



## **Committee of Adjustment MINUTES**

January 18, 2024

5:30 p.m.

Council Chambers, Brantford City Hall  
58 Dalhousie Street, Brantford

### **1. Roll Call**

Virginia Kershaw in the Chair.

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

Regrets: Tamara Cupoli, Jang Singh Panag

### **2. Declarations of Conflict 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 Application A02/2024- 108-110 Albion Street, 2024-24**

##### **Applicant/Owner - Dexter Stewart**

George Ziotek of 10 Humberstone Avenue, Brantford, agent for the applicant, and Dexter Stewart, 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 the demolition of the existing single detached dwelling

and construct a semi-detached dwelling, with two Accessory Dwelling Units within each building. The relief sought is for a reduction in landscaped open space in order to allow for parking spaces. The applicant requested that the condition regarding an easement in favour of CN Rail be excluded, as the requirements would also be registered on title.

The applicant answered various questions from the Committee.

The Committee did not request to see the staff presentation however Dora Pripon, Development Planner, appeared before the Committee and answered various questions from the Committee. Staff explained the condition of an environmental easement for operational noise and vibration emissions, in favour of CN Rail.

Spencer Brown, agent for the owners of 40 Niagara Street, Brantford, appeared before the Committee and explained the rationale for not being required to also provide an easement to CN Rail, in the case of Application A03/2024.

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

The agent reappeared before the Committee and provided clarifying statements regarding the duplication of conditions as they are to be registered in title. The applicant also provided comments regarding the location of the rail line in relation to the subject property.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Mike Bodnar

- A. THAT Application A02/2024 requesting relief from Section 6.18.3.9 of the City of Brantford Zoning By-law 160-90 to permit 40% Landscaped Open Space in the required front yard whereas a minimum of 50% is otherwise required, BE APPROVED, conditional upon the registration of an environmental easement for operational noise and vibration emissions, in favour of CN Rail;
- B. THAT the reasons 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 160-90, the relief requested is considered minor in nature and 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 2024-24.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.1:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Tara Gaskin, Virginia Kershaw - 5

No: None - 0

### **3.2 Application A03/2024 - 40 Niagara Street, 2024-26**

**Agent - Spencer Brown**

**Applicant/Owner - Benikaid Inc c/o Jeff Tang-Kong**

Spencer Brown of 61 McCaffery Crescent, St. Catharines, 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 the construction of a single detached dwelling with two additional dwelling units and three parking spaces.

The agent answered various questions from the Committee.

The Committee did not request to see the staff presentation however Lindsay King, Development Planner, appeared before the Committee and answered various questions from the Committee.

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

The agent had no clarifying statements regarding the application.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Tara Gaskin

A. THAT application A03/2024 seeking relief from Section 6.18.3.3 of Zoning By-law 160-90 to permit two parking spaces in the required

front yard, whereas a maximum of one is otherwise permitted, BE APPROVED, conditional upon the submission of an archaeological assessment which will need to start with a Stage 1 Archaeological Assessment and include any subsequent assessments as required by Provincial guidelines, to the satisfaction of the Chief Planner;

- B. THAT the reasons for the approval of the minor variance are as follows: the proposed variance that would provide relief from Section 6.18.3.3 is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands;
- C. THAT Application A03/2024 requesting relief from Sections 6.18.3.9 of Zoning By-law 160-90 to permit 32% landscaped open space in the required front yard, whereas a minimum of 50% is otherwise required, BE APPROVED, conditional upon the submission of an archaeological assessment which will need to start with a Stage 1 Archaeological Assessment and include any subsequent assessments as required by Provincial guidelines, to the satisfaction of the Chief Planner;
- D. THAT the reasons for the approval of the minor variance are as follows: the proposed variance that would provide relief from Section 6.18.3.9 is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and 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 2024-26.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.2:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Tara Gaskin, Virginia Kershaw – 5

No: None - 0

### 3.3 Application A01/2024, B01/2024 - 34 Devon Street, 2024-28

**Agent - JH Cohoon Engineering Ltd.**

**Applicant/Owner - Elsina and John DeJong**

Bob Phillips, J.H. Cohoon Engineering Ltd., 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 sever the subject property to create one additional lot and maintain the existing single detached dwelling on the subject lands. The agent noted that the property will be subject to site plan condition, the agent requested that condition 12 and 13 have "if required" be included.

Lindsay King, 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 7.2.2.1.2 of Zoning By-law 160-90 to permit a minimum lot width of 13 m whereas 18 m is otherwise required, and to sever parcel of land from the subject property municipally addressed as 34 Devon Street, having a lot area of 611.97 m<sup>2</sup>, and to retain a parcel of land having a lot area of 1,227.1 m<sup>2</sup>.

Nadia Fleming of 38 Devon Street, Brantford, appeared before the Committee and expressed concerns regarding the level of intensification in relation to the lot sizes in the area. She further expressed concerns related to shadowing, privacy, drainage, and changes to the character of the neighbourhood as a result of the proposed development.

Cheryl and Scott McKellar of 40 Devon Street, Brantford, appeared before the Committee and expressed concerns regarding the proposed size of lot. They further expressed concerns related to property values and changes to the character of the neighbourhood as a result of the proposed development.

Graham McDonald of 2 Admiral Road, Brantford, appeared before the Committee and expressed concerns regarding the nature of the variance being minor. He further expressed concerns related to how the proposed development would impact the character of the neighbourhood.

Tracy Woodford of 2 Admiral Road, Brantford, appeared before the Committee and expressed concerns regarding the application's consistency with the *Planning Act* and the City's Official Plan. She further

expressed concerns regarding the change in the level of density to the neighbourhood and the character of the neighbourhood as a result of the proposed development.

Sarah St. Amand of 32 Devon Street, Brantford, appeared before the Committee and expressed concerns regarding changes to the character of the neighbourhood as a result of the proposed development.

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

The agent reappeared before the Committee and provided clarifying statements regarding the type of built form proposed for the severance. The agent provided members of Committee with a physical copy of the engineer's drawings, a copy of which was added to the meeting folder.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Gregory Kempa

- A. THAT Minor Variance application A01/2024 requesting relief from Section 7.2.2.1.2 to permit a minimum lot width of 13 m whereas 18 m is otherwise required, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variance are as follows: the proposed variances are in keeping with the general intent of the Zoning By-law 160-90 and the Official Plan, and the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands;
- C. THAT Consent application B01/2024 requesting to sever a parcel of land from the subject property municipally addressed as 34 Devon Street, having a lot area of 611.97 m<sup>2</sup>, and to retain a parcel of land having a lot area of 1,227.1 m<sup>2</sup> BE APPROVED subject to the conditions attached as Appendix A to Report 2024-28; and by
  - i. removing conditions 7 and 13; and by
  - ii. adding to condition 12 to have "if required" added to the end; and by
  - iii. adding the following condition; "Receipt of confirmation from the Manager of Operations Services or their designate that a driveway permit has been obtained for the retained lot;" and

- D. THAT the reason(s) for approval of B01/2024 are as follows: the proposed consent has regard for the matters under Section 51(24) of the Planning Act, is suitable for the lands, in the public interest, and would not result in adverse impacts on surrounding properties;
- E. THAT pursuant to Sections 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. 2024-28.”*

**Carried**

Recorded vote on item 3.3:

Yes: Gregory Kempa, Mark Simpson, Tara Gaskin, Virginia Kershaw – 4

No: Mike Bodnar - 1

**3.4 Application B02/2024 - 435 Nelson Street, 2024-29**

**Applicant/Owner - Nicola & Karen Valleta**

The Chair called for the agent or applicant to come forward. No representative appeared virtually or in-person to speak to the application.

The Committee did not request to see the staff presentation.

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 Gregory Kempa

Seconded by Mark Simpson

- A. THAT Consent application B02/2024 requesting to sever a parcel of land from the subject property municipally addressed as 435 Nelson Street, having a lot area of 306.37 m<sup>2</sup> BE APPROVED subject to the Conditions of Consent, attached to report 2024-29 as **Appendix A;**
- B. THAT the reason(s) for approval of B02/2024 are as follows: the proposed consent has regard for the matters under Section 51(24)

of the *Planning Act*, is suitable for the lands, in the public interest, and would not result in adverse impacts on surrounding properties;

- C. THAT pursuant to 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. 2024-29.*”

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.4:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Tara Gaskin  
Virginia Kershaw – 5

No: None - 0

**4. Presentations/Delegations**

There were no presentations or delegations.

**5. Items for Consideration**

**5.1 Appointment of Deputy Secretary Treasurer**

Moved by Mike Bodnar  
Seconded by Mark Simpson

THAT Dora Pripon BE APPOINTED as a Deputy Secretary-Treasurer, Committee of Adjustment, to fulfill all duties of the Secretary-Treasurer in their absence.

**Carried**

**6. Consent Items**

**6.1 Minutes**

**6.1.1 Committee of Adjustment - December 6, 2023**

Moved by Tara Gaskin  
Seconded by Greg Kempa

THAT the minutes of the December 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**

Prior to the conclusion of the meeting the Chair requested that the Manager of Development Planning provide an overview of how to interpret the changes to the legislation regarding affordable and attainable housing in the context of applying the four tests to minor variance and consent applications.

The meeting adjourned at 6:58 p.m.

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Virginia Kershaw, Chair

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L. Madden, Committee Coordinator