



COMMITTEE OF ADJUSTMENT MINUTES

May 3, 2023

5:30 p.m.

Council Chambers, Brantford City Hall
58 Dalhousie Street, Brantford

Virginia Kershaw in the Chair

1. ROLL CALL

Present: Jang Singh Panag, Virginia Kershaw, Gregory Kempa,
Tamara Cupoli, Mike Bodnar

Absent: Tara Gaskin, Mark Simpson

2. DECLARATIONS OF CONFLICTS OF INTEREST

None.

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: A13/2023 - 73 King George Road, 2023-323

**Agent/Applicant - Dover Digital Signs c/o Simon Ive
Owner - Bruce Graham**

Jessie Tessier, representative of Bruce Graham, appeared before Committee and provided an overview of the application. The representative advised the old sign had been replaced as they had the same sign for over 30 years. The sign has been upgraded to a digital sign and has been up for 3 months without any complaints.

Holly Stemberger, 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 recommended approval of the application.

Staff and the applicant's representative responded to various questions from the Committee.

The public hearing was completed and subsequently closed.

Moved by Tamara Cupoli

Seconded by Gregory Kempa

- A. THAT application A12/2023 seeking relief from the following Sections of Chapter 478 of the Municipal Code: Section 478.4.12 to permit the flashing illumination of a sign within 26 m of a residential zone whereas 40 m is required and Section 478.4.14 to permit an illuminated sign to be located 28.9 m to the nearest traffic signal, whereas no illuminated/animated signs are permitted to be located closer than 30 m to the nearest traffic signal of an intersection, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variances to Sections 478.4.12 and Section 478.4.14 are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90, 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 A12/2023 seeking relief from Section 478.4.10 of Chapter 478 of the Municipal Code to permit the illumination of a sign 24 hours per day, whereas illumination is otherwise required to be extinguished between the hours of 2300 and 0700 each day, where visible from within a residential zone, BE REFUSED;
- D. THAT the reason(s) for refusal of the minor variances to Section 478.4.10 are as follows: the relief requested is not in keeping with the general intent of Chapter 478 of the Municipal Code, is not desirable for the appropriate development and use of the subject lands and the relief requested is not considered minor in nature; and,

E. 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 2023-323.”

Recorded vote on Item 3.1:

YES: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Tamara Cupoli, Jang Singh Panag, – 5

NO: None – 0

CARRIED UNANIMOUSLY

3.2 Application No: A14/2023 - 9 Tollgate Road, 2023-289

Owner/Applicant - Royal Canadian Legion - Branch 461 c/o Dan Wolan

Agent - Brooks Signs (1985) Ltd. c/o Lon McMillan

Dan Wolan, the Applicant and Lon McMillan, the Agent, appeared before Committee and provided an overview of the application. The applicant advised they are seeking relief from Municipal Code 478 to allow the sign to be illuminated beyond the times prescribed as well as to permit a sign with the R1B-3 Zone.

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 recommended approval of the application.

Staff and the Agent responded to questions of Committee.

The public hearing was completed and subsequently closed.

Moved by Gregory Kempa

Seconded by Jang Singh Panag

A. THAT application A14/2023 seeking relief from the following Sections of Chapter 478 of the Municipal Code: Section 478.4.12 to permit the flashing illumination of a sign within 0 m of a residential zone whereas 40 m is required, Section 478.8.5 to permit a sign less than 1.0 from the street line, whereas a minimum setback of 1.0 m is required, and Section 478.4.18 to permit a sign within the

R1B-3 Zone, whereas signs are not permitted on lands used or zoned for residential purposes, BE APPROVED;

- B. THAT the reason(s) for approval of the minor variances to Sections 478.4.12, 478.8.5 and 478.4.18 are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90, 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 A12/2023 seeking relief from Section 478.4.10 to permit the illumination of a sign 24 hours per day, whereas illumination is otherwise required to be extinguished between the hours of 2300 and 0700 each day, where visible from within a residential zone, BE REFUSED;
- D. THAT the reason(s) for refusal of the minor variance to Section 478.4.10 is as follows: the proposed variance is not in keeping with the general intent of Chapter 478 of the Municipal Code, the relief requested is not considered minor in nature and is not desirable for the appropriate development and use of the subject lands; and,
- E. 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 2023-289.”

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Tamara Cupoli, Jang Singh Panag - 5

NO: None – 0

CARRIED UNANIMOUSLY

3.3 Application No: B14/2023, B15/2023, A15/2023 and A16/2023 - 163 Grand River Avenue, 2023-290

**Owner/Applicant - Oriyomi Holdings Inc. c/o Lara Williams
Agent - Ruchika Angrish**

Ruchika Angrish, agent and Lara Williams, applicant appeared before Committee and provided an overview of the application. The agent

advised the applicant is seeking relief from City By-laws to complete two severances with rear yard setbacks and other reliefs. The agent provided a PowerPoint and a copy has been placed in the meeting file.

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 recommended approval of the application.

Staff and the agent, applicant and engineer, Akinola Ifelola, responded to questions of Committee.

Christine Beal, appeared before Committee and spoke in opposition all requests for relief and severances. Ms. Beal advised they are not desirable and feels it is not appropriate for the area.

The public hearing was completed and subsequently closed.

The applicant, agent and engineer re-appeared before committee and clarified comments.

Moved by Gregory Kempa

Seconded by Mike Bodnar

- A. THAT application B14/2023 to sever the north portion of 163 Grand River Avenue (Severed Lot 2), having a lot area of 210.9 m² and to retain a parcel of land having a lot area of 658.8 m², BE REFUSED;
- B. THAT the reason(s) for refusal of B14/2023 are as follows: Does not have regard for the matters under Section 51(24) of the Planning Act, in that it is not desirable or compatible with the surrounding area, is not suitable for the lands, is not in the public interest, and could result in adverse impacts on surrounding properties;
- C. THAT application B15/2023 to sever the middle portion of 163 Grand River Avenue (Severed Lot 1), having a lot area of 213.8 m² and to retain a parcel of land having a lot area of 445.0 m², BE REFUSED;
- D. THAT the reason(s) for refusal of B15/2023 are as follows: Does not have regard for the matters under Section 51(24) of the *Planning Act*, in that it is not desirable or compatible with the surrounding area, is not suitable for the lands, is not in the public

interest, and could result in adverse impacts on surrounding properties;

- E. THAT part of application A16/2023 seeking relief from Section 7.8.2.1.6 of Zoning By-law 160-90 to permit a rear yard of 0.67 m for the retained lot, whereas a minimum rear yard of 7.5 m is required, BE REFUSED;
- F. That the reason(s) for refusal of minor variance A16/2023 from Section 7.8.2.1.6 are as follows: The proposed variances are not in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is not considered minor in nature and is not desirable for the appropriate development and use of the subject land;
- G. THAT part of application A16/2023 seeking relief from Section 7.8.2.1.12 of Zoning By-law 160-90 to permit the a 130.3 m² expansion of the existing dwelling for the purpose of a converted dwelling for the retained lot, whereas the expansion of any building to be used for the purpose of a converted dwelling shall not exceed a total of 50% of the gross floor area of the building which existed at the date of the passing of the By-law or 110.0 m², whichever is the lesser,, BE APPROVED;
- H. THAT the reason(s) for approval of minor variance A16/2023 from section 7.8.2.1.12 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 lands; and,
- I. THAT application A15/2023 seeking relief from Zoning By-law 160-90 for the severed portions of the lands municipally known as 163 Grand River Avenue, BE REFUSED for the following variances:
Severed Lot 1(B15/2023)
 - Section 7.8.2.1.1.2 to permit a minimum lot area of 213.8 m² for a semi-detached dwelling unit for severed Lot 1, whereas a minimum lot area of 230.0 m² per unit is required;
 - Section 7.8.2.1.2.2 to permit a minimum lot width of 3.5 m for a semi-detached dwelling unit for severed Lot 1, whereas a minimum lot width of 6.0 m/unit is required; and

- Section 6.18.3.9 to permit a minimum of 30.8% of the front yard of severed Lot 1 to be maintained as landscaped open space, whereas a minimum of 50% is required; *Severed Lot 2 (B14/2023)*
 - Section 7.8.2.1.2.2 to permit a minimum lot width of 5.3 m for severed Lot 2, whereas a minimum lot width of 6.0 m/unit is required; and
 - Section 6.18.3.9 to permit a minimum of 47.6% of the front yard of severed Lot 2 to be maintained as landscaped open space, whereas a minimum of 50% is required;
- J. THAT the reason(s) for refusal of A15/2023 are as follows: the proposed variances are not in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is not considered minor in nature and is not desirable for the appropriate development and use of the subject lands; and,
- K. THAT pursuant to Sections 45(8) – (8.2) and 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 2023-290.”*

Recorded vote on Item 3.3:

YES: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Tamara Cupoli, Jang Singh Panag - 5

NO: None – 0

CARRIED UNANIMOUSLY

3.4 Application No: B16/2023 and A17/2023 - 354 West Street, 2023-325

Owner/Applicant - West Street Apartments Inc.

Agent - Pamela Larmand

Pamela Larmand, agent appeared before Committee and provided an overview of the application. The agent advised the applicant is seeking relief from City By-laws for a consent and minor variance at 352 West Street from 354 West Street. There is a single family dwelling and structure located at 352 West Street.

Holly Stemberger, 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 recommended approval of the application.

Staff and the agent responded to questions of Committee.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Tamara Cupoli

- A. THAT Application A17/2023 requesting relief from Section 6.3.1.3.2 of Zoning By-law 160-90 to permit an accessory structure to be 0.4 m from the interior lot line, whereas an accessory structure is required to be at least 0.6 m from the interior lot line, 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 160-90, 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 B16/2023 to sever a parcel of land municipally addressed as 352 West Street, having a lot area of 618.52 m², and to retain a parcel of land at 354 West Street having a lot area of 17,795 m², BE APPROVED, subject to the conditions attached is **Appendix A** to Report 2023-325.
- 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. 2023-325”.

Recorded vote on Item 3.4:

YES: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Tamara Cupoli,
Jang Singh Panag - 5

NO: None – 0

CARRIED UNANIMOUSLY

4. PRESENTATIONS/DELEGATIONS [list, if any, available at the meeting]

There were no presentations/delegations on the agenda.

5. ITEMS FOR CONSIDERATION

There were no items for consideration.

6. CONSENT ITEMS

Moved by Gregory Kempa
Seconded by Mike Bodnar

THAT the following minutes BE APPROVED:

6.1 MINUTES

6.1.1 Committee of Adjustment - April 5, 2023

CARRIED UNANIMOUSLY

7. RESOLUTIONS

There were no resolutions.

8. NOTICES OF MOTION

There were no notices of motion.

9. ADJOURNMENT

The meeting adjourned at 7:04 p.m.

Virginia Kershaw, Chair

Emma Vokes, Committee
Coordinator

