



COMMITTEE OF ADJUSTMENT

MINUTES

October 5, 2022

5:30 p.m.

Hybrid Meeting

Brantford City Hall, 58 Dalhousie Street

Virginia Kershaw in the Chair.

1. **ROLL CALL**

Present: Virginia Kershaw, Gregory Kempa, Krystyna Brooks, Mike Bodnar

Regrets: Dan Namisniak, Tara Gaskin

2. **DECLARATIONS OF CONFLICTS OF INTEREST**

There were no declarations of conflicts of interest.

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

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

3.1 **Application No A35/2022 - 94 Macklin Street, 2022-640**

Agent - MHBC Planning Ltd. (Stephanie Mirtitsch)

Applicant - TCA LIV Hardy Road Inc.

Owner - James Dick Construction Ltd.

Stephanie Mirtitsch, MHBC Planning Ltd., agent for the applicant, appeared before the Committee and provided a brief overview of the application. The applicant is seeking approval for a decreased side yard set-back to facilitate a custom home design.

Sarah Hague, Development Planner appeared before the Committee and provided an overview of the staff report. A PowerPoint presentation was made and a copy placed in the meeting file. The subject lands are located

on vacant lands intended for development. Staff noted that the requested variance to permit a minimum exterior side yard setback of 1.4 m, whereas a minimum exterior side yard setback of 2.4 m is required pursuant to Section 7.7.3.10.3.1.6.2 of Zoning By-law 160-90 is to allow for a series of bump-outs, windows, and materials in the proposed custom designed home. Staff recommended approval of the application.

No members of the public appeared virtually or in person to speak to the application.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Gregory Kempa

- A. THAT Application A35/2022 requesting relief from Section 7.7.3.10.3.1.6.2 of Zoning By-law 160-90 to permit a minimum exterior side yard setback of 1.4 m, whereas a minimum exterior side yard setback of 2.4 m is required, BE APPROVED;
- B. THAT the reason(s) for approval are as follows: the proposed variances are 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 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. 2022-640.”

Recorded vote on Item 3.1:

YES: Virginia Kershaw, Michael Bodnar, Greg Kempa, Krystyna Brooks – 4

NO: None – 0

CARRIED UNANIMOUSLY

3.2 Application No. B35/2022, B36/2022 & A31/2022 - 251 and 259 Memorial Drive, 2022-642

Agent - Ennio Cupoli

Applicant/Owner - Ennio and Tamara Cupoli (251 Memorial Drive), Kevin & Courtney Barnes (259 Memorial Drive)

Applicants Tamara and Ennio Cupoli and Kevin Barnes, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. The applicants are seeking approval to sever a lot, adjust the lot boundaries, and to reduce the required minimum lot area in order for a new home to be built on the severed land. The applicants provided an overview of the plans for the new home, and stated that they do not have concerns with the proposed conditions placed on the application. The applicants acknowledged that the subject lands were subject to a previous application and that they have the support of their neighbours in this application.

Sarah Hague, Development Planner appeared before the Committee and provided an overview of the staff report. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained that the applicant is proposing to sever the existing property at 251 Memorial Drive into two lots for the purposes of developing a single detached dwelling on the severed lot.

There are three applications; the first is to sever a parcel of land from the northwestern portion of the lands municipally addressed as 251 Memorial Drive, having a lot area of 496 m², and to retain a parcel of land having a lot area of 714 m². The second application is to sever a 41 m² parcel of land from the frontage of 259 Memorial Drive to be transferred to the neighbouring proposed severed lot from 251 Memorial Drive, and to sever a 2 m² parcel of land from the rear of the proposed severed lot from 251 Memorial Drive to be transferred to neighbouring property 259 Memorial Drive for the purposes of a lot boundary adjustment. The third variance is to permit a minimum lot area of 535 m² for the proposed severed lot, whereas a minimum lot area of 550 m² is required by 7.2.2.1.1 of Zoning By-law 160-90, and to permit a minimum lot width of 15.8 m for the proposed severed lot, whereas a minimum lot width of 18.0 m is required by Section 7.2.2.1.2 by Zoning By-law 160-90.

Staff also acknowledged the past application and that four comments were received in support of the application and one opposed. Staff emphasized that the new Official Plan places a focus on intensification and infill, and

does not include the specific policies that the original applications were deemed to not meet. Staff recommended approval of the application.

No members of the public appeared virtually or in person to speak to the application.

The public hearing was completed and subsequently closed.

Moved by Gregory Kempa

Seconded by Krystyna Brooks

- A. THAT Application B35/2022 to sever a parcel of land from the northwestern portion of the lands municipally addressed as 251 Memorial Drive, having a lot area of 496 m², and to retain a parcel of land having a lot area of 714 m², BE APPROVED, subject to the conditions attached is **Appendix A1** to Report 2022-642;
- B. THAT Application B36/2022 to sever a 41 m² parcel of land from the frontage of 259 Memorial Drive to be transferred to the neighbouring proposed severed lot from 251 Memorial Drive, and to sever a 2 m² parcel of land from the rear of the proposed severed lot from 251 Memorial Drive to be transferred to neighbouring property 259 Memorial Drive for the purposes of a lot boundary adjustment BE APPROVED, subject to the conditions attached as **Appendix A2** to Report 2022-642;
- C. THAT the reason(s) for approval are as follows: having regard for the matters under Section 51 (24) of the Planning Act, Staff is 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 of the policies of the Official Plan and Zoning By-law, specifically Section 9.3 (g – i) of the Official Plan respecting consent applications within the City of Brantford and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement;
- D. THAT Application A31/2022 requesting relief from 7.2.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 535 m² for the proposed severed lot, whereas a minimum lot area of 550 m² is required, and Section 7.2.2.1.2 to permit a minimum lot width of 15.8 m for the proposed severed lot, whereas a minimum lot width of 18.0 m is required, BE APPROVED;
- E. THAT the reason(s) for approval are as follows: the proposed variances are 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 lands; and,

- F. THAT pursuant to Section 53(17) – (18.2) and 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 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. 2022-642”.

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Michael Bodnar, Greg Kempa, Krystyna Brooks – 4

NO: None – 0

CARRIED UNANIMOUSLY

3.3 Application No. A32/2022 - 415 Chatham Street, 2022-651

Agent - John Kedzierski, JK Home Inspections

Owner - Kane Boulthwood

Agent, John Kedzierski of JK Home Inspections, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to increase the number of parking spaces in the front yard and decrease the required front yard landscaped open space, in order to move an existing parking space out of the municipal right-of-way. The agent noted that the additional parking is needed to supply one parking space per dwelling unit as the applicant intends to add a basement unit, and there is an existing accessory structure located on the subject lands.

Holly Stemberger, Development Planner appeared before the Committee and provided an overview of the staff report. A PowerPoint presentation was made and a copy placed in the meeting file. The applicant is proposing to extend an existing paved area located in the municipal right-of-way closer to the dwelling and is requesting a variance from Section 6.18.3.3., to permit a maximum of three (3) parking spaces in the minimum front yard, whereas (1) parking space is the maximum permitted, and Section 6.18.3.9 to permit 36% front yard landscaped open space, whereas the minimum zoning by-law requirement is 50%. Staff noted that one comment was received from the public with concerns regarding setting a precedent, pedestrian safety, and snow removal. Staff stated that

there are no concerns regarding the issues raised. Staff recommended approval of the application.

No members of the public appeared virtually or in person to speak to the application.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Gregory Kempa

- A. THAT Application A32/2022 requesting relief from Section 6.18.3.3 of the City of Brantford Zoning By-law 160-90 to permit a maximum of three (3) parking spaces in the minimum front yard, whereas (1) parking space is the maximum permitted and from Section 6.18.3.9 to permit 36% front yard landscaped open space, whereas the minimum is 50%, BE APPROVED;
- 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 submissions received from the public before the decision was made in relation to this planning matter, as discussed in Sections 6.2 and 7.4 of Report No. 2022-651.”

Recorded vote on Item 3.3:

YES: Virginia Kershaw, Michael Bodnar, Greg Kempa, Krystyna Brooks – 4

NO: None – 0

CARRIED UNANIMOUSLY

3.4 Application No. A36/2022 - 174 Mount Pleasant Street, 2022-652
Agent - John Mcreachren
Applicant/Owner - Edoardo Pace

John Mcreachren, agent for the applicant, appeared before the Committee and provided an overview of the application. The agent noted that the

applicant is seeking approval to allow an accessory structure with an increased height in order to store a vehicle on a lift.

Holly Stemberger, Development Planner, appeared before the Committee and provided an overview of the staff report. A PowerPoint presentation was made and a copy placed in the meeting file. The applicant is proposing to construct a 72.8 m² detached accessory structure for vehicle storage with access off of Clench Avenue and is requesting a variance from Section 6.3.1.2.1 of Zoning By-law 160-90 to allow for an accessory structure height of 5.1 m, whereas the By-law permits a maximum height of 4.5 m for accessory buildings or structures in residential zones. Staff noted that the applicant intends to add a curb cut at Clench Avenue and a paved driveway to access the structure, and have begun discussions with the Public Works department to facilitate a Road Cut Permit. Staff recommended approval of the application.

In response to questions from the Committee, staff confirmed that the proposed structure would be lower than the height of the home.

Mike Simich, 173 Mt. Pleasant Street, appeared before the Committee and stated his objection to the proposed appearance of the building. Mr. Simich stated that he is concerned regarding the industrial nature of the design and that it will not fit in with the neighbourhood. Mr. Simich further stated that he is concerned about the location of the proposed driveway.

Jeffery Young, 6 Clench Avenue, appeared before the Committee, and expressed concerns regarding the setback of the building from the fence line and the potential for runoff onto his property.

No other persons were present virtually or in person to speak to the application.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Gregory Kempa

- A. THAT Application A36/2022 requesting relief from Section 6.3.1.2.1 of the City of Brantford Zoning By-law 160-90 to permit an accessory structure height of 5.1 m, whereas a maximum of 4.5 m is permitted, BE APPROVED;
- 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 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. 2022-652.”

Recorded vote on Item 3.4:

YES: Virginia Kershaw, Michael Bodnar – 2

NO: Gregory Kempa, Krystyna Brooks – 2

FAILED ON A TIE VOTE

Moved by Gregory Kempa

Seconded by Krystyna Brooks

THAT Reasons for REFUSAL are as follows:

The proposed height of the building does not conform to the character of the neighbourhood.

Recorded vote on Item 3.4 – Reasons for Refusal:

YES: Gregory Kempa, Krystyna Brooks – 2

NO: Virginia Kershaw, Michael Bodnar – 2

FAILED ON A TIE VOTE

As the application failed on a tie vote, the reason for refusal is as a result of the procedural rules.

4. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

5. ITEMS FOR CONSIDERATION

There were no items for consideration.

6. CONSENT ITEMS

6.1 MINUTES**6.1.1 Committee of Adjustment - September 7, 2022**

Moved by Gregory Kempa

Seconded by Mike Bodnar

THAT the minutes of the September 7, 2022 Committee of Adjustment meeting
BE APPROVED.

CARRIED

7. RESOLUTIONS

There were no resolutions.

8. NOTICES OF MOTION

There were no notices of motion.

9. ADJOURNMENT

The meeting adjourned at 6:56PM.

Virginia Kershaw, Vice-Chair

L. Madden, Committee Coordinator