



COMMITTEE OF ADJUSTMENT MINUTES

January 19, 2023

5:30 p.m.

Council Chambers, Brantford City Hall
58 Dalhousie Street, Brantford

Gregory Kempa in the Chair

1. **ROLL CALL**

Present: Gregory Kempa, Tara Gaskin, Mike Bodnar, Krystyna Brooks

2. **DECLARATIONS OF CONFLICTS OF INTEREST**

There were no declarations of conflict 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.

At the request of Staff, Committee took up item 3.4 first.

3.4 Application No B01/2023 - 8 Arthur Street, 2023-40 Agent/Applicant/Owner - Scott Bertrand

Scott Bertrand, Owner and Applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever a parcel of land for the purposes of developing a single detached dwelling on the severed lands.

The applicant answered various questions from the Committee

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. Staff explained that the applicant has proposed to sever a parcel of land with a lot area of

294.94m² at 8 Arthur Street, thereby retaining a parcel with a lot area of 814.26m². Staff recommended approval of the application.

Staff answered various questions from the Committee.

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 Tara Gaskin

Seconded by Krystyna Brooks

- A. THAT Application B01/2023 to sever a parcel of land from the southwestern portion of the lands municipally addressed as 8 Arthur Street, having a lot area of 294.94 m², and to retain a parcel of land having a lot area of 814.26 m², BE APPROVED, subject to the conditions attached in **Appendix A** to Report 2023-40;
- B. 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; and
- C. 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. 2023-40.”

Recorded vote on Item 3.4:

YES: Gregory Kempa, Tara Gaskin, Krystyna Brooks, Mike Bodnar – 4

NO: None – 0

CARRIED UNANIMOUSLY

The Committee then took up items as they appeared on the agenda.

3.1 Application No. A02/2023 & B02/2023, 11-13 Rose Avenue, 2023-36
Agent - GSP Group c/o Daniel Borrelli
Applicant/Owner - Kenbrooke Ltd. c/o Scott Saint

Daniel Borrelli, Planner with GSP Group, and owner, Scott Saint, 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 applicant is seeking approval to sever a parcel of land and to permit an increase in lot coverage for a semi-detached unit.

Sarah Hague, Development Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained that the applicant has proposed to sever a parcel of land with a lot area of 138m² at 11-13 Rose Avenue, thereby retaining a parcel with a lot area of 160m². In doing so, the applicant has requested relief from Section 7.8.2.1.1.2 of Zoning By-law 160-90 to permit a lot area of a semi-detached unit of 138 m² for Parcel A and 160 m² for Parcel B, whereas a minimum lot area of 230 m² is required, and from Section 7.8.2.1.3.3 to permit a lot coverage of 47% for Parcel A and 41% for Parcel B, whereas a maximum of 40% is permitted. Staff recommended approval of the application.

Staff answered various questions of the Committee.

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 Tara Gaskin

- A. THAT Application A02/2023 requesting relief from Section 7.8.2.1.1.2 of Zoning By-law 160-90 to permit a lot area of a semi-detached unit of 138 m² for Parcel A and 160 m² for Parcel B, whereas a minimum lot area of 230 m² is required, and from Section 7.8.2.1.3.3 to permit a lot coverage of 47% for Parcel A and 41% for Parcel B, whereas a maximum of 40% is permitted, 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 subject lands; and,

- C. THAT Application B02/2023 to sever a parcel of land from the northwestern portion of the lands municipally addressed as 11-13 Rose Avenue, having a lot area of 138 m², and to retain a parcel of land having a lot area of 160 m², BE APPROVED, subject to the conditions attached is **Appendix A** to Report 2023-36;
- D. 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; and
- E. THAT pursuant to Sections 53(17) – (18.2) and 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. 2023-36”.

Recorded vote on Item 3.1:

YES: Gregory Kempa, Tara Gaskin, Krystyna Brooks, Mike Bodnar – 4

NO: None – 0

CARRIED UNANIMOUSLY

3.2 Application No. A03/2023 - 253 Wellington Street, 2023-37
Applicant/Agent - John Sibenik
Owner - Cyrus Mirza

John Sibenik, Agent for the Applicant, 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 applicant is seeking approval to permit an increase in the number of permitted parking spaces, and a reduction in landscaped open space in the front yard.

Sarah Hague, Development Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. Staff explained that the applicant is converting the existing one-storey single detached dwelling into a converted dwelling and therefore is requesting relief from Section 6.18.3.3 of Zoning By-law 160-90 to permit a maximum of two (2) parking spaces in the minimum front yard, whereas (1) parking space is the maximum permitted, and from Section 6.18.3.9 to permit 34.8% front yard landscaped open space, whereas the minimum required is 50%. Staff recommended approval of the application.

Staff answered various questions from the Committee.

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 Krystyna Brooks

Seconded by Tara Gaskin

- A. THAT Application A03/2023 requesting relief from Section 6.18.3.3 of the City of Brantford Zoning By-law 160-90 to permit a maximum of two (2) parking spaces in the minimum front yard, whereas (1) parking space is the maximum permitted, and from Section 6.18.3.9 to permit 34.8% front yard landscaped open space, whereas the minimum required 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 Section 6.2 and of Report No. 2023-37.”

Recorded vote on Item 3.2:

YES: Gregory Kempa, Tara Gaskin, Krystyna Brooks, Mike Bodnar – 4

NO: None – 0

CARRIED UNANIMOUSLY

3.3 Application No. A37/2022 - 306 Dalhousie Street, 2023-38

Agent - Ruchika Angrish

Owner/Applicant - Dante DeDominicus

Ruchika Angrish, Professional Planner of The Angrish Group and Dante DeDominicus, Applicant and Owner, 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 applicant is seeking approval to permit a reduction in the required parking space size, in the number of required parking spaces, and in the required landscaped open space in the front yard.

The agent answered various questions from the Committee.

Blaine Yatabe, Senior Development Planner, appeared before the Committee and provided an overview of the application. A PowerPoint Presentation was made and a copy placed in the meeting folder. Staff explained that the subject lands were already under construction to create a semi-detached dwelling, however the applicant has now proposed to build a four unit converted dwelling in an existing duplex. To facilitate the change in development, the applicant is requesting relief from Section 6.18.1.1.6 of Zoning By-law 160-90 to permit a parking stall width of 2.50 m, whereas a width of 2.75 m is required, from Section 6.18.3.9 to permit 22% of the front yard to be landscaped open space, whereas a minimum of 50% is required, and from Section 6.18.7.8 to permit 3 parking spaces, whereas a minimum of 4 parking spaces are required for a converted dwelling with 4 units. Staff recommended approval of the application.

Staff answered various questions from the Committee.

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 Tara Gaskin

Seconded by Mike Bodnar

- A. THAT Application A37/2022 requesting relief from Section 6.18.1.1.6 of Zoning By-law 160-90 to permit a parking stall width of 2.50 m, whereas a width of 2.75 m is required, and from Section 6.18.3.9 to permit 22% of the front yard to be landscaped open space, whereas a minimum of 50% is required, and from Section 6.18.7.8 to permit 3 parking spaces, whereas a minimum of 4 parking spaces are required for a converted dwelling with 4 units, 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 subject lands; 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. 2023-38”.

Recorded vote on Item 3.3:

YES: Gregory Kempa, Tara Gaskin, Krystyna Brooks, Mike Bodnar – 4

NO: None – 0

CARRIED UNANIMOUSLY

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 - December 7, 2022

Moved by Tara Gaskin
Seconded by Krystyna Brooks

A friendly amendment was made to correct the result of item 3.2.

THAT the minutes of the December 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 6:28PM.

Gregory Kempa, Acting Chair

L. Madden, Committee Coordinator