



COMMITTEE OF ADJUSTMENT MINUTES

November 1, 2023

5:30 p.m.

Council Chambers, Brantford City Hall
58 Dalhousie Street, Brantford

1. ROLL CALL

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

Regrets: Jang Singh Panag

2. DECLARATIONS OF CONFLICTS OF INTEREST

There were no declarations of pecuniary interests.

3. STATUTORY PUBLIC MEETINGS

3.1 Application A29/2023, B27/2023, B28/2023 - 72 Ava Road, 2023-551

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

Applicant/Owner - Kasco Properties Ltd.

Bob Phillips, agent for the application, appeared before the Committee and provided an overview of the application and requests included in the application.

Ruchika Angrish, the planner representing the property owner, discussed the site's location, its alignment with the Official Plan and Zoning By-law, and the requests for consent and minor variances. Angrish also presented renderings illustrating how the proposed unit design matches nearby houses and complements the design of neighbouring properties. The presentation highlighted the policy analysis, emphasizing the use of

underutilized lots and intensification areas. It was noted that similar variances have been previously approved by the Committee in this neighbourhood, and Angrish explained how the application satisfies the four Minor Variance tests.

The owner and agent answered questions from Committee members.

Michelle Le Dressay, Planner, appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy was placed in the meeting file. Le Dressay outlined the reasons why staff recommends refusal of the application and answered various questions.

The Chair called for those connected remotely to provide comments. No member of the public appeared virtually to speak to the application.

Harold Howe and Marian Howe, residents at 70 Ava Road, expressed their opposition to the proposed application. They questioned the benefits of the proposal for both the city and the local neighbourhood, highlighting concerns about its impact on massing and other potential issues.

William Harlow, nearby resident, opposed the application, expressing concerns about intensification and how the proposal appears to be a rezoning rather than a variance request. He argued that the proposal does not align with the By-law's general intent and suggested that the area is not underutilized, as all nearby lots have similar characteristics. Harlow urged the committee to reject the application.

Lisa and Fabio Zenetti, residents at 76 Ava Road, opposed the proposal as it appears to not be in keeping with other neighbourhood lots in terms of size and location. They also raised concerns about removing trees to make way for the new construction, noted that traffic volume has increased recently, and how the size of the new builds on Stymie Boulevard would negatively affect the visibility of traffic at the intersection.

Jessie Clark, resident at 74 Ava Road, highlighted that the proposal included three (3) new dwellings and raised concerns regarding the removal of existing trees and intensification in the neighbourhood.

Bill Clark, resident at 74 Ava Road, spoke to the reduction in visibility at the intersection of Stymie Boulevard and Ava Road due to the size of the proposed development. Clark also highlighted current issues regarding the nearby crosswalk.

Ruchika Angrish, the planner representing the property owner, responded to concerns raised by members of the public who spoke to the proposal.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Mark Simpson

- A. THAT Minor Variance application A29/2023 requesting relief from Section 7.2.3.2.2 of Zoning By-law 160-90 to permit a lot width of 18.4 m, whereas a minimum lot width of 24.5 m is required, and from Section 7.2.3.2.1 of Zoning By-law 160-90 to permit a lot area of 655.7 m², whereas a minimum lot area of 745.0 m² is required, BE REFUSED;
- B. THAT the reason(s) for refusal of the minor variances are as follows: the proposed variances are not in keeping with the general intent of 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 lands;
- C. THAT Consent application B27/2023 requesting to sever a parcel of land from the subject land municipally addressed as 72 Ava Road, having a lot area of 655.7 m², and to retain a parcel of land having a lot area of 1,311.4 m², BE REFUSED;
- D. THAT the reason(s) for refusal of B27/2023 are as follows: the proposed Consent 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 and will create an undersized lot for the area;
- E. THAT Consent application B28/2023 requesting to sever a parcel of land from the subject land municipally addressed as 72 Ava Road, having a lot area of 655.7 m², and to retain a parcel of land having a lot area of 655.7 m², BE REFUSED;
- F. THAT the reason(s) for refusal of B28/2023 are as follows: the proposed Consent 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 and will create an undersized lot for the area;

- G. 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. 2023-551.”

Recorded vote on Item 3.1:

YES: Gregory Kempa, Mark Simpson, Virginia Kershaw, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 6

NO: None - 0

CARRIED UNANIMOUSLY ON A RECORDED VOTE

3.2 Application A34/2023 - 113 King George Road, 2023-641

Applicant/Owner - 2518300 Ontario Inc.

Agent - Arcadis c/o Odete Gomes

Odete Gomes, applicant, appeared before the Committee and provided an overview of the application. Gomes also explained how the requests meet the minor variance tests.

Kent Breau, owner of the property, noted that households adjacent to the proposed illuminated sign did not object to its location, and spoke to the need for additional revenue after the recent surges in operational costs.

The applicant and agenda for the application answered 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 was placed in the meeting file. Staff highlighted the zoning of the property, and the design of the current, and showed pictures of the current side from different sides. Hague explained how the request for Section 478.4.12 meets the test for minor variance and how Section 478.14.11 does not, as it impacts neighbouring properties and is not

desirable for the development and usage of the lands. Staff answered questions from the Committee.

Staff answered questions from the Committee.

Joseph Costantiti, owner of 125 King George Road, raised concerns about the flashing for the tenants of residential units in adjacent properties.

Odete Gomes, agent for the application, addressed concerns raised by a delegate and indicated that the brightness of the sign can be changed and that the proposed display is intended to be turned off between the hours of 11 p.m. and 7 a.m.

Staff further clarified the need for the requests included in the application.

Kent Breau, owner of the property, emphasized that he did not receive negative feedback from nearby residents.

Moved by Mark Simpson

Seconded by Gregory Kempa

- A. THAT application A34/2023 seeking relief from Section 478.14.11 of Chapter 478 of the Municipal Code to permit 3 billboard signs on one lot, whereas a maximum of 2 billboard signs are permitted, BE REFUSED;
- B. THAT the reason(s) for refusal of the minor variance to Section 478.14.11 is that the relief requested is not desirable for the appropriate development and use of the subject lands;
- 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 2023-641.”

Recorded vote on Item 3.2:

YES: Mark Simpson, Virginia Kershaw, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 5

NO: Gregory Kempa - 1

CARRIED ON A RECORDED VOTE

Moved by Mark Simpson
 Seconded by Gregory Kempa

- A. THAT application A34/2023 seeking relief from Section 478.4.12 to permit the flashing illumination of a sign within 31 m of a residential zone whereas 40 m is required, BE APPROVED for the existing signs facing north and south;
- B. THAT the reason(s) for approval of the minor variance to Section 478.4.12 is as follows: the proposed variance is in keeping with the general intent of the Official Plan, Zoning By-law, and Chapter 478 of the Municipal Code, 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 2023-641.”

Recorded vote on Item 3.2:

YES: Gregory Kempa, Virginia Kershaw, Tara Gaskin, Mike Bodnar, Tamara Cupoli – 5

NO: Mark Simpson - 1

CARRIED ON A RECORDED VOTE

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 - October 4, 2023

Moved by Tamara Cupoli
 Seconded by Tara Gaskin

THAT the minutes of the October 4, 2023 meeting of the Committee of Adjustment BE APPROVED.

CARRIED

6.2 2024 Meeting Schedule

Juan da Silva, Supervisor of Legislative Services, indicated that item 6.2 2024 Meeting Schedule, regarding the 2024 Committee of Adjustment hearing dates, was to be received for information purposes.

7. RESOLUTIONS

There were no Resolutions.

8. NOTICES OF MOTION

There were no Notices of Motion.

9. ADJOURNMENT

The meeting adjourned at 7:29 p.m.

Virginia Kershaw, Chair

Juan da Silva, Supervisor of
Legislative Services