



## **COMMITTEE OF ADJUSTMENT MINUTES**

June 8, 2022

5:30 p.m.

Brantford City Hall, 58 Dalhousie Street

Dan Namisniak in the Chair

### **1. ROLL CALL**

Present: Gregory Kempa, Dan Namisniak, Michael Bodnar, Tara Gaskin, Krystyna Brooks, Virginia Kershaw

### **2. DECLARATIONS OF CONFLICTS OF INTEREST**

There were no conflicts of pecuniary interest made for items on the agenda by members of the Committee.

### **3. STATUTORY PUBLIC HEARINGS/ PUBLIC MEETINGS**

The procedure to be followed during the Committee of Adjustment Hearings was explained by Chair Namisniak. As the meeting was held in a virtual setting, the procedures for the virtual meeting format were also reviewed prior to commencing the hearings. Proper notification of all applications had been given.

#### **3.1 Application A10/2022 - 83 Port Street, 2022-406**

##### **Applicant/Owner - Kevin King**

Applicant Kevin King appeared before the Committee and provided a brief overview of the application and why the application was made. The property is located at 83 Port Street in Brantford. The applicant is proposing an accessory garage with a height of 6.65m, and lot coverage of 11%. In response to questions from the Committee, the applicant advised that the structure would be used for storage and the height variance was needed to store larger items.

Nicole Goodbrand, Development Planner, addressed the Committee and provided an overview of the Staff Report. The applicant is proposing an accessory structure with a which would require relief from Section 6.3.1.2.1 and Section 6.3.1.1 of the City of

Brantford Zoning Bylaw 160-90, which permit only a height of 4.5m and 10% lot coverage respectively. It is the opinion of Planning Staff that the variance is minor in nature and will have no adverse impacts to adjacent properties.

No members of the public were present to speak to the application.

Moved by Virginia Kershaw

Seconded by Krystyna Brooks

- A. THAT Application A10/2022 requesting relief from Section 6.3.1.2.1 of the City of Brantford Zoning Bylaw 160-90 to permit an accessory structure in a residential zone with a height of 6.65 m, whereas a maximum height of 4.5 m is permitted, and from Section 6.3.1.1 to permit a lot coverage of 11%, whereas a maximum lot coverage of all accessory buildings of 10% is permitted, 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 subject land; and
- C. THAT pursuant to Section 56(8) – (8.2) of the Planning Act, R.S.O 1990, c.P.13, the following statement SHALLE 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 6.2 of Report No. 2022-406.”*

Recorded vote on Item 3.1:

YES: Virginia Kershaw, Dan Namisniak, Greg Kempa, Michael Bodnar, Krystyna Brooks, Tara Gaskin – 6

NO: None – 0

**CARRIED UNANIMOUSLY**

Item 3.1 carried on a recorded vote of 6 to 0.

**3.2 Application B03/2022 - 104 Catharine Avenue, 2022-296**

**Agent - J. H. Cohoon Engineering Ltd (R. W. Phillips)**

**Applicant/Owner - Jamie and Angie Tokarz**

Agents Bob Phillips (J.H. Cohoon Engineering) and Ruchika Angrish (The Angrish Group) appeared before the Committee and provided a brief overview of the application and why the application was made. A presentation was provided by the agents, which has been included as part of the meeting file. The application had been deferred from the May 4, 2022 meeting at the request of the agent. The application was made to request a severance of a parcel of land from the east portion of the property located at 104 Catherine Avenue. In response to questions of the Committee, the agent advised that no changes had been made to the application since the deferral and that it was the opinion of the applicant and their agents that the application was compliant with the Official Plan.

Nicole Goodbrand, Development Planner, addressed the Committee and provided an overview of the Staff Report. The applicant is seeking to sever a parcel of land from the property at 104 Catherine Avenue, having a lot area of 274.0 m<sup>2</sup> and retaining a parcel of land having a lot area of 354.8 m<sup>2</sup>. It was the opinion of Staff that the application did not conform to the Official Plan, was not suitable for the lands, and the proposed development through consent is not in the public interest questions and that the application should be refused. In response to questions from the Committee, staff stated that a consideration should be provided to the possibility of a higher-intensity dwelling be built on the lands to meet the requirements of the Official Plan.

Moved by Michael Bodnar

Seconded by Virginia Kershaw

- A. THAT Application B03/2022 to sever a parcel of land from the east portion of the lands municipally addressed as 104 Catharine Avenue, having a lot area of 274.0 m<sup>2</sup> and retain a parcel of land having a lot area of 354.8 m<sup>2</sup> , BE APPROVED; and
- B. THAT the reason(s) for approval are as follows: does have regard for the matters under Section 51 (24) of the *Planning Act*, and does meet the policies of the Official Plan and requirements of the Zoning By-law; and
- C. THAT pursuant to Section 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 6.2 of the Report No. 2022-296.”

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Dan Namisniak, Greg Kempa, Michael Bodnar, Krystyna Brooks, Tara Gaskin – 6

NO: None – 0

**CARRIED UNANIMOUSLY**

Item 3.2 carried on a recorded vote of 6 to 0.

At this time, staff provided comment that if approval was to be granted, the approval should be subject to standard conditions which were then provided to the Committee by staff. The Committee moved to reconsider the Item to add the suggested conditions, as the Item had already been carried.

Moved by Michael Bodnar

Seconded by Virginia Kershaw

THAT the follow item previously approved by the Committee BE  
RECONSIDERED:

- A. THAT Application B03/2022 to sever a parcel of land from the east portion of the lands municipally addressed as 104 Catharine Avenue, having a lot area of 274.0 m<sup>2</sup> and retain a parcel of land having a lot area of 354.8 m<sup>2</sup>, BE APPROVED; and
- B. THAT the reason(s) for approval are as follows: does have regard for the matters under Section 51 (24) of the *Planning Act*, and does meet the policies of the Official Plan and requirements of the Zoning By-law; and
- C. THAT pursuant to Section 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 6.2 of the Report No. 2022-296.”

Recorded vote on the reconsideration of Item 3.2:

YES: Virginia Kershaw, Dan Namisniak, Greg Kempa, Michael Bodnar, Krystyna Brooks, Tara Gaskin – 6

NO: None – 0

**CARRIED UNANIMOUSLY**

As the vote to reconsider the Item was carried, the Item was placed back on the floor for discussion.

Amendment

Moved by Michael Bodnar

Seconded by Virginia Kershaw

THAT Item 3.2 BE AMENDED to add the following conditions to the approval of the application:

1. Receipt of a registered reference plan showing the severed and retained lands;
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 of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received;
5. 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 the severed and/or retained parcel(s) has been submitted and the appropriate fee has been paid;
6. The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate, indicating that the severed and retained parcels can have their own independent sanitary sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner/applicant will be required to relocate or construct new services from the city sewers at his/her own costs;
7. The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or

his/her designate, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist. The Grading and Drainage Plan shall delineate existing and proposed grades for both the severed and retained properties;

8. Receipt of confirmation that the required archaeological assessment (as identified by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists) was completed and clearance has been received;
9. Receipt of payment for cash in lieu of parkland (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018);
10. That the above conditions be fulfilled and the Certificate of Consent be issued on or before June 8, 2024, after which time the consent will lapse.

Recorded vote on amendment to Item 3.2:

YES: Virginia Kershaw, Dan Namisniak, Greg Kempa, Michael Bodnar, Krystyna Brooks, Tara Gaskin – 6

NO: None – 0

**CARRIED UNANIMOUSLY**

Recorded vote on Item 3.2 as amended:

YES: Virginia Kershaw, Dan Namisniak, Michael Bodnar, Krystyna Brooks, Tara Gaskin – 5

NO: None – 0

**CARRIED UNANIMOUSLY**

Item 3.2 as amended carried unanimously, noting that Greg Kempa was not present at the time of the vote.

**3.3 Applications B05-2022, B06-2022, B07-2022, B08-2022, B09-2022, B10-2022, B11-2022, B12-2022, B13-2022 and B14-2022 2022-397 - 1, 2, 4, 6, 8, 10, 11, 12, 13, 15 and 17 Pipe Street, 2022-397**

**Agent - MHBC Planning**

**Applicant/Owner - Granite Property Nominee Inc. c/o Frank Tozzi**

Agent Stephanie Mirtitsch (MHBC Planning) appeared before the Committee and provided a brief overview of the application and why the application was made. The agent also made a presentation, and copy of the presentation has been included as part of the meeting file. The applicant is proposing to establish new lot boundary lines and combine 11 blocks or partial blocks into 3 larger development blocks on the lands municipally known as 1, 2, 4, 6, 8, 10, 11, 12, 13, 15, and 17 Pipe Street. The applicant is seeking the approval of these applications in order to develop the lands with larger industrial facilities to reflect the market demand. There were no questions of the agent from members of the Committee.

Sarah Hague, Development Planner, addressed the Committee and provided an overview of the Staff Report. The applicant is proposing to establish new lot boundary lines and combine 11 blocks or partial blocks into 3 larger development blocks on the lands municipally known as 1, 2, 4, 6, 8, 10, 11, 12, 13, 15, and 17 Pipe Street. It was the opinion of staff that the proposals were consistent with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan and were satisfied that the consent applications were desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties, and as such the applications should be approved. There were no questions of staff from members of the Committee.

Moved by Virignia Kershaw

Seconded by Greg Kempa

- A. THAT application B05/2022 for a lot addition (boundary adjustment) to merge Block 4 with Block 5 as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A1** to Report 2022-397; and
- B. THAT application B06/2022 for a lot addition (boundary adjustment) to merge Block 3 with Blocks 4 and 5 as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A2** to Report 2022-397; and
- C. THAT application B07/2022 for a lot addition (boundary adjustment) to merge Block 2 with Blocks 3, 4 and 5 as shown on the submitted Draft Reference

- Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A3** to Report 2022-397; and
- D. THAT application B08/2022 for a lot addition (boundary adjustment) to merge Block 1 with Blocks 2, 3, 4 and 5 as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A4** to Report 2022-397; and
  - E. THAT application B09/2022 for a lot addition (boundary adjustment) to sever 1.246 ha of land (Parts 1 & 2) from Block 7, and merge with Block 6, and retain a parcel of land having a lot area of 416 m<sup>2</sup> (Part 3), as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A5** to Report 2022-397; and
  - F. THAT application B10/2022 for a lot addition (boundary adjustment) to sever 950 m<sup>2</sup> of land (Part 4) from Block 8, and merge with Block 6 and Parts 1 & 2 of Block 7, and retain a parcel of land having a lot area of 6,732 m<sup>2</sup> (Part 5), as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A6** to Report 2022-397; and
  - G. THAT application B11/2022 for a lot addition (boundary adjustment) to sever 1,715 m<sup>2</sup> of land (Parts 10 & 11) from Block 11, and merge with Block 10, and retain a parcel of land having a lot area of 7,107 m<sup>2</sup> (Parts 12 & 13) as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A7** to Report 2022-397; and
  - H. THAT application B12/2022 for a lot addition (boundary adjustment) to merge Block 9 with Block 10 and Parts 10 & 11 of Block 11, as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A8** to Report 2022-397;
  - I. THAT application B13/2022 for a lot addition (boundary adjustment) to merge the 6,732 m<sup>2</sup> retained portion of Block 8 (Part 5) with Blocks 9, 10, and Parts 10 & 11 of Block 11, as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A9** to Report 2022-397; and
  - J. THAT application B14/2022 for a lot addition (boundary adjustment) to merge the 416 m<sup>2</sup> retained portion of Block 7 (Part 3) with Part 5 of Block 8, Block 9, 10, and Parts 10 & 11 of Block 11, as shown on the submitted Draft Reference Plan (see **Appendix B**), BE APPROVED, subject to the conditions attached as **Appendix A10** to Report 2022-397; and



- K. THAT the reason(s) for approval of applications B05/2022, B06/2022, B07/2022, B08/2022, B09/2022, B10/2022, B11/2022, B12/2022, B13/2022, and B14/2022 are as follows: having regard for the matters under Section 51(24) of the *Planning Act*, Staff is satisfied that the proposed consent applications are desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The applications are in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90 and are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and
- L. THAT pursuant to Section 53(17) - (18.2) of the Planning Act, R.S.O 1990, c.P. 13, the following statement SHALL BE INCLUDED in the Notices 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 6.2 of Report No. 2022-397.”*

Recorded vote on the reconsideration of Item 3.3:

YES: Virginia Kershaw, Dan Namisniak, Greg Kempa, Michael Bodnar, Krystyna Brooks, Tara Gaskin – 6

NO: None – 0

**CARRIED UNANIMOUSLY**

Item 3.3 was carried unanimously.

**4. PRESENTATIONS/DELEGATIONS**

There were no presentations or delegations made at the meeting.

**5. ITEMS FOR CONSIDERATION**

**6. CONSENT ITEMS**

**6.1 MINUTES**

Moved by Krystyna Brooks

Seconded by Greg Kempa

THAT the following minutes BE APPROVED:

**6.1.1 Committee of Adjustment - May 4, 2022**

**CARRIED UNANIMOUSLY**

**7. RESOLUTIONS**

There were no resolutions made at the meeting.

**8. NOTICES OF MOTION**

There were no notices of motion provided at the meeting.

**9. ADJOURNMENT**

The meeting adjourned at 7:05 p.m.

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Dan Namisniak, Chair

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M. Figueiredo, Committee  
Coordinator