

CITY OF BRAMPTON
COMPREHENSIVE ZONING BY-LAW REVIEW

Technical Paper #3
Minor Variances

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Table of Contents

1	Introduction	1
1.1	Background.....	1
1.2	Purpose of this Technical Paper	1
1.3	Overview of this Technical Paper.....	1
2	Policy Context	2
2.1	Planning Act.....	2
2.1.1	Smart Growth for Our Communities Act (Bill 73)	2
2.2	City of Brampton Official Plan	3
2.3	City of Brampton Zoning By-law (270-2004).....	3
2.4	Other Documents.....	4
2.4.1	Committee of Adjustment (By-law 51-89).....	4
2.4.2	Main Street North Development Permit System	4
3	Analysis	5
3.1	Minor Variance Approval Rate	5
3.2	Purpose of Minor Variance by Type	6
3.2.1	Input from City Staff	7
3.3	Minor Variance Types by Zone	7
3.4	Minor Variances of Site Specific Zones.....	11
4	Recommendations and Conclusions	13

List of Figures

Figure 1	Minor Variance Decisions (2006-2017)	5
Figure 2	Minor Variance Applications to Site Specific Zones (2015-2016)	11

List of Tables

Table 1	Minor Variance Themes	6
Table 2	Categorization of Minor Variance Applications (2015-2016)	7
Table 3	Purpose of Minor Variance Application by Zone (2015-2016)	9

1 Introduction

The City of Brampton's current Zoning By-law was approved in 2004 and has been subject to a significant number of minor variance applications over the years. When a land owner wishes to use or develop a property in a manner that is not permitted by the Zoning By-law, a minor variance may be permitted to allow for minor deviations and flexibility in context appropriate scenarios.

This Technical Paper is intended to provide a holistic analysis of minor variance applications under the current Zoning By-law and identify potential options for proceeding with the City's new Zoning By-law. This introductory section will outline the background, purpose and structure of this Technical Paper.

1.1 Background

Minor variances are an important tool under the *Planning Act* for the administration of the City's Zoning By-law. Section 45 (1) of the *Planning Act* provides the City's Committee of Adjustment with the authority to permit minor variances from the provisions of the Zoning By-law with respect to the use of land, building or structures. This is intended to allow for a degree of flexibility in administering the Zoning By-law. Minor variances are more cost effective, and require less time than a Zoning By-law amendment to complete.

The City's Zoning By-law Review provides an important opportunity to determine which exceptions and minor variances should be maintained, modified or removed as the existing Zoning By-law is repealed and replaced with the new Zoning By-law. The new Zoning By-law should be premised on development zone provisions that effectively manage built form and land use, yet minimize the need for minor variances. To achieve this objective, a technical review of minor variances is required to determine potential areas for improvement.

1.2 Purpose of this Technical Paper

The purpose of the Minor Variances Technical Paper is to review, analyze and identify any trends with respect to minor variances to the City's current Zoning By-law.

A review of historical records of approved minor variance applications provides insight into whether a particular zone provision or requirement is working well. Therefore, this Technical Paper will review various criteria and trends of previously approved minor variance applications. One of the goals of this Zoning By-law Review is to create a more user friendly, contemporary and simplified Zoning By-law. While minor variances are important tool under the *Planning Act*, an evaluation of current minor variance trends in the City will inform the new Zoning By-law and help to achieve this goal. The purpose of this paper is to identify opportunities to reduce minor variances by assessing existing zone provisions to understand which provisions may warrant refinement.

1.3 Overview of this Technical Paper

The Minor Variance Technical Paper is structured as follows:

- **Section 2 Policy Context** outlines applicable planning policy and how it relates to minor variances.
- **Section 3 Analysis** provides an analysis of minor variances to the City's current Zoning By-law.
- **Section 4 Conclusions and Recommendations** draws the conclusions of the analysis and summarizes recommendations for proceeding with the next phase of the Zoning By-law Review.

2 Policy Context

This section provides a review of the applicable policy context as it relates to minor variances to the Zoning By-law. It includes a review applicable provincial and municipal planning documents such as the *Planning Act*, Official Plan and Zoning By-law. This section also examines other applicable documents inclusive of the Committee of Adjustment (By-law 51-89) and the Main Street North Development Permit System.

2.1 Planning Act

The *Planning Act* enables municipal councils to pass a variety of tools to plan and regulate the use of land. Section 45 (1) of the *Planning Act* provides the Committee of Adjustment with the authority to permit minor variances from the provisions of the Zoning By-law with respect to the use of land, building or structures. Minor variances may be approved, if in the opinion of the committee the application meets the four tests prescribed under the *Planning Act*. The four tests are:

- Is the application minor in nature?
- Is it appropriate and desirable development for the area?
- Is it in keeping with the purpose and intent of the Zoning By-law?
- Is it in keeping with the purpose and intent of the Official Plan?

Section 45(2) outlines other powers of the Committee of Adjustment. It enables the Committee of Adjustment to permit the enlargement or extension of legal non-conforming uses and to allow for uses that are similar to an existing legal non-conforming use or to permit uses that are more compatible than an existing legal non-conforming use. Additionally, the Committee may permit the use of land where the permitted uses are defined in general terms and where the proposed use conforms to the permitted uses. Section 45(3) allows Council to pass by-laws to extend the power of the Committee of Adjustment to grant variances to

other municipal by-laws that implement an Official Plan.

2.1.1 Smart Growth for Our Communities Act (Bill 73)

On July 1, 2016, multiple *Planning Act* amendments introduced by Bill 73, *Smart Growth for our Communities Act, 2015*, (“Bill 73”) came into effect. This included significant changes to the minor variance process implemented through O.Reg. 200/96. These changes have a significant impact on the procedure and review of minor variance applications.

In particular, Section 45 (1.0.1) of the *Planning Act* has been amended to state that Council may authorize additional prescribed criteria and/or criteria established by by-law. Applications would be assessed based on the traditional four tests prescribed under the *Planning Act*, but also include any additional criteria prescribed by regulation and any local criteria established through municipal by-law. This effectively allows for the municipality to determine context specific criteria in reviewing minor variance applications. To date, no other municipalities have been identified which have established such a by-law. Although a stakeholder working group was established to assist the Province in prescribing additional criteria by regulation, nothing has been released to the public to-date.

In addition, Section 45 (1.3) of the *Planning Act* has been amended by placing a two-year freeze on any owner-initiated applications for minor variances to previously approved municipal site-specific Zoning By-law Amendments. These changes are intended to increase stability in cases where minor variances were applied and limit the number of technical changes received following the implementation of an approved amendment to a Zoning By-law. It also reduces the administrative cost on municipalities.

However, Section 45 (1.4) of the *Planning Act* allows for the Council to pass resolutions to permit certain classes, or types of applications to proceed with minor variances. This enables the municipality to determine what best constitutes a technical or housekeeping minor variance. The

City of Brampton passed By-law 217-2016 to exempt certain classes of minor variances from the two year moratorium where a site specific zoning by-law amendment was passed. This includes minor variances that are identified by City staff pursuant to a zoning by-law passed as a condition of approval to a draft plan of subdivision, and minor variances identified by staff pursuant to the final approval of an approved site plan application. The by-law came into effect on September 28, 2016. Furthermore, the by-law addresses a delegation of authority to enable the Commissioner of Planning and Development and the Solicitor to use dispute resolution techniques for appellants to a range of planning applications, and invite participants to use dispute resolution techniques. This is in relation to alternative dispute resolution processes as enabled by recent changes to the *Planning Act*.

Transitional matters with respect to these recent changes to the *Planning Act* are outlined under O. Reg. 174/16. An application made before July 1, 2018 continues as if the Act were not in force, unless the application is from the provisions of a Zoning By-law that was passed on or after July 1, 2016.

Municipalities will be required to consider strategies as to how minor variances should proceed, and what types of localized criteria should be included in minor variance approvals. A key consideration over the course of the Zoning By-law Review is to determine a strategy for proceeding with minor variance applications in response to these recent changes to the *Planning Act*.

Bill 139, *The Building Better Communities and Conserving Watersheds Act*, introduced further changes to the *Planning Act*, particularly in regards to what may be appealed to the Local Planning Appeal Tribunal (LPAT), which is replacing the Ontario Municipal Board.

The changes introduced in Bill 139 do not appear to have any effect on minor variances, which would still be appealed to the LPAT (or a Local Appeal Body, if created by the municipality). Minor variances are not subject to the newly established tests for conformity and consistency with Provincial policy (i.e. the OMB-era criteria

still apply) and the two-year period following the passage of a by-law during which no variance is permitted remains in effect.

2.2 City of Brampton Official Plan

Minor variances are discussed in Section 5 of the Official Plan as an implementation tool which will be applied to achieve the objectives and policies of the Plan. Minor variances are defined in Section 5.2 of the Official Plan as “a minor variance from the provisions of a Zoning or any other by-law that maintains the general intent and purpose of the By-law and of the Official Plan pursuant to the *Planning Act*.” As a result, minor variances play an important role in providing flexibility in the implementation of the Zoning By-law to recognize unique circumstances provided that the objectives of the Official Plan are met.

The Official Plan states in Section 5.15 that the City may appoint a Committee of Adjustment with a role to authorize minor variances to the provisions of the Zoning By-law or Interim Control By-law. The objective of this section of the Official Plan is to appoint and empower a Committee of Adjustment to evaluate and rule on zoning matters pursuant to their legislative authority under Section 45 of the *Planning Act*. By-law 51-89 was passed to appoint the Committee of Adjustment in Brampton and further discussed in Section 2.3.1 of this Report.

2.3 City of Brampton Zoning By-law (270-2004)

The City's Zoning By-law (270-2004) does not make any reference to minor variances nor to the Committee of Adjustment. Given that the powers of the Committee of Adjustment are set forth directly by the *Planning Act* and there is a separate municipal by-law to constitute the Committee of Adjustment, it is typical for Zoning By-laws to not reference minor variances or Committee of Adjustment directly.

2.4 Other Documents

2.4.1 Committee of Adjustment (By-law 51-89)

By-law 51-89, as amended, was passed by the City of Brampton to constitute and appoint a Committee of Adjustment in Brampton. It empowered the Committee of Adjustment to grant minor variances from the provisions of any by-law that implements the City's Official Plan.

By-law 51-89 also authorized a fee for the processing of each application to the Committee of Adjustment, and the appointment of each of the five members sitting on the Committee. While the fees have been amended and increased over time, the general structure of the Committee of Adjustment has remained consistent.

The Committee members are comprised of citizens who apply for an appointment on the Committee. The terms of these appointments are concurrent with the term of Council, ending November 30, 2018, or until successors are appointed. The Committee meetings every three weeks on Tuesdays, commencing at 9:00 am at City Hall. These meetings appear to typically last between three to five hours, based on a brief review of some meeting minutes.

2.4.2 Main Street North Development Permit System

The Main Street North Development Permit System (DPS) was approved in December 2015 and is the only DPS in the City of Brampton. The DPS By-law Area is established generally for the lands fronting onto the east side of Main Street North between Church Street East and Vodden Street.

A DPS allows municipalities to implement a streamlined development approval framework. This effectively combines minor variances along with zoning and site plan approval into one single regulatory process. Approval by the Committee of Adjustment is not required.

The DPS effectively replaced the traditional minor variance approval for the lands located within the

DPS area. The Regulation Matrix in Part 4 establishes the provisions that may be varied and the criteria against which any such variance is to be assessed as well as those provisions that may not be varied. In addition to this matrix, the minor variance must also maintain the general purpose and intent of the Official Plan, the minor variance is desirable for the appropriate development of the land; and is minor in nature.

Prior to the adoption of the Main Street North DPS, a number of minor variances were approved or approved with conditions in the area. Section 2.1 provides transition provisions for existing minor variances in the DPS area. Site plans that were approved between January 1, 2008 and December 2015 are deemed to conform to the DPS by-law. In addition, Committee of Adjustment applications within the DPS area that are in the process of fulfilling their conditions and obtained plan approval when the DPS came into force were reviewed under special transition policies. These transition policies expire 3 years after the date the DPS came into force.

3 Analysis

This section provides an analysis of minor variance applications based on data compiled by the City of Brampton. The intent of this analysis is to determine trends based on minor variances received over the past eleven years (2006-2017); the period since the adoption of the City’s Official Plan, in 2006. Given that minor variances must conform to the Official Plan, this is a logical timeframe for assessment. Variances approved before the new Official Plan was completed would have been evaluated for conformity with prior policy.

This analysis includes a review of total number of minor variance applications by type. Only minor variances with complete GIS location, application description, date and application numbers were used in the subsequent analysis. Based on the data reviewed, there were some records with incomplete information that were excluded.

3.1 Minor Variance Approval Rate

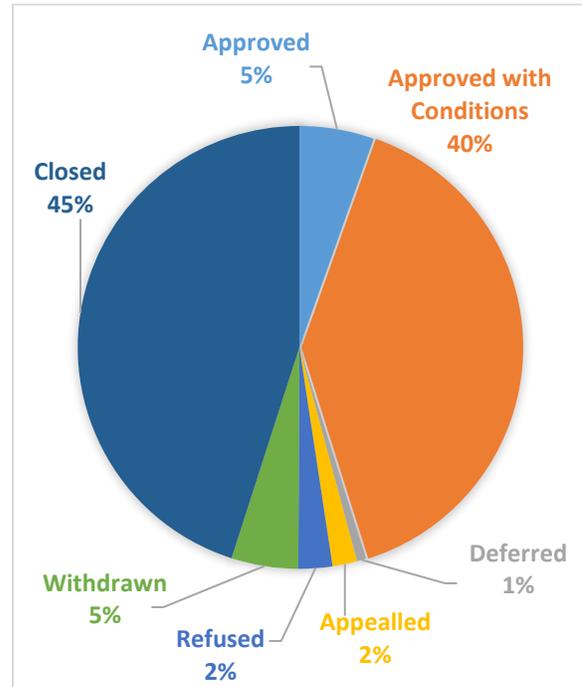
This subsection includes a review of minor variance applications received by the City of Brampton between 2006 and 2017. This includes an assessment of variances that were approved, approved with conditions, appealed, refused, withdrawn and refused.

This subsection evaluates the status of all minor variances applications within the above noted timeframe. The results identify the rate of approval within minor variances in Brampton. Only minor variances with geographic references were only included in this report. Records with missing data such as dates, status or parcel data were excluded from this report.

A number of applications have been identified as “closed” with all conditions fulfilled and have been aggregated with the “approved” category. In total, 4,611 minor variance records were reviewed between 2006 and 2017. However, there are several instances where the attributes in the GIS files are incomplete or contain null values. Any

applications with no current approval status have been removed from this analysis.

Figure 1 Minor Variance Decisions (2006-2017)



Based on the applications received since the year 2006, 251 were approved and another 1,830 approved with conditions. Overall, the Committee of Adjustment maintains an approval rate of 90%, which is typical in comparison to many municipalities, based on WSP’s experience.

Of the minor variance records reviewed, 83 were appealed to the OMB; or approximately 2%. This rate of appeal is also generally typical. Of the records that were appealed to the OMB, 37 minor variances were approved with conditions, 1 minor variance was approved and 2 minor variances were refused. The remaining minor variances are still under appeal to the OMB. The findings suggest that the City of Brampton has a low proportion of minor variance applications appealed to the OMB.

Of the records received, 114 minor variances were refused by the Committee of Adjustment and 225 minor variances applications were withdrawn. However, these is no indication in the data as to whether these applications will be

resubmitted or revised in the future. Furthermore, 31 minor variance applications were deferred by the Committee of Adjustment. Overall, these trends are also typical of most municipalities.

3.2 Purpose of Minor Variance by Type

This subsection reviews the purpose of the 253 minor variances received in Brampton from the years 2015 to 2016. Information on 2017 applications was either not available or incomplete at the time of completing this report.

A review was undertaken of each individual minor variance within this timeframe and they were then categorized into 14 different themes. These themes were selected based on a categorization of most commonly requested minor variances. The themes, categorized alphabetically, are shown in Table 1.

Table 1 Minor Variance Themes

Theme	Description of Variances
Permitted Uses	Additional permitted uses requested for an accessory or principal use.
Gross Floor Area (GFA)	Relief from the required GFA.
Setbacks	Relief from front, side and rear yard setbacks.
Height	Relief from the required height.
Driveway Requirements	Relief from the required driveway width.
Driveways/ Garages	Relief from the required vehicular access location, driveway width or other attached garage requirements (excluding any parking requirement).
Accessory Building/ Structure	Relief from the required zone provisions for accessory buildings or structures (detached structures).
Lot Width/ Depth	Relief in the required in lot width / depth.
Lot Coverage	Relief from the required open space/lot coverage requirements.
Landscape Requirements	Relief from the required landscape buffer, or open space provisions.
Parking Space/Area Dimensions	Relief from the required length or width for parking spaces or aisle requirements.

Theme	Description of Variances
Number of Parking and Loading Spaces	Relief from the required parking or loading (number of required spaces).
Open Storage	Relief to add open storage permissions.
Lot Area	Relief from the required lot area.

The frequency of each category of minor variance has also been reviewed to determine the minor variance theme which is requested the most by applicants. The method behind this analysis is as follows:

- Each minor variance requested has been categorized by theme according to Table 1;
- Where multiple minor variances are requested, each variance is categorized separately;
- Minor variances which take place over multiple zones are documented individually; and
- The total number of minor variances in each theme is counted and documented.

It is noted that this approach does not account for the frequency of minor variances requested per individual application. For instance, a minor variance application may only request reductions in side yard setbacks, while another application may have numerous minor variance requests. Calculating the number of minor variances by zone category will result in certain applications being counted more than once if they intersect more than one zone category. This is a result of the zoning data being structured on a parcel-by-parcel basis and the minor variance data being stored in polygon format, some of which cover large geographic areas.

Table 2 Categorization of Minor Variance Applications (2015-2016)

Purpose of Minor Variance	2015	2016	Total	Total (%)
Permitted Uses	57	50	107	31.47%
GFA	14	19	33	9.71%
Setbacks	39	26	65	19.12%
Height	4	7	11	3.24%
Driveway/Garage Requirements	2	8	10	2.94%
Accessory Building/ Structure	8	17	25	7.35%
Projections/ Encroachments	0	1	1	0.29%
Lot Width/Depth	8	2	10	2.94%
Lot Coverage	4	0	4	1.18%
Landscape Requirements	11	9	20	5.88%
Parking Space/Area Dimensions	1	6	7	2.06%
Number of Parking and Loading Spaces	16	18	34	10.00%
Open Storage	14	13	27	7.44%
Lot Area	1	1	2	0.59%

As demonstrated by Table 2, the majority of the minor variance requests relate to permitted uses (31.47%). These represent all requests for additional principal or accessory permitted uses on a permanent or temporary basis. In addition, a significant number of minor variance requests also relate to relief from setback requirements.

In addition, a significant number of minor variance requests relate to GFA, accessory building/structure requirements, landscape requirements and parking and loading. These minor variances comprise 5% to 10% of all requests in the City. These requests are frequent, but occur at a less significant rate and may still warrant further evaluation.

The remaining variances related to height, driveway requirements, access, projections/encroachments, lot width/depth requirements, parking dimensions, coverage and lot area occur relatively less frequently.

3.2.1 Input from City Staff

Though fewer than 3% of 2015-16 Minor Variance Applications dealt with driveway requirements (Table 2), City staff have indicated

addressing the width of driveways, both objectively and in relation to the paved proportion of a lot, has been an ongoing challenge for the Committee of Adjustment and By-law enforcement.

In particular, the requirement that residential landowners maintain 0.6m (2 feet) of landscaping between their paved driveway and the lot line has proven difficult to enforce. Public Works staff have advised of similar issues in regards to limitations on hardscaping and paving in residential rear yards.

However, because driveway construction does not require a building permit, there are limitations on the efficacy on zoning regulations (and thereby the Committee of Adjustment) in enforcing compliance. A homeowner denied permission to expand a driveway by the Committee may still proceed to do so without permission, limited only by By-law Enforcement Officers observing the violation after the fact on a complaint basis.

Properly addressing the larger policy goals, such as ensuring there is adequate permeable surface to permit runoff, likely requires the utilization of other complementary tools such as the City of Mississauga's stormwater levy (introduced 2015) which is based, in effect, on a given property's contribution to runoff.

If this issue is one the City wishes to address, a more fulsome discussion that extends beyond this paper (and beyond the limits of the Comprehensive Zoning By-law Review) is likely required.

3.3 Minor Variance Types by Zone

This subsection builds upon the analysis undertaken in subsections 3.1 and 3.2 of this report by cross-referencing the zones with the requested number of minor variances. This provides an additional layer of analysis by identifying the frequency of minor variances types within specific zones. The zones with minor variances that are reviewed in this analysis are as

follows. Any zone category with no minor variances between 2015 and 2016 was excluded.

Residential Zones

- Residential Rural Estate Two (RE2);
- Residential Rural Estate Holding (REH);
- Residential Hamlet One (RHm1);
- Residential Hamlet Two (RHm2);
- Residential Holding (RH);
- Residential Single Detached A (R1A);
- Residential Single Detached A(2) (R1A(2));
- Residential Single Detached B (R1B);
- Residential Single Detached B(3) (R1B(3));
- Residential Single Detached D (R1D);
- Residential Single Detached E (R1E);
- Residential Single Detached F-x (R1F-x);
- Residential Semi-Detached D (R2D);
- Residential Townhouse A (R3A);
- Residential Townhouse A(3) (R3A(3));
- Residential Street Townhouse B (R3B);
- Residential Street Townhouse C (R3C);
- Residential Street Townhouse D (R3D);
- Residential Street Townhouse E (R3D-E);
- Residential Apartment A (R4A);
- Residential Apartment A(3) (R4A(3));
- Residential Apartment B (R4B);

Commercial

- Commercial One (C1);
- Commercial Two (C2);
- Commercial Three (C3);
- Service Commercial (SC);

- Highway Commercial One (HC1);
- Highway Commercial Two (HC2);
- Recreational Commercial (RC);
- Office Commercial (OC);
- Downtown Commercial (DC);
- Central Area Mixed Use One (CMU1);

Employment

- Industrial One (M1);
- Industrial One A (M1A);
- Industrial Two (M2);
- Industrial Three (M3);
- Industrial Three A (M3A);
- Industrial Four (M4);

Institutional

- Institutional One (I1);
- Institutional Two (I2);

Open Space

- Open Space (OS); and

Agricultural

- Agricultural (A).

Each of the categories identified in Table 3 is applied to each zone. Over the course of 2015 and 2016, the frequency of minor variance applications received are categorized by each purpose.

Table 3 Purpose of Minor Variance Application by Zone (2015-2016)

Zone	Minor Variance Theme													
	Permitted Uses	GFA	Setbacks	Height	Driveway/ Garage Requirements	Accessory Building/ Structure	Lot Width/ Depth	Lot Coverage	Landscape Reqs.	Parking Dimensions	Parking / Loading (No. of Spaces)	Open Storage	Lot Area	Total
A	8	1	3	1	2	2	0	0	2	1	2	3	0	25
C1	1	2	3	2	1	2	0	0	0	0	0	0	0	11
C2	0	0	0	0	0	1	0	0	1	0	0	0	0	2
C3	1	1	3	0	0	1	0	0	0	0	1	1	0	8
CMU1	1	0	0	0	0	0	0	0	0	0	0	0	0	1
CMU2(DPS)	0	0	1	0	0	0	0	0	0	0	0	0	0	1
DC	0	0	1	0	0	0	1	0	0	0	0	1	0	6
F	3	0	2	0	0	1	0	0	0	0	2	0	0	8
HC1	5	2	4	0	0	1	1	0	0	0	0	0	0	13
HC2	2	0	0	0	0	0	0	0	0	0	0	0	0	2
I1	1	0	1	0	0	0	0	0	0	0	2	0	0	4
M1	13	2	5	0	0	2	2	0	1	0	4	4	0	33
M1A	0	2	1	0	0	0	0	0	2	0	1	0	0	6
M2	4	0	5	1	1	2	2	0	0	1	2	0	1	19
M3	3	0	0	0	1	1	0	0	0	0	0	0	0	5
M3A	3	0	1	0	0	0	0	0	0	0	1	1	0	6
M4	6	2	2	0	3	0	0	0	1	1	1	5	0	21
OC	2	0	0	0	0	0	0	0	0	0	0	0	0	2
OS	6	1	2	0	0	1	0	0	2	0	1	0	0	13
R1A	4	1	0	1	0	0	1	1	1	0	3	0	0	12
R1A(2)	0	0	0	0	0	0	0	0	1	0	0	0	0	1
R1B	7	2	2	1	0	3	0	0	1	0	4	4	0	24
R1B(3)	0	0	0	0	0	0	0	0	0	0	1	1	0	2
R1E	4	1	2	0	0	0	0	0	0	1	1	0	0	9
R1F	4	1	2	0	1	0	0	0	1	0	1	0	0	10
R2D	0	0	0	0	0	0	0	0	1	0	0	0	0	1
R3A	1	0	2	0	1	0	0	0	0	0	0	0	0	4
R3A(3)	1	0	1	0	0	0	0	0	1	0	0	0	0	3
R3B	0	0	2	0	0	0	0	0	1	0	1	0	0	4
R3C	0	0	1	0	0	0	0	0	0	0	0	0	0	1
R3D	1	0	0	0	0	0	1	0	0	0	1	0	0	3
R3E	3	1	1	0	0	1	0	0	0	0	0	0	0	6
R4A	3	0	1	0	0	0	0	0	0	0	0	0	0	4
R4A(3)	0	1	0	0	0	0	0	0	0	0	0	0	0	1

	Permitted Uses	GFA	Setbacks	Height	Driveway/ Garage Requirements	Accessory Building/ Structure	Lot Width/Depth	Lot Coverage	Landscape Reqs.	Parking Dimensions	Parking / Loading (No. of spaces)	Open Storage	Lot Area	Total
R4B	0	1	0	0	0	0	0	0	0	0	0	0	0	1
RC	0	0	0	0	0	0	0	0	1	0	0	0	0	1
RE2	4	1	1	2	0	0	0	0	0	1	1	2	0	8
REH	1	0	0	0	0	0	0	0	0	0	0	0	0	0
RHM1	1	2	2	0	0	0	0	0	0	0	0	0	0	4
RHM2	1	1	0	0	0	0	0	0	0	0	0	1	0	2
SC	11	7	13	3	1	7	1	1	3	2	4	5	1	48
TOTAL	105	32	64	11	11	25	9	2	20	7	34	28	2	

Based on the results of Table 3, the majority of the minor variance applications were related to adding additional permitted uses to each zone. The SC and M1 zones contained the highest number of permitted use variances. The Zoning By-law Review provides an opportunity to review the land use permissions for these zones.

Setback requirements are also one of the most common minor variances sought in the City. Of the minor variances received, the M1, M2, SC and HC1 zones had a significant number of setback variances. The findings suggest that setback requirements for employment and some commercial zones may be warranted.

In addition, the number of variances for accessory structures and buildings and GFA requirements for SC zones were relatively high.

The SC zone contains the largest proportion of minor variance applications of all applications received by the City; nearly 50 minor variances were identified for the SC zone.

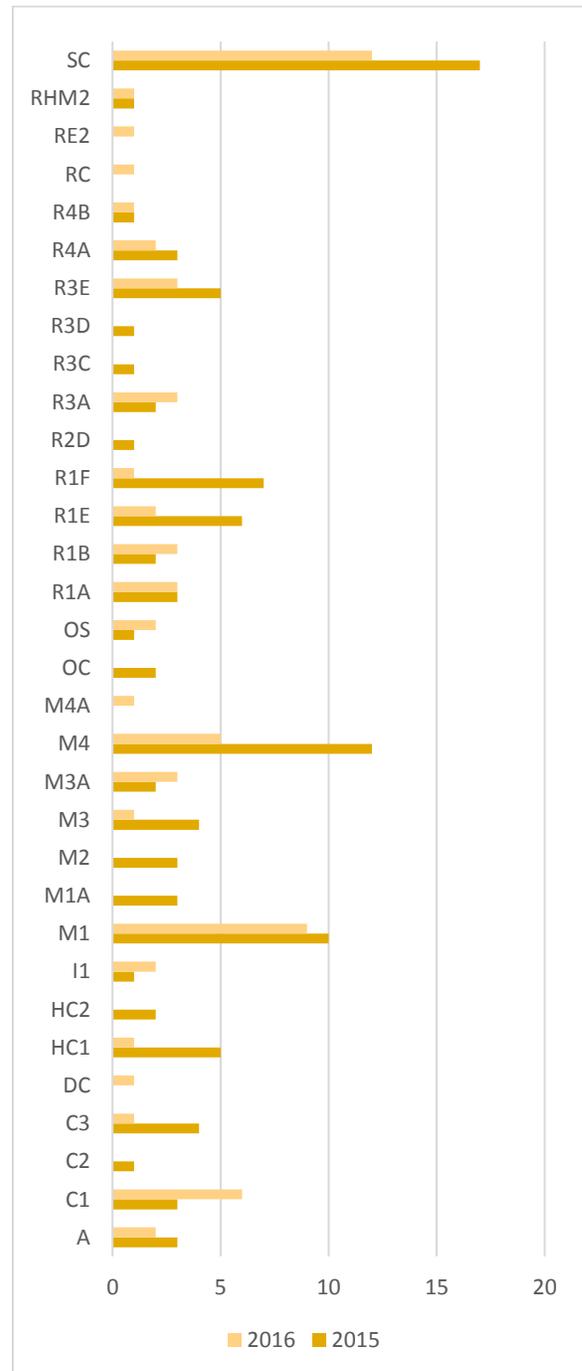
3.4 Minor Variances of Site Specific Zones

The current Zoning By-law contains a significant number of site specific zones, which are intended to recognize context-specific provisions for a particular zone, and are typically implemented as an outcome of a site-specific zoning by-law amendment process, in response to a development application. Of the minor variance applications received between 2015 and 2016, 175 were requested for site-specific zones. This represents approximately 52% of all minor variance applications received during this timeframe. Given recent amendments to the *Planning Act* under Bill 73, as described in Section 2.1.1 of this Technical Paper, applicants will no longer be able to apply for minor variances on site-specific zone areas, subject to the transitional clauses of the *Planning Act*.

To better understand the relationship between site-specific provisions for each application, each site-specific zone was classified by parent zone and the number of applications received was calculated. Figure 2 identifies the number of

minor variance applications received for each zone category under the current Zoning By-law.

Figure 2 Minor Variance Applications to Site Specific Zones (2015-2016)



Based on the results outlined in Figure 2, the SC zone contains the most number of minor variance applications to site-specific zones. This is consistent with the findings of Table 3.3, which indicates that the SC zone contains the highest number of total minor variance applications.

However, a significant number of site-specific minor variance applications occurred in both the M1 and M4 zones as well. This suggests that these employment zones contain a significant number of site-specific zones.

4 Recommendations and Conclusions

This Technical Paper has highlighted a number of trends and options for developing the new Zoning By-law, on the basis of a review of minor variances.

The following key issues and trends have been observed based on the analysis in Section 3 of this report:

- Permitted uses are the most frequent minor variances sought, particularly in commercial and employment zones. A review of permitted uses should be undertaken, with particular attention given to determining appropriate permitted uses for these zones. This may be indicative of a need to consider modest, appropriate expansions of permitted uses to better reflect contemporary needs, provided these modifications are consistent with the Official Plan;
- Employment zones tend to have the highest proportion of requests for relief from setback requirements. This may similarly indicate that the current zone standards are out of alignment with contemporary building practices or that they are too restrictive;
- The Service Commercial (SC) zone has the highest proportion of total minor variances requested of all zones, which may indicate a need to review the various permitted uses and provisions of the zone;
- A vast majority of all minor variance applications received were to site-specific zones. This is noteworthy from the perspective that minor variances to site-specific zoning by-law amendments will be restricted (except via Council resolution);
- The City has indicated a need to review driveway provisions with the objective of reducing minor variances to driveway requirements in residential zones;
- A somewhat low proportion of minor variance applications relate to permitted projections

into required yards, driveway requirements and permitted projections in all zones; and

- Amongst residential zones, the Residential Single Detached B (R1B) zone contains the highest number of minor variance applications. In particular, a large number of applications relate to relief from parking requirements and permitted uses. A review of parking standards may be appropriate.

This Technical Paper provides important insight into minor variances as they occur in Brampton. This includes providing a lens on specific zone provisions and to what degree each provision is successful. The trends identified in this paper will provide an important component in future phases of the Zoning By-law review by identifying potential issues with zones based on applied-for variances. It is difficult to make specific recommendations on the basis of minor variances. However, the Technical Paper provides insight into technical trends that will help guide the review of specific zones in future phases of Zoning By-law review.