



## **Committee of Adjustment**

### **MINUTES**

March 7, 2024

5:30 p.m.

Council Chambers, Brantford City Hall  
58 Dalhousie Street, Brantford

#### **1. Roll Call**

Gregory Kempa in the Chair.

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

#### **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 A09/2024 - 126 St. George Street, 2024-144**

**Agent - MW Drafting & Design Inc. c/o Justin Massecar**

**Applicant/Owner - Sydney Godzisz**

Sydney Godzisz, applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval in order to convert a single detached dwelling, previously operating as a bookkeeping/accounting office, into a medical outpatient office. The application is to reduce the number of parking spaces and permit tandem

parking spaces. The agent 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.

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 application A09/2024 seeking relief from Section 6.18.7.7.8 of Zoning By-Law 160-90 to permit a maximum of 3 parking spaces, whereas 6 parking spaces are otherwise required for a Medical Office, BE APPROVED;
- B. THAT application A09/2024 seeking relief from Section 6.18.3.10 of Zoning By-Law 160-90 to permit a third parking space in tandem on-site, whereas a maximum of 2 parking spaces in tandem are otherwise permitted, BE APPROVED;
- C. THAT application A09-2024 seeking relief from Section 6.18.1.1.2 of Zoning By-Law 160-90 to permit a separate tandem parking space with a length of 5.6 m, whereas a length of 11 m for two cars in tandem is required, BE APPROVED;
- D. THAT application A09-2024 seeking relief from Section 6.18.4.1 of Zoning By-Law 160-90 to permit parking spaces that don't have access to a street by means of a driveway, whereas parking areas are required to have access to a street by means of a driveway where three or more parking spaces are required, BE APPROVED;
- E. THAT application A09-2024 seeking relief from Section 6.18.4.2 of Zoning By-Law 160-90 to permit parking spaces that don't have access to a traffic aisle with a minimum width as indicated in 6.18.4.2, whereas parking areas are required to provide access to each parking space by means of a traffic aisle where three or more parking spaces are required, BE APPROVED;

- F. THAT application A09-2024 seeking relief from Section 6.18.4.3 to permit parking in a driveway aisle, whereas no parking shall be permitted in traffic aisles or driveways where three or more parking spaces are required, BE APPROVED;
- G. THAT application A09-2024 seeking relief from Section 6.18.7.7 of Zoning By-Law 160-90 to permit zero (0) accessible (Type A) parking spaces on site, whereas one (1) accessible parking space with a 1.5 m access aisle is otherwise required, BE APPROVED, conditional upon an accessible parking space located on-street in front of the subject lands being approved by City Council and conditional upon a Planning Agreement regarding this parking space, to the satisfaction of the City, being registered on tile;
- H. 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,
- I. 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 2024-144.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.1:

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

No: None - 0

**3.2 Application A11/2024 - 1 Galileo Boulevard, 2024-139**

**Agent - Reinders + Law Ltd c/o Rodney Gay**

**Applicant - Paul Schuit**

Rodney Gay, agent for the applicant appeared before the Committee and provided an overview of the application. The applicant is seeking approval to reduce the parking requirement from 1.5 parking spaces per dwelling

unit to 1.15 parking spaces per dwelling unit in order to facilitate the development of two three-storey residential buildings. The reduction is requested as the subject property is constrained by a relatively steep, southeast facing incline, making it difficult to convert into parking. 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.

Karen Bowen, 48 Kennedy Street, Brantford, appeared before the Committee and expressed concerns regarding the impact the proposed variance would have on parking and traffic in the area. She further expressed concerns regarding privacy, erosion and slope stability, and the impacts on wildlife and vegetation on the subject property 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 requirement to meet the conditions of Site Plan, and that an updated Plan will be required to address concerns related to erosion and slope stability. The agent noted parking and traffic studies were completed through the application process.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar

Seconded by Mark Simpson

- A. THAT minor variance application A11-2024 seeking relief from Section 6.18.7.1 of Zoning By-law 160-90 to permit a parking ratio of 1.15 parking spaces per dwelling unit, whereas 1.5 parking spaces per dwelling unit are 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 6.18.7.1 is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, and 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 2024-139.”*

Recorded vote on item 3.2:

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

No: None - 0

**3.3 Application B09/2024 - 150 Savannah Oaks Drive, 2024-140**

**Agent - GSP Group Inc c/o Brandon Flewwelling**

**Applicant/Owner - Grandbridge Energy**

Brandon Flewwelling, GSP Group, appeared before the Committee and provided an overview of the application. The applicant is seeking approval of a consent in order to facilitate the development of a paramedic building, with a retained lot continuing to host the Grand Bridge Energy office without any changes to its existing configuration. The agent answered various questions from the Committee.

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 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 application B09-2024 requesting to sever a parcel of land from the subject property addressed at 150 Savannah Oaks Drive, having a lot area of approximately 4,392 m<sup>2</sup>, and retain a parcel of land having a lot area of approximately 54,277 m<sup>2</sup>, BE APPROVED; subject to the conditions attached to Report 2024-140 as **Appendix A**, and;

- B. THAT the reasons for the approval of B09-2024 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, and conforms with the general intent and purpose of the Zoning By-law and Official Plan, 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. 2024-140.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.3:

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

No: None - 0

**3.4 Application B11/2024 & A10/2024 - 339, 341, 353 St. Paul Avenue and 120 St. George St., 2024-141**

**Agent - Arcadis c/o Odete Gomes**

**Applicant/Owner - 2607315 Ontario Inc., Lift Capital Incorporated, 2684544 Ontario Inc c/o DAR Homes**

Odete Gomes, Arcadis Group, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever the subject lands into two separate lots, in order to facilitate a mixed-used development project on the severed parcel. 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.

Cassandra Bellis of 350 St. Paul Ave, Brantford, appeared before the Committee and expressed concerns regarding the impact on the neighbourhood as a result of the proposed reduction in parking, and potential for increased traffic. She further expressed concerns regarding

the type of residential and commercial forms proposed for the severed parcel.

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

The agent re-appeared before the Committee and provided clarifying statements. The agent highlighted how some of the concerns raised by the public would be addressed through the site plan process, and emphasized the parking and traffic studies completed through the application process. She provided statements regarding the type of development intended for the site specific to compatibility.

The public hearing was completed and subsequently closed.

Moved by Tamara Cupoli

Seconded by Mike Bodnar

- A. THAT consent application B11-2024 requesting to sever a parcel of land from the subject lands municipally addressed as 339, 341, and 353 St. Paul Avenue and 120 St. George Street, having a lot area of approximately 5,365.98 m<sup>2</sup> and retain a lot having an area of approximately 3,473.45 m<sup>2</sup>. BE APPROVED; subject to the conditions attached to Report 2024-141 as **Appendix A**, and;
- B. THAT the reasons for approval of B11-2024 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 the surrounding properties, and conforms with the general intent and purpose of the Zoning By-law and Official Plan, and;
- C. THAT application A10-2024 seeking relief from Section 9.8.2.1.8 to permit a minimum of 8.5% Landscaped Open Space, whereas 10% is otherwise required, BE APPROVED; THAT application A10-2024 seeking relief from Section 9.8.2.13.7 to permit a minimum ground floor height for the existing medical building on the proposed retained lands of 3.8 m, whereas 4.5 m is otherwise required, BE APPROVED;
- D. THAT application A10-2024 seeking relief from Section 9.8.2.13.9.1 to permit a minimum rear yard abutting a Residential Zone for the proposed severed lands of 6.42 m whereas 7.5 m is otherwise required, BE APPROVED;

- E. THAT application A10-2024 seeking relief from Section 9.8.2.13.10.2 to permit a side yard abutting a building with windows on a facing wall of 4.0 m, whereas 5.5 m is otherwise required, BE APPROVED;
- F. THAT application A10-2024 seeking relief from Section 6.18.7.1 to permit 98 parking spaces for the proposed mixed-use building on the proposed severed lands, whereas 103 are otherwise required, BE APPROVED;
- G. THAT application A10-2024 seeking relief from Section 6.18.7.1 to permit 51 parking spaces for the existing medical building on the proposed retained lands, whereas 53 are otherwise required, BE APPROVED;
- H. THAT the reasons for the approval of the minor variances are as follows: the proposed variances are 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;
- I. THAT application A10-2024 seeking relief from Section 9.8.2.13.7 to permit a minimum ground floor height for any future mixed-use building on the proposed severed lands of 3.8 m, whereas 4.5 m is otherwise required, BE REFUSED;
- J. THAT the reasons for the refusal of the minor variances in Recommendation "I" are as follows: the proposed variances is not in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is not considered minor in nature or desirable for the appropriate development and use of the subject lands; and,
- K. THAT pursuant to Section 45(8)-(8.2) of the *Planning Act*, R.S.O. 1990, c. P. 13, the following statements 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 2024-141."*

Moved Tamara Cupoli  
Seconded by Mike Bodnar



**AMENDMENT**

THAT Item 3.4 BE STRUCK and REPLACED with the following:

- A. THAT consent application B11-2024 requesting to sever a parcel of land from the subject lands municipally addressed as 339, 341, and 353 St. Paul Avenue and 120 St. George Street, having a lot area of approximately 5,365.98 m<sup>2</sup> and retain a lot having an area of approximately 3,473.45 m<sup>2</sup>, BE APPROVED; subject to the conditions attached to Report 2024-141 as Appendix A, and;
- B. THAT the reasons for approval of B11-2024 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 the surrounding properties, and conforms with the general intent and purpose of the Zoning By-law and Official Plan, and;
- C. THAT application A10-2024 seeking relief from Section 9.8.2.1.8 to permit a minimum of 8.5% Landscaped Open Space, whereas 10% is otherwise required, BE APPROVED;
- D. THAT application A10-2024 seeking relief from Section 9.8.2.13.7 to permit a minimum ground floor height for the existing medical building on the proposed retained lands of 3.8 m, whereas 4.5 m is otherwise required, BE APPROVED;
- E. THAT application A10-2024 seeking relief from Section 9.8.2.13.9.1 to permit a minimum rear yard abutting a Residential Zone for the proposed severed lands of 6.42 m whereas 7.5 m is otherwise required, BE APPROVED;
- F. THAT application A10-2024 seeking relief from Section 9.8.2.13.10.2 to permit a side yard abutting a building with windows on a facing wall of 4.0 m, whereas 5.5 m is otherwise required, BE APPROVED;
- G. THAT application A10-2024 seeking relief from Section 6.18.7.1 to permit 98 parking spaces for the proposed mixed-use building on the proposed severed lands, whereas 103 are otherwise required, BE APPROVED;
- H. THAT application A10-2024 seeking relief from Section 6.18.7.1 to permit 51 parking spaces for the existing medical building on the

proposed retained lands, whereas 53 are otherwise required, BE APPROVED;

- I. THAT the reasons for the approval of the minor variances are as follows: the proposed variances are 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;
- J. THAT application A10-2024 seeking relief from Section 9.8.2.13.7 to permit a minimum ground floor height for any future mixed-use building on the proposed severed lands of 3.8 m, whereas 4.5 m is otherwise required, BE REFUSED;
- K. THAT the reasons for the refusal of the minor variances in Recommendation "I" are as follows: the proposed variances is not in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is not considered minor in nature or desirable for the appropriate development and use of the subject lands; and,
- L. THAT pursuant to Section 45(8)-(8.2) of the Planning Act, R.S.O. 1990, c. P. 13, the following statements 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 2024-141."

**Carried Unanimously on a Recorded Vote**

Recorded vote on Amendment:

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

No: Virginia Kershaw - 0

AS AMENDED

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.4, as amended:

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

No: Virginia Kershaw - 0

**3.5 Application B10/2024 - 107 Sinclair Boulevard, 2024-145****Agent - Arcadis c/o Odete Gomes****Applicant - Longhorn Distributors c/o Scott Biddle****Owner - Granite Property Nominee Inc.**

Odete Gomes, Arcadis Group, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever a lot in order to facilitate the construction of an office headquarters for Longhorn Distributors featuring 2 three-storey office buildings, each with a gross floor area (GFA) of 5,580 square meters and associated parking for 428 vehicles. The agent 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.

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 Mike Bodnar

- A. THAT Consent application B10-2024 requesting to sever a parcel of land from the subject property municipally addressed as 107 Sinclair Boulevard, having a lot area of 5.72 ha and a retained parcel of land having a lot area of 12.76 ha, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-145 as Appendix A;
- B. THAT the reason(s) for approval of B10-2024 are as follows: having regard for the matters under Section 51 (24) of the Planning Act, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties.

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.5:

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

No: None - 0

### **3.6 Application A08/2024 - 452 Hardy Road, 2024-143**

**Agent - Antech Design and Engineering c/o Candice Micucci**

**Applicant/Owner - 201498 Ontario Ltd and 201498 Ontario Ltd**

Candice Micucci, Antech Design and Engineering, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval of a minor variance to facilitate the construction of an addition in the form of a lean-to with an area of 122.6 m<sup>2</sup>. The agent 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 Mike Bodnar

Seconded by Tamara Cupoli

- A. THAT application A08/2024 seeking relief from Section 10.2.2.7.2 of Zoning By-Law 160-90 to permit an exterior side yard setback of 3 m, whereas 7.5 m is otherwise required, 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 2024-143.”*

Recorded vote on item 3.6:

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

No: None - 0

**3.7 Application A12/2024 - Roll# 2906010990013650000 Eastside of Wayne Gretzky Parkway (south of CN Rail Line), 2024-142**

**Agent - Pattison Outdoor Advertising c/o Brandon Lincz**

**Applicant/Owner - Pattison Outdoor Advertising**

Brandon Lincz, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to permit facilitate the installation of a billboard sign that exceeds prescribed height and setback limitations and to optimize visibility and impact for advertising purposes. 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.

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 Mark Simpson

Seconded Mike Bodnar

- A. THAT application A12-2024 seeking relief from Section 478.14.6 of Chapter 478 of the Municipal Code to permit a Billboard Sign within 7 m of a street lot line, whereas a minimum of 9 m is otherwise required, BE REFUSED;
- B. THAT the reasons for the refusal of the minor variance to Section 478.14.6 are as follows: the relief requested is not in keeping with the general intent of Chapter 478 of the Municipal Code, it is not

desirable for the appropriate development and use of the subject lands, and the relief requested is not considered minor in nature; and,

- C. THAT application A12-2024 seeking relief from Section 478.14.9 of Chapter 478 of the Municipal Code to permit a Billboard Sign that is 15.24 m tall, whereas 10.5 m is otherwise the maximum permitted height, BE REFUSED;
- D. THAT the reasons for the refusal of the minor variance to Section 478.14.9 is as follows: the relief requested is not in keeping with the general intent of Chapter 478 of Municipal Code, it is not desirable for the appropriate development and use of the subject lands, and the relief requested is not considered minor in nature, 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 2024-142.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.7:

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

NO: None - 0

#### **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 - February 7, 2024**

Moved by Mark Simpson  
Seconded by Tamara Cupoli

THAT the minutes of the February 7, 2024 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 7:00pm.

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Gregory Kempa, Chair

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L. Madden, Committee Coordinator