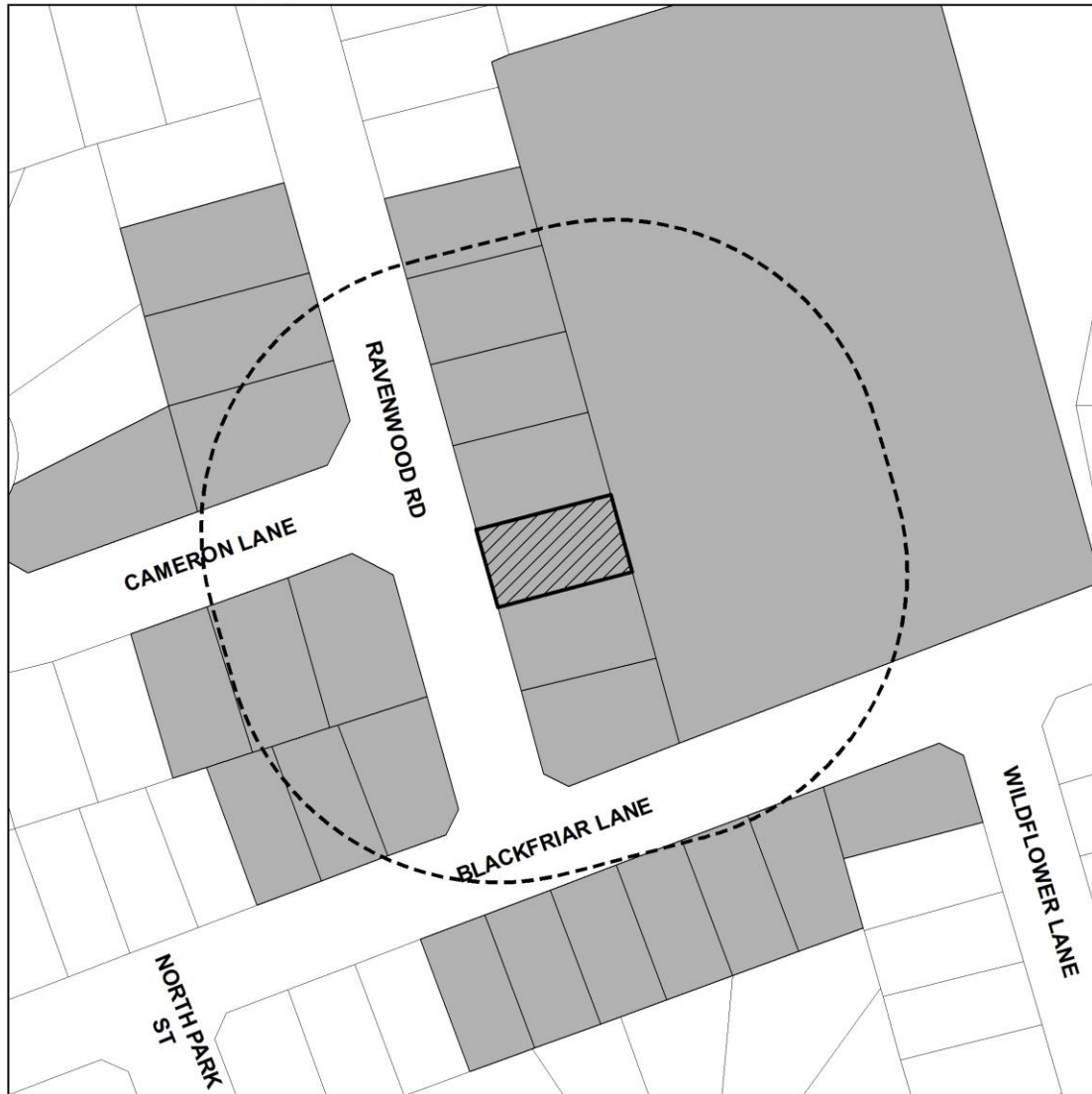
November 19, 2021  
DATE

  
Gary Peever, P.Eng.,  
Manager, Development Engineering

## Appendix G – Area of Public Notification

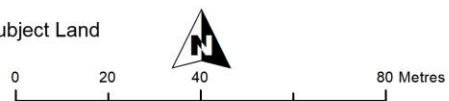
### AREA OF PUBLIC NOTIFICATION

Application: A44/2021  
71 Ravenwood Road



#### Legend

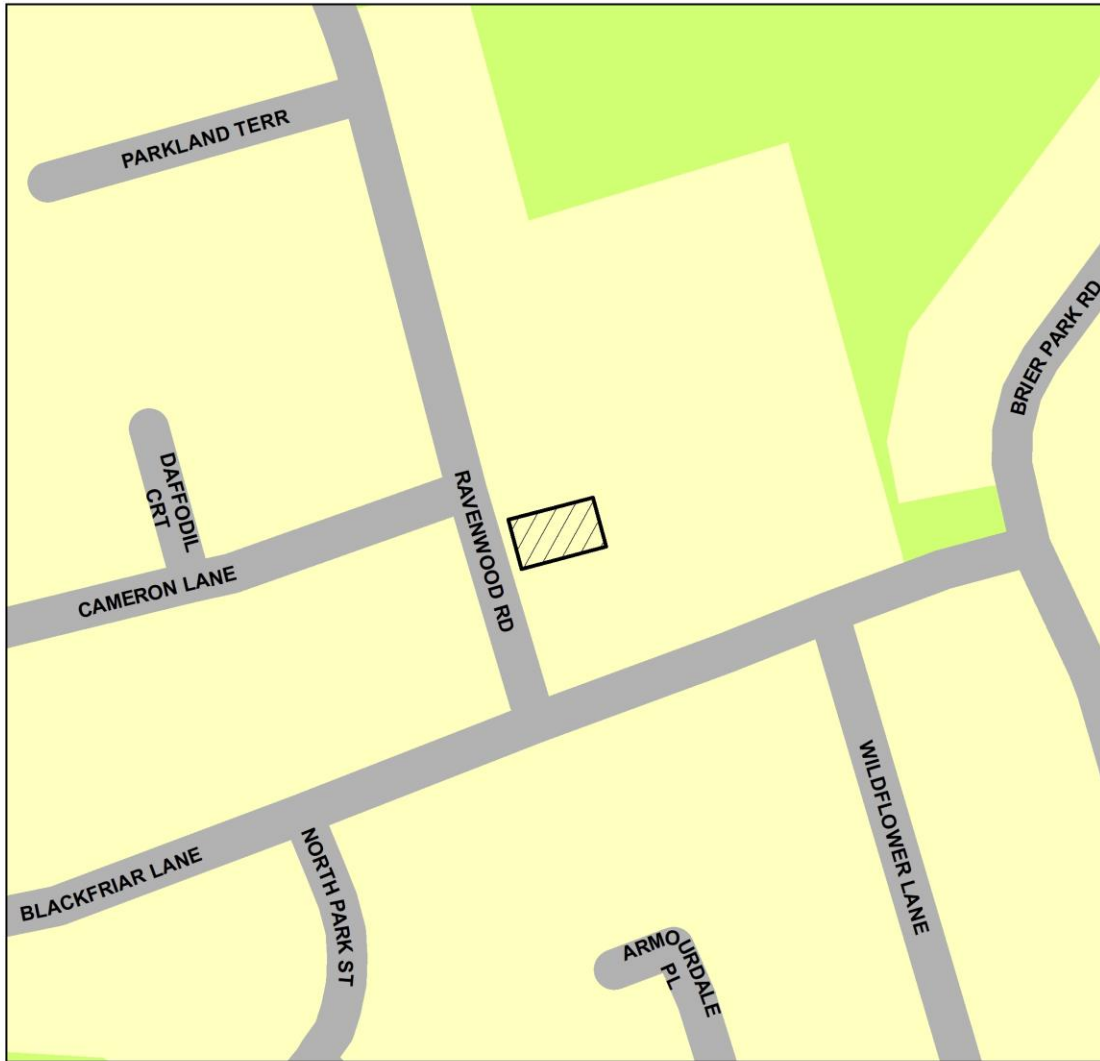
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



**Appendix H – Official Plan**

**OFFICIAL PLAN EXCERPT MAP**

Application: A44/2021  
 71 Ravenwood Road



**Legend**

Subject Land

**Land Use**

- Agricultural Designation
- Core Natural Areas Designation

**Neighbourhoods**

- Residential Designation
- Major Institutional Designation
- Parks and Open Space Designation

**Strategic Growth Areas**

- Downtown Urban Growth Centre Designation
- Major Commercial Centre Designation
- Intensification Corridor Designation

**Employment Areas**

- Prestige Employment Designation
- General Employment Designation

**Symbols**

- Sanitary Landfill Site
- Water Treatment Facility
- Wastewater Treatment Facility
- Municipal Works Yard
- Transit Bus Barns
- Downtown Transit Terminal
- VIA Rail Station

0 20 40 80 Metres

## Appendix I – Zoning

### ZONING

Application: A44/2021  
71 Ravenwood Road



**Legend**  
Subject Land  
Zone Boundary

**ZONING (Bylaw 160-90) and County of Brant(61-16)**  
R1B Residential Type 1B (15 metre)  
I2 Institutional School  
OS1 Open Space Type 1  
- # Exception Number

