



COMMITTEE OF ADJUSTMENT

MINUTES

October 4, 2023

5:30 p.m.

Hybrid Meeting

Council Chambers, Brantford City Hall

58 Dalhousie Street, Brantford

Gregory Kempa in the Chair.

1. ROLL CALL

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

Regrets: Virginia Kershaw

2. DECLARATIONS OF CONFLICTS OF INTEREST

Mike Bodnar declared a conflict on item 3.3 as he is the President of the Condominium Corporation (the applicant) and resides in one of the units on the subject property.

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 Application A42/2022 - 153 Pusey Boulevard, 2023-593

Owner/Applicant - Cam Le Trinh

Cam Le Trinh, applicant, appeared before the Committee and provided brief comments about the enjoyment of the property answered various questions from the Committee. The applicant is seeking approval to permit

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 application is for relief from Section 7.3.2.1.7.1 of Zoning By-law 160-90 to permit an interior side yard of 0.4 m for an enclosed porch, whereas a minimum side yard of 1.0 m is required, and from Section 6.4.1.1 to permit eaves to project up to 0.7 m into the required side yard, whereas the maximum permitted projection is 0.6 m, provided the projection is no closer than 0.3 m to a lot line. Staff recommended approval of the application.

Bruce McLaren, 164 Pusey Boulevard, appeared before the Committee and provided comments in opposition to the proposed minor variance and noted concerns related to the types of uses on the property.

The applicant had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Mike Bodnar

- A. THAT application A42/2022 seeking relief from Section 7.3.2.1.7.1 of Zoning By-law 160-90 to permit an interior side yard of 0.4 m for an enclosed porch, whereas a minimum side yard of 1.0 m is required, and from Section 6.4.1.1 to permit eaves to project up to 0.7 m into the required side yard, whereas the maximum permitted projection is 0.6 m, provided the projection is no closer than 0.3 m to a lot line, BE APPROVED;
- B. 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,
- 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 2023-593.”

Recorded vote on Item 3.1:

YES: Gregory Kempa, Mark Simpson, Jang Singh Panag, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 6

NO: None - 0

CARRIED UNANIMOUSLY

3.2 Application B35/2023- 91 Birkett Lane, 2023-594

Agent/Applicant - Corbett Land Strategies Inc. c/o Alicia Monteith and Nick Wood

Owner - LIV Developments, LTD

Agent for the applicant Alicia Monteith, Manager of Development Planning for Corbett Land Strategies, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever the southern portion of the property (5.3 ac), to be added to 101 Birkett Lane for the future development of those lands.

The agent answered various questions from the Committee.

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 application is to sever a parcel of land from the southwestern portion of the lands municipally addressed as 91 Birkett Lane, having a lot area of 21,438 m², and to retain a parcel of land having a lot area of 56,619 m². Staff answered various questions from the Committee and recommended approval of the application.

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

The agent had no clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Jang Singh Panag

Seconded by Tamara Cupoli

- A. THAT Application B35/2023 to sever a parcel of land from the southwestern portion of the lands municipally addressed as 91 Birkett Lane, having a lot area of 21,438 m², and to retain a parcel of land having a lot area of 56,619 m², BE APPROVED, subject to the conditions attached in **Appendix A** to Report 2023-54;

- 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. 2023-594.”*

Recorded vote on Item 3.2:

YES: Gregory Kempa, Mark Simpson, Jang Singh Panag, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 6

NO: None - 0

CARRIED UNANIMOUSLY

3.3 Application A33/2023 - 24 Hardy Road, 2023-600

Agent - Claudia Kartick, Property Manager, G3 Property Solutions

Applicant - Steve Krysa, Pretium Engineering Inc.

Owner - Brant Condominium Corporation No. 58

Mike Bodnar left the meeting room as he declared a conflict.

Applicant, Steve Krysa appeared before the Committee and provided an overview of the application. The applicant is seeking approval to replace the existing decks on Units 1-9. Due to the existing footings and on-grade concrete patios, the new decks are being built approximately 0.6 m deeper than the existing decks, which was included in the permit applications.

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 application is for relief from Section 6.4.1.1 of Zoning Bylaw 160-90 to

permit an unenclosed deck to project 3.0 m into the required rear yard, whereas a maximum projection of 2.5 m is permitted, provided the projection is no closer than 1.2 m from the lot line. 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 A33/2023 seeking relief from Section 6.4.1.1 of Zoning By-law 160-90 to permit an unenclosed deck to project 3.0 m into the required rear yard, whereas a maximum projection of 2.5 m is permitted, provided the projection is no closer than 1.2 m from the lot line, BE APPROVED;
- B. 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,
- 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 2023-600.”

Recorded vote on Item 3.3:

YES: Gregory Kempa, Mark Simpson, Jang Singh Panag, Tara Gaskin, Tamara Cupoli
 – 5

NO: None - 0

CARRIED UNANIMOUSLY

As Mike Bodnar declared a conflict, he was not present at the time of the vote or during discussion.

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 6, 2023

Moved by Tamara Cupoli

Seconded by Jang Singh Panag

THAT the minutes of the September 6, 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 6:08 P.M.

Gregory Kempa, Vice-Chair

L. Madden, Committee Coordinator