



Committee of Adjustment

MINUTES

April 3, 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, Virginia Kershaw

Regrets: Tara Gaskin

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.

Moved by Mark Simpson

Seconded by Tamara Cupoli

THAT Item 3.4 Application A13-2024 - 27 Brier Place, 2024-204, Item 3.5 Application A18-2024 - 318 Gillespie Drive, 2024-200, and Item 3.7 Application B13-2024 - 70-73 Wadsworth Street, 2024-205, BE DEFERRED in order to recirculate the notices with the minimum circulation distance prescribed by the *Planning Act*.

Carried Unanimously on a Recorded Vote

Recorded Vote on motion to defer:

Yes: Virginia Kershaw, Gregory Kempa, Mark Simpson, Mike Bodnar,
Tamara Cupoli – 5

No: None - 0

The following items were subject to the vote and were deferred accordingly:

3.4 Application A13-2024 - 27 Brier Place, 2024-204

Agent - Vinlanda Engineering

Applicant/Owner - Bohdan Ilczyna

- A. THAT application A13-2024 seeking relief from Section 7.2.2.1.5 to permit a front yard setback of 3.8 m for a portion of the addition, whereas 6 m is otherwise required, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance application A13-2024 are as follows: the proposed variance is in keeping with the general intent and purpose of the Zoning By-law and Official Plan, 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 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. 2024-204.”*

3.5 Application A18-2024 - 318 Gillespie Drive, 2024-200

Agent - MHBC Planning c/o Melissa Visser

Applicant/Owner - Losani Homes Ltd. c/o Dianne Ramos

- A. THAT application A18-2024 seeking relief from Section 7.5.3.6.6 of Zoning By-Law 160-90 to permit a rear yard setback of 5 m for a portion of the lot, whereas 7 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 2024-200.”*

3.7 Application B13-2024 - 70-73 Wadsworth Street, 2024-205

Agent - ACI Construction Management c/o Joseph Awad

Applicant/Owner - 2027982 Ontario Inc. c/o Ahmed Al-Ali

- A. THAT Consent application B13-2024 requesting a boundary adjustment to sever 2,803 m² from the northwest corner of 70 Wadsworth Street, and merge with the lands at 73 Wadsworth Street and retain a parcel of land having a lot area of 4,090 m², BE APPROVED subject to the Conditions of Consent, attached to Report 2024-205 as Appendix A;
- B. THAT the reason(s) for approval of B13-2024 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;
- 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 2024-205.”*

The Committee then took up the items in the order they appeared on the agenda:

3.1 Application B15-2024 & A15-2024 - 111-113 Pearl Street, 2024-201

Agent - The Angrish Group

Applicant/Owner - Kevin Walchuk (111 Pearl Street), Donna Ferrier (113 Pearl Street)

Ruchika Angrish of The Angrish Group, appeared before the Committee and provided an overview of the application. A PowerPoint Presentation was made and a copy was placed in the meeting folder. The applicants are seeking approval to expand an existing accessory structure to park a recreational trailer. The agent answered various questions from the Committee and requested that the application be deferred up to two cycles in order to work with staff to develop conditions and support the application.

The Committee did not request to see the staff presentation however Lindsay King, 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

THAT item 3.1 BE DEFERRED up to two meeting cycles to consult with staff regarding possible conditions for approval:

- A. THAT application A15-2024 seeking relief from Sections 6.3.1.1 and 6.3.1.3.3 of Zoning By-law 160-90 to permit an accessory lot coverage of 20.1%, whereas a maximum of 18.7% is otherwise permitted, and to permit the extension of a 0 m rear yard setback, whereas 7.5 m is otherwise required, on the lands municipally known as 111 Pearl Street, BE REFUSED;
- B. THAT the reasons for the refusal of the minor variance application A15-2024 are as follows: the proposed variance is not in keeping with the general intent and purpose of the Zoning By-law, the relief

requested is not considered minor in nature nor desirable for the appropriate development and use of the subject lands;

- C. THAT application A15-2024 seeking relief from Section 7.8.2.1.6 of Zoning By-law 160-90 to permit a rear yard setback of 3.32 m whereas 7.5 m is otherwise required, on the lands municipally known as 113 Pearl Street, BE REFUSED;
- D. THAT the reasons for the refusal of the minor variance application A15-2024 are as follows: the proposed variance is not considered minor in nature nor desirable for the appropriate development and use of the subject lands;
- E. THAT Consent application B15-2024 requesting to transfer a parcel of land that is approximately 117.18 m² from the subject property at 113 Pearl Street to the subject property at 111 Pearl Street, BE REFUSED;
- F. THAT the reason(s) for refusal of B15-2024 are as follows: the proposed consent does not comply with the Zoning By-law, and is not desirable or compatible with the surrounding area and will result in adverse impacts on surrounding properties; and,
- G. 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. 2024-201”*

Carried Unanimously on a Recorded Vote

Recorded vote on Motion to Defer Item 3.1:

Yes: Virginia Kershaw, Gregory Kempa, Mike Bodnar, Mark Simpson, Tamara Cupoli - 5

No: None - 0

3.2 Applications B16-2024 & A16-2024 - 29 Elm Street, 2024-202

Agent - George Ziotek

Applicant/Owner - Ifran Ullah Muhammad Bairan

Agent for the applicant, George Ziotek, appeared before the Committee and provided an overview of the application. Ifran Ullah Muhammad

Bairan, owner/applicant was also in attendance. The applicant is seeking approval to sever the subject lands to facilitate the creation of one new parcel to enable the construction of a new two-storey house. The applicant is also seeking approval of variances for the severed and retained parcels as a result of the consent. 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.

Brian Smith of 27 Elm Street, Brantford, appeared before the Committee and expressed concerns regarding the impact the proposed variances would have on his property, with respect to setbacks. He further expressed concerns regarding stormwater and runoff, privacy, and changes to the character of the neighbourhood as a result of the proposed development.

Bob Minery of 28 Elm Street, Brantford, appeared before the Committee and expressed concerns regarding changes to the character of the neighbourhood as a result of the proposed development. He further expressed concerns regarding the level of intensification in relation to the lot sizes in the area, the impact on property values, privacy, and storm-water management as a result of the proposed development.

Lisa Simmons of 3 Springfield Drive, Brantford, appeared before the Committee and expressed concerns the nature of the variances as being minor. She further expressed concerns about the lack of requirement for a site plan as a result of Provincial legislation.

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 proposed built form size of the development in relation to the others in the area. The agent answered various questions from the Committee.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson
Seconded by Mike Bodnar

- A. THAT application A16-2024 seeking relief from Section 7.2.2.1.6, of Zoning By-law 160-90 to permit, for the proposed retained parcel, a

Minimum Rear Yard of 5.12 m whereas 7.5 m is otherwise required, BE REFUSED;

- B. THAT application A16-2024 seeking relief from Section 6.18.3.4, of Zoning By-law 160-90 to permit, for the proposed retained parcel, a parking space that is a minimum of 0.67 m from a property boundary, whereas 1 m is otherwise required, BE REFUSED;
- C. THAT application A16-2024 seeking relief from Section 7.2.2.1.1 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Lot Area of 367.9 m², whereas 550 m² is otherwise required, BE REFUSED;
- D. THAT application A16-2024 seeking relief from Section 7.2.2.1.2 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Lot Width of 15.09 m, whereas 18 m is otherwise required, BE REFUSED;
- E. THAT application A16-2024 seeking relief from Section 7.2.2.1.5 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Front Yard of 4.69 m, whereas 6 m is otherwise required, BE REFUSED;
- F. THAT the reasons for the refusal of the minor variance application A16-2024 are as follows: the proposed variance is not in keeping with the general intent and purpose of the Zoning By-law and Official Plan, the relief requested is not considered minor in nature nor desirable for the appropriate development and use of the subject lands;
- G. THAT Consent application B16-2024 requesting to sever a parcel of land from the subject property addressed as 29 Elm Street, having a lot area of approximately 367.90 m², and to retain a parcel of land having a lot area of approximately 613.16 m², BE REFUSED;
- H. THAT the reason(s) for refusal of B16-2024 are as follows: the proposed consent does not comply with the Zoning By-law, and is not desirable or compatible with the surrounding area and will result in adverse impacts on surrounding properties; and,
- I. 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. 2024-202.”

Carried

Recorded vote on item 3.2:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar - 3

No: Virginia Kershaw, Tamara Cupoli - 2

3.3 Application B12-2024 - 72 Ava Road, 2024-213

Agent - Kasco Properties Ltd.

Applicant/Owner - J H Cohoon Engineering Ltd. c/o Robert Phillips

Agent for the applicant, Bob Phillips of JH Cohoon Engineering Ltd. appeared before the Committee and provided an overview of the application. The applicant is seeking approval to facilitate the construction of a 2-storey single detached dwelling on each lot including the demolition of the existing single detached dwelling. 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.

Harold Howe of 70 Ava Road, Brantford, appeared before the Committee and expressed concerns regarding the protection of trees, privacy impacts, property values, and changes to the character of the neighbourhood as a result of the proposed development.

Kay Clarke of 74 Ava Road, Brantford, appeared before the Committee and expressed concerns regarding the impact that the proposed development would have on the character of the neighbourhood. She further expressed concerns regarding the location of the proposed driveway for the severed parcel.

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. The agent confirmed that have read and agree to the conditions of consent, specifically condition 12 related to an Arborist's Report.

The public hearing was completed and subsequently closed.

Moved by Virginia Kershaw

Seconded by Mark Simpson

- A. THAT Consent application B12-2024 requesting to sever a parcel of land with an area of 983.5 m² from the subject property municipally addressed as 72 Ava Road, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-213 as **Appendix A;**
- B. THAT the reason(s) for approval of B12-2024 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;
- 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 2024-213.”*

Carried

Recorded vote on item 3.3:

Yes: Virginia Kershaw, Gregory Kempa, Mark Simpson, Tamara Cupoli - 4

No: Mike Bodnar - 1

3.6 Applications B14-2024 & A14-2024 - 12 Eastbourne Street, 2024-211

Applicant/Owner - Hugh MacNeil

Hugh McNeil of 322 Burt Road. St. George, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever and retain a parcel, and relief from the required lot width, which will facilitate the construction of a 2-storey single detached dwelling, with a ground floor area of 101 m². 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.

Sepher Mansouri of 10 Eastbourne St., Brantford, appeared before the Committee and expressed concerns regarding the impact the proposed development could have on storm-water management as a result of the steep slope on the subject property. He further expressed concerns regarding privacy and shadowing as a result of the proposed development.

Kaivan Mansoori of 10 Eastbourne St., Brantford, appeared before the Committee and expressed concerns regarding privacy, storm-water management, and property values 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 condition of property, related to the retaining wall and storm-water management plans.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Tamara Cupoli

- A. THAT Consent application B14-2024 requesting to sever a parcel of land from the subject property municipally addressed as 12 Eastbourne Street, having a lot area of 337 m² and a retained parcel of land having a lot area of 547 m², BE APPROVED subject to the Conditions of Consent, attached to Report 2024-211 as Appendix A and the following;

The Owner/Applicant shall provide a Grading and Drainage Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate.;

- B. THAT the reason(s) for approval of B14-2024 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.

- C. THAT application A14-2024 seeking relief from Section 7.5.2.1.2 of Zoning By-Law 160-90 to permit a lot width of 7.9 m for the severed parcel, whereas a minimum of 9 m is otherwise required, BE APPROVED;
- D. 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 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,
- 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 2024-211.”*

Carried Unanimously on a Recorded Vote

Recorded Vote on item 3.6:

Yes: Virginia Kershaw, Gregory Kempa, Mark Simpson, Mike Bodnar, Tamara Cupoli – 5

No: None - 0

3.8 Application A07-2024 - 40 Helen Avenue, 2024-203

Agent - Ajay Kaushik

Applicant/Owner - Affordable Housing Alternatives Inc.

Bob Phillips of JH Cohoon Engineering, appeared before the Committee and provided an overview of the application. Ajay Kaushik, applicant was also in attendance to answer questions from the Committee. The applicant is seeking approval to facilitate of a six-storey residential apartment building comprising 50 dwelling units and 61 parking spaces on the subject lands. 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.

Daniel Kalte of 16 Patricia Street, Brantford, appeared before the Committee and expressed concerns regarding the request for a

decreased number of parking spaces and the proposed location of the spaces.

Erica Fox of 9-11 Harold Ave, Brantford appeared before the Committee and expressed concerns regarding the request for a decreased number of parking spaces, and the impact the decrease could have on street parking. She further commented on the design of the building.

Cameron Payne of 26 Helen Ave, Suite 514, Brantford, appeared before the Committee and expressed concerns regarding the impact the decrease could have on street parking and noted the current challenges related to parking in the area.

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 parking requirements and side-yard setbacks.

The public hearing was completed and subsequently closed.

Moved by Tamara Cupoli

Seconded by Mark Simpson

- A. THAT application A07-2024 seeking relief from Section 6.18.7.8, of Zoning By-law 160-90 to permit a parking ratio of 1.22 parking spaces per dwelling unit, whereas a ratio of 1.5 parking spaces per dwelling unit is otherwise required, BE APPROVED;
- B. THAT application A07-2024 seeking relief from Section 7.11.2.1.2, of Zoning By-law 160-90 to permit a lot width of 15.24 m whereas 30 m is otherwise required, BE APPROVED;
- C. THAT application A07-2024 seeking relief from Section 7.11.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 10.3 m whereas 15 m is otherwise required, BE APPROVED;
- D. THAT application A07-2024 seeking relief from Section 7.11.2.1.7.1 of Zoning By-law 160-90 to permit a minimum interior side yard of 6.1 m whereas 9 m is otherwise required, BE APPROVED;
- E. THAT the reasons for the approval of the minor variance application A07-2024 are as follows: the proposed variances are in keeping with the general intent and purpose of the Zoning By-law and Official Plan, the relief requested is considered minor in nature

and desirable for the appropriate development and use of the subject lands;

- F. 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. 2024-203.”*

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.8:

Yes: Virginia Kershaw, Gregory Kempa, Mark Simpson, Mike Bodnar, Tamara Cupoli – 5

No: None - 0

3.9 Application B05-2024 - 71 Anderson Road, 2024-231

Applicant/Owner - Richard Woods

Richard Woods appeared before the Committee and provided an overview of the application. The applicant is seeking approval to construct a single detached dwelling with a gross floor area (GFA) of 137.7 m² on the severed lot. The agent answered various questions from the Committee.

The Committee did not have any questions of Staff and did not request to see the 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 Mike Bodnar

- A. THAT Consent application B05-2023 requesting to sever a parcel of land from the subject property municipally addressed as 71 Anderson Road, having a lot area of 578.49 m² and retain a parcel of land having a lot area of 471 m², BE APPROVED subject to services of the Wyndfield West Phase 6B Stage 1 Subdivision having final assumption by the City of Brantford and subject to the

Conditions of Consent, attached to Report 2024-231 as **Appendix A**;

- B. THAT the reason(s) for approval of B05-2023 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.
- C. THAT application A11-2023 seeking relief from Section 7.4.3.21.7 of Zoning By-Law 160-90 to permit a rear yard setback of 4.5 m for a portion of the lot, whereas a minimum of 7 m is otherwise required, BE APPROVED subject to Consent Application B05-2023 being in full force and effect;
- D. 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 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,
- 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 2024-231.”*

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.9:

Yes: Virginia Kershaw, Gregory Kempa, Mark Simpson, Mike Bodnar, Tamara Cupoli – 5

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 - March 7, 2024**

Moved by Mark Simpson
Seconded by Tamara Cupoli

THAT the minutes of the March 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 7:22 P.M.

Gregory Kempa, Chair

L. Madden, Committee Coordinator