



## COMMITTEE OF ADJUSTMENT MINUTES

September 6, 2023

5:30 p.m.

Hybrid Meeting

Council Chambers, Brantford City Hall

58 Dalhousie Street, Brantford

Virginia Kershaw in the Chair

### 1. ROLL CALL

Present: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Tara Gaskin, Mike Bodnar, Tamara Cupoli

### 2. DECLARATIONS OF CONFLICTS OF INTEREST

There were no declarations of conflict of interest.

### 3. STATUTORY 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 Applications B27/2023, B28/2023, & A29/2023 - 72 Ava Road, 2023-551

**Agent - J.H. Cohoon Engineering (c/o Bob Phillips)**

**Applicant/Owner - Kasco Properties Ltd.**

Agent for the applicant Bob Phillips of J.H. Cohoon Engineering Ltd. appeared before the Committee and requested that the application be deferred in order to allow time to address the concerns of the neighbourhood.

The Committee recessed at 5:35PM and returned at 5:38PM.

Moved by Greg Kempa

Seconded by Tamar Cupoli

THAT Item 3.1 BE DEFERRED up to two meeting cycles to allow staff and the applicant further time to consult with the public

**CARRIED**

### **3.2 Application A28/2023 - 187 Phelps Rd, 2023-545**

**Agent - J.H. Cohoon Engineering (c/o Bob Phillips)**

**Applicant/Owner - Aaron Penrice**

Agent for the applicant Bob Phillips of J.H. Cohoon Engineering Ltd. appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit an accessory structure (garage) in the front yard.

Michelle LeDressay, 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 application is for relief from Section 4.4(b) of County of Brant Zoning By-law 61-16 to allow an accessory building in the front yard, whereas the Zoning Bylaw does not allow buildings or structures accessory to a dwelling unit to be located in a front yard.

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

The applicant and agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Gregory Kempa

A. THAT Application A28/2023 requesting relief from Section 4.4(b) of County of Brant Zoning By-law 61-16 to allow an accessory building in the front yard, whereas the Zoning Bylaw does not allow buildings or structures accessory to a dwelling unit to be located in a front yard, BE APPROVED;

B. THAT the reason(s) for approval of the minor variance are as follows: the proposed variance is in keeping with the general intent of the

Official Plan and Zoning By-law 61-16, the relief requested is 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. 2023-545”*

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 7

NO: None - 0

**CARRIED UNANIMOUSLY**

**3.3 Application B29/2023 - 12 Wright Street, 2023-490**

**Agent - MHBC Planning c/o Dave Aston**

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

Agent for the applicant Dave Aston, MHBC Planning appeared before the Committee and provided an overview of the application. The applicant is seeking approval to add additional land to a proposed consolidated development block. The proposed lot addition will facilitate the conveyance of an 11,436 m<sup>2</sup> portion of vacant lands from 12 Wright Street to 16 Pipe Street. The subject lands are planned to be consolidated and developed with an industrial building containing a warehouse and associated office uses with a total floor area of 67,637 m<sup>2</sup>.

Sarah Hague, 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 application is to sever an 11,436 m<sup>2</sup> parcel of land from the southwestern portion of 12 Wright Street (Block 14 on Plan 2M-1963), to be conveyed and merged with the neighbouring property to the south (Block 13 on Plan 2M-1963) for the purposes of a lot addition. Staff noted that no comments had been received from members of the public and recommended approval of the application.

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

The applicant and agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Jang Singh Panag

- A. THAT Consent Application B29/2023 to sever a 11,436 m<sup>2</sup> parcel of land from the southwestern portion of 12 Wright Street (Block 14 on Plan 2M-1963), to be conveyed and merged with the neighbouring property to the south (Block 13 on Plan 2M-1963) for the purposes of a lot addition (boundary adjustment), BE APPROVED, subject to the conditions attached in **Appendix A** to report 2023-490;
- 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) 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. 2023-490.”*

Recorded vote on Item 3.3:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 7

NO: None - 0

**CARRIED UNANIMOUSLY**

### **3.4 Applications B31-2023 and A31/2023 - 192 Longboat Run West, 2023-558**

**Agent/Applicant - MHBC Planning c/o Dave Aston**

**Owner - Losani Homes c/o Travis Skelton**

Agent for the applicant Dave Aston, MHBC Planning, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to reduce the depth of a lot by adjusting the rear boundary through consent, thereby allowing the remaining severed parcel at the rear of the lot to be combined with a lot to the northwest for future development. The consent application includes a minor variance application for reduced rear yard setback, as a single detached dwelling is currently under construction on the lot. The applicant recommended approval of the application.

The applicant answered various questions from the Committee.

Sarah Hague, 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 application is to sever the northwestern portion of 192 Longboat Run West, having a lot area of 138 m<sup>2</sup> and to retain a parcel of land having a lot area of 417 m<sup>2</sup> and for relief from Section 7.5.3.6.6 of Zoning By-law 160-90 to permit a rear yard setback of 3.6 m, whereas a minimum rear yard of 7.0 m is required. Staff recommended refusal of the application.

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

The agent reappeared before the Committee to clarify that he would be willing to request a rear yard setback of 5.0 m, whereas a minimum rear yard of 7.0 m is required and a lot area of 118 m<sup>2</sup> and to retain a parcel of land having a lot area of 437 m<sup>2</sup>.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Tamara Cupoli

- A. THAT application A31/2023 seeking relief from Section 7.5.3.6.6 of Zoning By-law 160-90 to permit a rear yard setback of 5.0 m, whereas a minimum rear yard of 7.0 m is required, BE APPROVED subject to the following conditions;

- i. Receipt of a registered reference plan showing the severed and retained parcel;
  - ii. Receipt and confirmation that Application A31/2023 receives final and binding approval and is in full force and effect;
  - iii. Receipt of confirmation that all taxes are paid up to date;
  - iv. 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);
  - v. 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.
  - vi. That the above conditions be fulfilled and the Certificate of Consent be issued on or before September 7, 2025, after which time the consent will lapse.
- B. THAT the reason(s) for approval of the minor variance are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law 61-16, the relief requested is minor in nature and is desirable for the appropriate development and use of the subject lands, and,
- C. THAT application B31/2023 to sever the northwestern portion of 192 Longboat Run West (Part 1), having a lot area of 118 m<sup>2</sup> and to retain a parcel of land having a lot area of 437 m<sup>2</sup>, BE APPROVED;
- D. THAT the reason(s) for approval of B31/2023 are as follows: having regard for the matters under Section 51(24) of the Planning Act, the Committee of Adjustment is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Further, the Committee of Adjustment is satisfied that the application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement;
- 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 2023-558.”*

The Committee recessed at 6:31PM to allow the applicant time to review the proposed conditions, and reconvened at 6:34PM. During the debate, the Chair, without objection from the Committee, confirmed that the applicant would agree to the proposed conditions.

Recorded vote on Item 3.4:

YES: Mark Simpson, Jang Singh Panag, Mike Bodnar, Tamara Cupoli – 4

NO: Virginia Kershaw, Gregory Kempa, Tara Gaskin - 3

**CARRIED**

**3.5 Applications B32/2023, B33/2023, B34/2023, & A32/2023 - 44, 46, & 48 Gladstone Street, 2023-562**

**Agent - James Delodder**

**Applicant/Owner - 1000104279 Ontario, Inc. (C/o James Delodder - 44 and 48 Gladstone), Karen Green (46 Gladstone)**

Karen Green (46 Gladstone) and James Delodder (44 and 48 Gladstone), appeared before the Committee and provided an overview of the application. The applicants are seeking approval to sever the rear sections of three lots to create one new lot for the purpose of constructing a single detached dwelling.

The applicants answered various questions from the Committee.

In response to questions from the Committee, a recess was called at 6:38PM in order for Staff to explain the proposed conditions to the applicants, and the Committee reconvened at 6:43 PM.

Michelle LeDressay, 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 application is for three separate consents and a minor variance. The consent applications will result in a new parcel with a lot width of 9 m and a length of 35.04 m that is located north of an unopened road allowance and will front onto Ontario Street. The minor variance application requests relief from Section 7.5.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 5.36 m, whereas a minimum rear yard setback of 7.5 m is required for 44 Gladstone, and from Section 7.5.2.1.8 of Zoning By-law 160-90 to permit a minimum Gross Floor Area of 68 m<sup>2</sup>, whereas 70 m<sup>2</sup> is

required for 44 Gladstone Avenue, and from Section 7.5.2.1.8 of Zoning By-law 160-90 to permit a Gross Floor Area of 56 m<sup>2</sup> whereas 70 m<sup>2</sup> is required for 48 Gladstone Avenue.

Staff recommended approval of the applications.

Frank Marco, 49 Salsbury Street, appeared before the Committee and provided comments regarding potential impacts on his property.

The applicant re-appeared before the Committee to note that consideration would be given to neighbouring properties and no impacts are anticipated as a result of the construction of the proposed dwelling.

The public hearing was completed and subsequently closed.

Moved by Jang Singh Panag

Seconded by Tamara Cupoli

- A. THAT Minor Variance application A32/2023 requesting relief from Section 7.5.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 5.36 m, whereas a minimum rear yard setback of 7.5 m is required for 44 Gladstone, and from Section 7.5.2.1.8 of Zoning By-law 160-90 to permit a minimum Gross Floor Area of 68 m<sup>2</sup>, whereas 70 m<sup>2</sup> is required for 44 Gladstone avenue, and from Section 7.5.2.1.8 of Zoning By-law 160-90 to permit a Gross Floor Area of 56 m<sup>2</sup> whereas 70 m<sup>2</sup> is required for 48 Gladstone Avenue, 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;
- C. THAT Consent application B32/2023 requesting to sever a parcel of land from the subject land municipally addressed as 48 Gladstone Avenue, having a lot area of 106 m<sup>2</sup>, and to retain a parcel of land having a lot area of 306 m<sup>2</sup>, BE APPROVED, subject to the conditions attached is **Appendix A** to Report 2023-562
- D. THAT the reason(s) for approval of application B32/2023 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;

- E. THAT Consent application B33/2023 requesting to sever a parcel of land from the subject land municipally addressed as 46 Gladstone Avenue, having a lot area of 106 m<sup>2</sup>, and to retain a parcel of land having a lot area of 306 m<sup>2</sup>, BE APPROVED, subject to the conditions attached is **Appendix B** to Report 2023-562
- F. THAT the reason(s) for approval of application B33/2023 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;
- G. THAT Consent application B34/2023 requesting to sever a parcel of land from the subject land municipally addressed as 44 Gladstone Avenue, having a lot area of 104 m<sup>2</sup>, and to retain a parcel of land having a lot area of 302 m<sup>2</sup>, BE APPROVED, subject to the conditions attached is **Appendix C** to Report 2023-562
- H. THAT the reason(s) for approval of application B34/2023 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;
- I. 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. 2023-562.”*

Recorded vote on Item 3.5:

YES: Virginia Kershaw, Gregory Kempa, Mark Simpson, Jang Singh Panag, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 7

NO: None - 0

**CARRIED UNANIMOUSLY**

**3.6 Application A20/2023 – Savannah Oaks Drive (Lot 5 & 6), 2023-547**

**Agent - Vicano Development Ltd. c/o Yaw Yawson**

**Applicant/Owner - 958071 Ontario Limited, c/o Paul Vicano**

Agent for the Applicant, Yaw Yawson of Vicano Development Ltd. appeared before the Committee and provided an overview of the application. The applicant is seeking approval to construct a warehouse with an attached three storey office.

Tausha Adair, Intermediate 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 requesting relief from Section 10.3.2.1.7.1 and 10.3.3.2.1.7.1 of Zoning By-law 160-90 to permit a minimum interior side yard setback of 3.0 m, whereas a minimum interior side yard of 9.0 m. Staff recommended approval of the application.

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

The applicant and agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Tamara Cupoli

- A. THAT application A20/2023 seeking relief from Section 10.3.3.2.1.3.2 of Zoning By-law 160-90 to permit a maximum lot coverage of 53.9%, whereas a maximum lot coverage of 40% is required, BE APPROVED;
- B. THAT application A20/2023 seeking relief from Section 10.3.2.1.7.1 and 10.3.3.2.1.7.1 of Zoning By-law 160-90 to permit a minimum interior side yard setback of 3.0 m, whereas a minimum interior side yard of 9.0 m is required, BE APPROVED;
- C. THAT the reason(s) for approval of the minor variances 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,

- D. 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 2023-547”.*

**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 - August 2, 2023**

Moved by Gregory Kempa

Seconded by Mike Bodnar

THAT the minutes of the August 2, 2023 meeting of the Committee of Adjustment 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 7:04PM.

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Virginia Kershaw, Chair

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L. Madden, Committee Coordinator