



## COMMITTEE OF ADJUSTMENT MINUTES

May 1, 2024

5:30 p.m.

Council Chambers, Brantford City Hall  
58 Dalhousie Street, Brantford

### 1. **Roll Call**

Greg Kempa in the Chair.

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

### 2. **Declarations of Conflict of Interest**

Mike Bodnar declared a conflict of interest on item 3.5 as the applicant is his lawyer.

### 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.

#### 3.1 **Application A13-2024 - 27 Brier Place, 2024-204**

**Agent - Vinlanda Engineering**

**Applicant/Owner - Bohdan Ilczyna**

Michael Feiden of Vinlanda Engineering, appeared before the Committee and provided an overview of the application. The applicant is seeking relief to permit a minimum front yard of 3.8 m in order to facilitate the construction of an approximately 45 m<sup>2</sup> addition to an existing attached

single-storey garage. 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 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 A13-2024 seeking relief from Section 7.2.2.1.5 to permit a portion of the 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 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. 2024-204.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.1:

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

No: None - 0

### **3.2 Application A18-2024 - 318 Gillespie Drive, 2024-200**

**Agent - MHBC Planning c/o Melissa Visser**

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

Agent for the applicant, Melissa Visser of MHBC Planning, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to facilitate the construction of a single detached dwelling on a vacant lot. 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 Mark Simpson

- 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.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.2:

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

No: None - 0

### **3.3 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**

Joseph Awad of ACI Construction Management, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever a portion of 70 Wadsworth Street and add the parcel of land to the neighbouring lot at 73 Wadsworth Street in order to provide access to the shared driveway for both 70 and 73 Wadsworth Street. 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 Mike Bodnar

Seconded by Tamara Cupoli

- A. THAT Consent application B13-2024 requesting a boundary adjustment to sever 2,803 m<sup>2</sup> 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 m<sup>2</sup>, 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 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 2024-205.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.3:

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

No: None - 0

**3.4 Application A17-2024 - 415-417 Colborne St., 2024-280**

**Agent - J.H. Cohoon Engineering Ltd.**

**Applicant/Owner - GK York Management c/o Niclas-Xaver Kirchberger**

Bob Phillips of JH Cohoon Engineering Ltd., appeared before the Committee and provided an overview of the application. The applicant is seeking approval of an increased height to provide adequate room for the installation of mechanical and electrical equipment for each residential unit. The variance will facilitate the construction of a 3-storey mixed-use building, containing 18 residential units and approximately 80 m<sup>2</sup> of commercial ground floor area (GFA). 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 Virginia Kershaw

Seconded by Mike Bodnar

- A. THAT application A17-2024 seeking relief from Section 9.8.2.1.4 of Zoning By-Law 160-90 to permit a height of 11.43 m, whereas a maximum height of 10 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 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 2024-280.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.4:

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

No: None - 0

**3.5 Application B20-2024 - 33 Hampton Street and 848 Colborne Street, 2024-279**

**Agent - J.H. Cohoon Engineering Ltd.**

**Applicant/Owner - Dudley Lambert LLP c/o John Wiacek**

Mike Bodnar left the room as he declared a conflict on this item.

Bob Phillips of JH Cohoon Engineering Ltd., appeared before the Committee and provided an overview of the application. The applicants are seeking approval to re-establish lots that through transactions and the passing of parties, the title of the lands were merged into a single parcel. 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 Tara Gaskin  
 Seconded by Tamara Cupoli

- A. THAT Consent application B20-2024 requesting to sever previously established lots municipally addressed as 33 Hampton Street and 848 Colborne Street, having a lot area of 810.12 m<sup>2</sup> and 696.6 m<sup>2</sup>, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-279 as Appendix A;
- B. THAT the reason(s) for approval of B20-2024 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 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. 2024-279.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.5:

Yes: Gregory Kempa, Mark Simpson, Virginia Kershaw, Tamara Cupoli, Tara Gaskin – 5

No: None - 0

As he declared a conflict, Mike Bodnar did not participate in the discussion or vote on this item.

### **3.6 Application A19-2024 - 93 West Street, 2024-277**

**Agent - King Homes Inc c/o Ken Bekendam**

**Applicant/Owner - Veranda Property Investments Inc c/o Shawn Allen**

Ken Bekendam of King Homes Inc., appeared before the Committee and provided an overview of the application. The applicant is seeking approval to facilitate the conversion of the existing single detached dwelling into a converted dwelling consisting of 4 units. The agent noted that they are also requesting relief from the condition that a noise study be completed.

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 answered clarifying questions from the Committee regarding the condition to enter into an agreement with CN Rail. The agent stated they would consent to a Noise Warning Clause being registered on title, not however, the requirement to undertake a Noise Study.

The public hearing was completed and subsequently closed.

Moved by Virginia Kershaw

Seconded by Mike Bodnar

- A. THAT application A19-2024 seeking relief from Section 9.3.2.9.2 to permit a Gross Floor Area of 50 m<sup>2</sup> per unit, whereas a minimum Gross Floor Area of 55 m<sup>2</sup> per unit for a converted dwelling is otherwise required, BE APPROVED conditional upon an Agreement with CN Rail being registered on title;
- 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 2024-277.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.6:

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

No: None - 0

### **3.7 Application A20-2024 - 131 Arthur Street, 2024-268**



**Agent - Manco Design c/o Julia Mancini****Applicant/Owner - Geoff Palmer**

Geoff Palmer owner, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to increase the maximum accessory structure building height from 4.50 m to 5.20 m and reduce the minimum parking requirement from one space to zero spaces in order to to facilitate the construction of an Accessory Dwelling Unit (ADU) in a proposed detached accessory structure in the rear yard. 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. Staff explained the legislative requirements related to ADUs and the consideration given to the requested relief to permit no parking spaces.

Andrea Hunter of 129 Arthur Street appeared before the committee and expressed concerns regarding the height of the proposed building, and access to the ADU. She further expressed concerns related to parking and traffic 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 did not have any clarifying statements.

The public hearing was completed and subsequently closed.

Moved by Tamara Cupoli

Seconded by Mike Bodnar

- A. THAT minor variance application A20-2024 seeking relief from Section 6.3.2.1 of Zoning By-law 160-90 to permit a maximum accessory building height of 5.20 m, whereas 4.50 m is otherwise permitted, BE APPROVED;
- B. THAT minor variance application A20-2024 seeking relief from Section 6.32.4 of Zoning By-law 160-90 to permit no parking space for the proposed Accessory Dwelling Unit, whereas one is otherwise required, BE APPROVED;
- C. THAT the reasons for the approval of the minor variance are as follows: the proposed variance 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 of the subject lands; and,

- D. THAT pursuant to Section 45(8)-(8.2) of the *Planning Act*, 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 2024-268.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.7:

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

No: None - 0

**3.8 Application B19-2024 & A21-2024 - 1 and 3 Hart Street, 2024-270, 2024-270**

**Agent - The Angrish Group c/o Ruchika Angrish**

**Applicant/Owner - Mark Cioco (1 Hart Street) & Orlando Frizado (3 Hart Street)**

Ruchika Angrish of the Angrish Group, appeared before the Committee and provided an overview of the application. The applicants are seeking to establish an easement on 1 Hart Street to facilitate the provision of a driveway and parking space for 3 Hart Street. 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 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 A21-2024 seeking relief from Section 6.18.3.1 to permit a parking space that is not entirely on the lands for which it is intended, 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 6.18.3.1 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 application B19-2024 requesting to establish an easement on 1 Hart Street, having an area of 6.71 m<sup>2</sup> , BE APPROVED; subject to the conditions attached as Appendix A – Conditions of Consent to Report 2024-270,
- D. THAT the reasons for approval of B19-2024 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; and,
- E. THAT pursuant to Section 45(8)-(8.2) and 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 2024-270.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.8:

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

No: None - 0

**3.9 Application B18-2024 - 565 Greenwich Street, 2024-271**

**Agent - Cynthia Baycetch, CB Planning**

**Applicant - Gord Thomson/ Ingenia Polymers Corp.**

**Owner - 2427811 Ontario Inc. c/o Carlos Tabuenca**

Cynthia Baycetich of CB Planning, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to adjust property boundaries between 565 Greenwich Street and 555 Greenwich Street, facilitating the expansion of warehouse facilities and research and development labs. 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 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 B18-2024 requesting to adjust property boundaries between 565 Greenwich Street and 555 Greenwich Street, BE APPROVED; subject to the conditions attached as Appendix A to Report 2024-271,
- B. THAT the reasons for the approval of B18-2024 are as follows: the proposed consent has regard for the matters under Section 51(4) of the *Planning Act*, and 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; 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 2024-271*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.9:

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

No: None - 0

**4. Presentations/Delegations [list, if any, available at the meeting]**

There were no presentations or delegations.

**5. Items for Consideration**

There were no items for consideration.

**6. Consent Items**

**6.1 Minutes**

Moved by Mark Simpson  
Seconded by Virginia Kershaw

THAT the minutes of the April 2, 2024 and April 3, 2024 meeting of the Committee of Adjustment BE APPROVED.

**Carried**

**6.1.1 Committee of Adjustment - April 2, 2024**

**6.1.2 Committee of Adjustment - April 3, 2024**

**7. Resolutions**

There were no resolutions.

**8. Notices of Motion**

There were no Notices of Motion.

**9. Adjournment**

The meeting adjourned at 6:38pm

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Gregory Kempa, Chair

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L. Madden, Committee Coordinator

