



Committee of Adjustment

MINUTES

February 7, 2024

5:30 p.m.

Council Chambers, Brantford City Hall
58 Dalhousie Street, Brantford

1. Elections

The Clerk called for election of the Chair. Gregory Kempa was acclaimed as Chair for a term to expire January 2025.

The Clerk called for election of the Vice-Chair. Mark Simpson was acclaimed as Vice-Chair for a term to expire January 2025.

2. Roll Call

Gregory Kempa in the Chair.

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

Regrets: Jang Singh Panag

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. 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.

4.1 Application A04/2024 - 255 Nelson Street, 2024-88

Agent - Nicholas Christensen

Applicant/Owner - Paul Robertson

Nicholas Christensen, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit the construction of a third accessory dwelling unit within the existing single detached dwelling.

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.

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

The agent did not have any clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Tamara Cupoli

Seconded by Virginia Kershaw

- A. THAT application A04/2024 seeking relief from Section 6.18.3.10 of Zoning By-Law 190-60 to permit a third parking space in tandem on-site, whereas a maximum of 2 parking spaces in tandem are otherwise permitted, 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 2024-88.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 4.1:

Yes: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Mark Simpson, Tamara Cupoli, Tara Gaskin - 6

No: None - 0

4.2 Application A05/2024 - 372 Darling Street, 2024-71

Agent - Ken Bekendam

Applicant/Owner - 1000596285

Ken Bekendam, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit the conversion of the existing laundry room into a dwelling unit and relocate the laundry facility within the apartment complex so that it continues to be accessible for all tenants by permitting a unit with a Gross Floor Area of 25 m² whereas 40 m² is otherwise required.

The applicant 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.

Kimberly Urry, 372 Darling St, appeared before the Committee and expressed concerns regarding compliance with legislation and inquired regarding unit size.

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

The agent did not have any clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Mark Simpson

- A. THAT application A05/2024 seeking relief from Section 7.10.2.1.8.1 of Zoning By-law 160-90 to permit a unit that is 25 m², whereas a minimum of 40 m² is otherwise required, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance are as follows: the proposed variance that would provide relief from Section 7.10.2.1.8.1 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 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 2024-71.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 4.2:

Yes: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Mark Simpson, Tamara Cupoli, Tara Gaskin - 6

No: None - 0

4.3 Applications B03/2024, B04/2024, B05/2024, B06/2024, B07/2024 and A06/2024 - 161 Fifth Avenue, 2024-85

Agent - J.H. Cohoon Engineering Ltd.

Applicant/Owner - 11325493 Canada Inc. c/o Usman Khan

Bob Phillips of J.H. Cohoon Engineering Ltd., agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant proposes to sever five lots from the existing lot, for a total of six lots that would range in size from 155.2 m² to 228.5 m² and would range in lot width from 5.49 m to 7.9 m.

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.

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

The agent did not have any clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson
Seconded by Tamara Cupoli

- A. THAT Consent applications B03/2024 requesting to sever a parcel of land from the subject property municipally addressed as 161 Fifth Ave, having a lot area of 156.6 m² and a retained parcel of land having a lot area of 228.5 m², and to create an access easement to the rear yards BE APPROVED subject to the Conditions of Consent, attached to Report 2024-85 as **Appendix A**;
- B. THAT the reason(s) for approval of B03/2024 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 Consent applications B04/2024 requesting to sever a parcel of land from the subject property municipally addressed as 161 Fifth Ave, having a lot area of 156.1 m² and a retained parcel of land having a lot area of 228.5 m², and to create an access easement to the rear yards BE APPROVED subject to the Conditions of Consent, attached to Report 2024-85 as **Appendix A**;
- D. THAT the reason(s) for approval of B04/2024 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 Consent applications B05/2024 requesting to sever a parcel of land from the subject property municipally addressed as 161 Fifth Ave, having a lot area of 155.7 m² and a retained parcel of land having a lot area of 228.5 m², and to create an access easement to the rear yards BE APPROVED subject to the Conditions of Consent, attached to Report 2024-85 as **Appendix A**;
- F. THAT the reason(s) for approval of B05/2024 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;
- G. THAT Consent applications B06/2024 requesting to sever a parcel of land from the subject property municipally addressed as 161 Fifth Ave, having a lot area of 155.2 m², and a retained parcel of land having a lot area of 228.5 m², and to create an access

easement to the rear yards BE APPROVED subject to the Conditions of Consent, attached to Report 2024-85 as **Appendix A**;

- H. THAT the reason(s) for approval of B06/2024 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;
- I. THAT Consent applications B07/2024 requesting to sever a parcel of land from the subject property municipally addressed as 161 Fifth Ave, having a lot area of 223.8 m², and a retained parcel of land having a lot area of 228.5 m², and to create an access easement to the rear yards BE APPROVED subject to the Conditions of Consent, attached to Report 2024-85 as **Appendix A**;
- J. THAT the reason(s) for approval of B07/2024 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;
- K. THAT application A06/2024 seeking relief from Section 7.9.4.84.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 155 m² per unit, BE APPROVED;
- L. THAT the reasons for the approval of the minor variance are as follows: the proposed variance that would provide relief from Section 7.9.4.84.1.1 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;
- M. 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 2024-85.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 4.3:

Yes: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Mark Simpson, Tamara Cupoli, Tara Gaskin - 6

No: None - 0

4.4 Application B08/2024 - 33, 43 Erie Avenue and 100 Market Street, 2024-64

Agent - J.H. Cohoon Engineering Ltd.

Applicant/Owner - 1821154 Ontario Ltd.

Bob Phillips of J.H. Cohoon Engineering Ltd., agent for the applicant appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit the severance of an irregularly shaped parcel with a frontage of 43.16 m onto Erie Avenue and with a total lot area of 5,610 m².

The applicant 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 did not have any clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Mark Simpson

- A. THAT Consent application B08/2024 requesting to sever a parcel of land from the subject property addressed as 33 Erie Avenue, 43 Erie Avenue, and 100 Market Street South, having a lot area of 10,120 m², and to retain a parcel of land having a lot area of 5,610 m², BE APPROVED; subject to the conditions attached as Appendix A to Report 2024-26.
- B. THAT the reason(s) for approval of B08/2024 are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act*, Staff are 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 and 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

- 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. 2024-64.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 4.4:

Yes: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Mark Simpson, Tamara Cupoli, Tara Gaskin - 6

No: None - 0

6. Items for Consideration

6.1 B02/2024 – 435 Nelson Street – Amendment to Conditions of Consent Approval, 2024-80

Moved by Virginia Kershaw

Seconded by Mark Simpson

- A. THAT the Conditions of Consent for application B02/2024 – 435 Nelson Street previously adopted on January 18, 2024, BE AMENDED to the following:
1. Receipt of a registered reference plan showing the severed and retained parcels.
 2. Receipt of confirmation that all taxes are paid up to date;
 3. 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*);
 4. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal

Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.

5. The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate and the Manager of Capital and Development, Environmental Services, or his/her designate, indicating that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection and that these services do not cross the proposed severance line and are connected directly to City infrastructure.
 6. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
 7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
 8. Receipt of confirmation from the Environmental Services Department indicating that their requirements have been satisfied.
 9. Receipt of confirmation that the Building Department requirements have been met.
 10. That the above conditions be fulfilled and the Certificate of Consent be issued on or before January 18, 2026, after which time the consent will lapse.
- B. THAT the Change of Condition as herein granted be deemed minor requiring no further written notice pursuant to Section 53(26) of the *Planning Act, R.S.O. 1990, P. 13.*

Carried

7. Consent Items

7.1 Minutes

7.1.1 Committee of Adjustment - January 18, 2024

Moved by Mark Simpson
Seconded by Tamara Cupoli

THAT the minutes of the January 18, 2024 meeting of the
Committee of Adjustment BE APPROVED.

Carried

8. Resolutions

There were no resolutions.

9. Notices of Motion

There were no Notices of Motion.

10. Adjournment

The meeting adjourned at 6:05 p.m.

Gregory Kempa, Chair

L. Madden, Committee Coordinator