



**COMMITTEE OF ADJUSTMENT
MINUTES**

**WEDNESDAY, FEBRUARY 27, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
100 WELLINGTON SQUARE, BRANTFORD**

Dan Namisniak in the Chair

1. ROLL CALL

Present: Lesley Ann Bowen, Greg Kempa, Dan Namisniak

Regrets: Erin Ruby, Lee Rynar

2. DECLARATION OF CONFLICTS OF INTEREST

Lesley Ann Bowen declared a conflict of pecuniary interest on Item 3.2, Application B05/2019 for 21 Hill Avenue, Brantford due to a business relationship with the applicant.

3. STATUTORY PUBLIC HEARINGS/PUBLIC MEETINGS

The procedure to be followed during the Committee of Adjustment Hearings was explained by Vice-Chair Namisniak. Proper notification of all applications had been given.

**3.1 Application A07/2019 (2019-114)
88 Dalhousie
Applicant/Owner – City of Brantford**

Gilda Collins, Permit World Inc. and Glenn Brown, Theatre Manager appeared before the Committee. The application is to install new signs outside of the Sanderson Centre. As the Sanderson Centre is historically significant and in the Heritage area, the Brantford Heritage Committee was consulted on the project. The Committee approved the installation for the signs and the City is now seeking approval of the variances to allow installation.

Alexandra Mathers, Development Planner addressed the Committee and provided an overview of the Staff Report. The application will allow the installation of an electronic messaging board and new sign at the Sanderson Centre. The Brantford Heritage Committee has approved the installation of the sign. Staff believe the application is

minor in nature, appropriate and desirable for the neighbourhood and will improve street scape and façade. Staff are recommending approval of the application.

No members of the public in attendance spoke to the application.

Moved by Greg Kempa

Seconded by Lesley Anne Bowen

- A. THAT Application A07/2019 requesting relief from Chapter 478 of the City of Brantford Municipal Code, BE APPROVED, as follows:
1. THAT Section 478.9.3 be amended to permit a wall sign of 2.06m along the Dalhousie Street frontage, whereas no part of any wall sign shall project more than 0.61m from the face of the wall except in the case of a sign painted on an awning or canopy the location in accordance with Sections 478.4.17 and 478.4.24 of this Chapter;
 2. THAT Section 2.5 of Schedule 'B' of Chapter 478 be amended to permit two signs along the Dalhousie Street frontage, whereas one sign is permitted;
 3. THAT Section 2.7 of Schedule 'B' of Chapter 478 be amended to permit one internally illuminated sign and one electronic message board sign along the Dalhousie Street frontage, whereas internally illuminated and electronic message board signs are not permitted;
 4. THAT Section 3.2 b) of Schedule 'B' of Chapter 478 be amended to permit the proposed electronic message board sign to have an area of 6.70m² along the Dalhousie Street frontage and an additional 1.08m² on each end for a total of 8.87m², whereas the total area of a fascia sign shall not exceed 0.3m² for each 1.0m of linear frontage of the building wall upon which the sign is located, and in any event not greater than 1.25m²;
 5. THAT Section 3.3 a) of Schedule 'B' of Chapter 478 be amended to permit a sign with a total area of 9.32m² along the Dalhousie Street frontage, whereas a hanging sign shall not have an area exceeding 0.75m²; and
 6. THAT Section 3.3 b) of Schedule 'B' of Chapter 478 be amended to permit a sign projection of 2.05m along the Dalhousie Street frontage, whereas a maximum projection of 0.9m from the face of the building is permitted.
- B. That the reason(s) for approval are as follows:
- The proposed variances are compatible with the historical use and heritage of the building, as well as the surrounding land uses;
 - The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90; and
 - The relief request is considered minor in nature and the application complies with criteria set out in Section 45(1) of the *Planning Act*.
- C. THAT pursuant to Section 45(8) – (8.2) of the *Planning Act*, R.S.O. cP.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 2019-114.”

Recorded vote on Item 3.1:

YES: Gregory Kempa, Lesley Ann Bowen, Dan Namisniak – 3

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

**3.2 Application B05/2019 (2019-125)
21 Hill Avenue
Agent/Owner – Jo-Lynn Construction Inc.
Applicant – Hugh MacNeil**

Hugh McNeil appeared before the Committee. The applicant is proposing to sever the property into two in order to develop each lot with a single detached dwelling unit. The applicant accepts the conditions however has asked for clarification on the right of way.

Brynne O'Neill, Development Planner addressed the Committee and provided an overview of the Staff Report. The application is consistent with the Provincial Policy Statement, meets consent policies of the Official Plan for infill in the area and does not restrict growth and development of the adjacent properties. The application allows the creation of a new residential lot and is good land use planning. Staff are recommending approval. B. O'Neill clarified that the conditions of the application are not to include a reference plan showing the right-of-way but rather the road widening.

No members of the public in attendance spoke to the application.

Moved by Greg Kempa
Seconded by Dan Namisniak

- A. THAT the first condition of Appendix A to Report 2019-125 BE AMENDED to read as follows:

Receipt of a registered reference plan showing severed and retained lots as well as the road widening;

- B. THAT Application B05/2019 to sever a parcel of land from the south side of the lands municipally addressed as 21 Hill Avenue, having a lot area of 450.7m² and to retain a parcel of land having a lot area of 451.1m² BE APPROVED, subject to the conditions attached in Appendix A, as amended; and

- 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 Committee approve as shown in the agenda with the change of right of way to severed and retained lots Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford and consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement.

D. 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 Report No. 2019-125.”

Recorded vote on Item 3.2:

YES: Gregory Kempa, Dan Namisniak – 2

NO: None – 0

Item 3.2 carried unanimously on a recorded vote. Lesley Ann Bowen declared a conflict of pecuniary interest due to a business relationship with the applicant. She refrained from participating in any discussion and voting.

4. PRESENTATIONS/DELEGATIONS

5. ITEMS FOR CONSIDERATION

6. CONSENT ITEMS

6.1 Minutes

Moved by Gregory Kempa

Seconded by Lesley Ann Bowen

THAT the minutes of the Committee Adjustment meeting held on January 24, 2019 BE ADOPTED.

CARRIED

Recorded vote on Item 4.1:

YES: Gregory Kempa, Lesley Ann Bowen, Dan Namisniak – 3

NO: None – 0

Item 6.1 carried unanimously on a recorded vote.

7. RESOLUTIONS

8. NOTICES OF MOTION

9. ADJOURNMENT

The meeting adjourned at 6:40 p.m.

Dan Namisniak, Vice-Chair

Sean House, Secretary-Treasurer

Alexandra Mathers,
Deputy Secretary-Treasurer

Julia Sippel, Council & Committee
Services Coordinator