



COMMITTEE OF ADJUSTMENT MINUTES

June 5, 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

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.

3.1 Application A23-2024 - 34 Preston Avenue, 2024-370

Agent - Fletcher Construction c/o RJ Fletcher

Applicant/Owner - Matthew Hendrie

RJ Fletcher of Fletcher Construction, appeared before the Committee and provided an overview of the application. The applicant is seeking relief to facilitate the construction of an addition to the principal dwelling.

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 A23-2024 seeking relief from Section 7.2.2.1.6 of Zoning By-Law 160-90 to permit a rear yard setback of 4.7 m, whereas 7.5 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 2024-370.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.1:

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

No: None - 0

3.2 Application A24-2024 - 105 Colborne Street West, 2024-357

Agent - Melanie Van Asten

Applicant/Owner - Angelo Abbruzzese

Agent for owner, Charlene Campbell, appeared before the Committee and provided an overview of the application. The applicant is seeking relief to permit the approval of an informational sign face that is larger than otherwise permitted, and that allows vehicular drivers exiting the site less of an unobstructed view of northeast-bound pedestrian traffic than is otherwise required in the Sign By-law. 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

THAT the following BE DEFERRED for one meeting cycle to consult with municipal staff:

- A. THAT application A24-2024 seeking relief from Section 478.2.31 of municipal Property Maintenance Chapter (Sign By-law) to permit third party advertising, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance is in keeping with the general intent and purpose of the Sign By-law and Official Plan, and the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and,
- C. THAT application A24-2024 seeking relief from Section 478.3.5 of Property Maintenance Chapter (Sign By-law) to permit a maximum informational sign face of 1.58 m² whereas the maximum sign face is 0.14 m², BE REFUSED;
- D. THAT the reasons for the refusal of the minor variance application are as follows: the proposed variance is not in keeping with the general intent or purpose of the Sign By-law, and the relief requested is not considered minor in nature; and,

- E. THAT application A24-2024 seeking relief from Section 478.8.5 of Property Maintenance Chapter (Sign By-law) to permit a minimum street setback of 0.7 m, whereas 1 m is otherwise required, BE REFUSED;
- F. THAT the reasons for the refusal of the minor variance application are as follows: the proposed variance is not in keeping with the general intent or purpose of the Sign By-law, and the relief requested is not considered minor in nature; and,
- G. THAT application A24-2024 seeking relief from Section 478.8.9 of Municipal Property Maintenance Chapter (Sign By-law) to permit a minimum unobstructed view of pedestrians of 6 m whereas a minimum of 9 m is otherwise required, BE REFUSED;
- H. THAT the reasons for the refusal of the minor variance application are as follows: the proposed variance is not in keeping with the general intent or purpose of the Sign By-law and Official Plan, and the relief requested is not considered minor in nature or 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 No. 2024-357*

Carried Unanimously on a Recorded Vote

Recorded vote to defer item 3.2:

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

No: None - 0

3.3 Application A25-2024 - 284 Darling Street, 2024-369

Agent - Pillar Financial Services Inc. c/o Lindy Hay

Applicant/Owner - Zoltan Vass

Lindy Hay of Pillar Financial Services, appeared before the Committee and provided an overview of the application. The applicant is seeking relief to facilitate the reconstruction of the dwelling unit after its destruction in a

fire. The dwelling was planned to be built in the same footprint as the previously existing building, however due to contractor error, the foundation was installed incorrectly, resulting in the existing driveway now being unusable. 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 minor variance application A25-2024 seeking relief from Section 6.18.3.8 of Zoning By-law 160-90 to permit a driveway width of 1.87 m, whereas a minimum of 2.4 m is otherwise required, BE APPROVED;
- B. THAT minor variance application A25-2024 seeking relief from Section 6.18.7.8 of Zoning By-law 160-90 to permit 0 parking spaces, whereas a minimum of 1 parking space is otherwise required for a single detached dwelling unit, 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, 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 2024-369.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.3:

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

No: None - 0

3.4 Application B21-2024 - 1 Blake Avenue and 90 St. Paul Avenue, 2024-354

Applicant - Veronica Sloan

Owner - Don & Veronica Sloan (1 Blake Ave.), Ian & Marja Benjamins (90 St. Paul Ave.)

Veronica & Donald Sloan of 1 Blake Avenue, Brantford, appeared before the Committee and provided an overview of the application. The applicant is seeking approval for a lot boundary adjustment to transfer approximately 3,274 m² of land from 1 Blake Avenue to 90 St. Paul Avenue.

Lindsay King, Development Planner, appeared before the Committee provided an overview of the application. A PowerPoint Presentation was made and a copy placed in the meeting folder. Staff explained the zoning on the severed and receiving lands, and explained the development application process. Staff answered various questions from the Committee.

Andy Ozga of 13 Burwell Street, Brantford, appeared before the Committee and expressed concerns regarding the amount of frontage on Slater Street being adequate for driveway access.

Liz Gingell of 3 Blake Avenue Street, Brantford, appeared before the Committee and provided comments in support of the applicants, noting her experience as a tenant with the applicant.

Cam Weir of 42 Slater Street, Brantford, appeared before the Committee and expressed concerns regarding the impact future development would have on parking and traffic in the area, and the amount of frontage on Slater Street being adequate for driveway access with respect to the location of his driveway. He further expressed concerns regarding property values and changes to the character of the neighbourhood as a result of the proposed development property values.

Arthur Kelly of 38 Slater Street, Brantford, appeared before the Committee and expressed concerns regarding the impact future development would

have on parking and traffic in the area, and the amount of frontage on Slater Street being adequate for driveway access.

Michael Croucher of 80 St. Paul Avenue, Brantford, appeared before the Committee and expressed concerns regarding the impact future development would have on drainage on the severed lands and on parking and traffic in the area.

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

Staff and the applicant answered various questions of clarification.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Tamara Cupoli

- A. THAT Consent application B21-2024 requesting to sever a parcel of land having a lot area of approximately 3,274 m² from 1 Blake Avenue to be added to 90 St. Paul Avenue BE APPROVED subject to Appendix A - Conditions of Consent, attached to Report 2024-354;
- B. THAT the reasons for approval of B21-2024 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; 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 2024-354.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.4:

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

No: None - 0

3.5 Applications B22-2024 & A27-2024 - 141 North Park Street, 2024-365

Agent - JH Cohoon Engineering Ltd. c/o Bob Phillips

Applicant/Owner - Tony Antonopoulos

Matthew Whyte, agent for the applicant appeared before the Committee and provided an overview of the application. The applicant is seeking relief to sever a new parcel from the existing property, which currently has an aging single detached dwelling and an accessory building in the rear yard. A minor variance is necessary to address proposed deficiencies in lot width and lot area for the proposed severed lot. The agent answered various questions from the Committee. Tony Antonopoulos was also in attendance to answer 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 Virginia Kershaw

Seconded by Mike Bodnar

- A. THAT minor variance application A27-2024 seeking relief from Section 7.3.2.1.1 to permit a lot area of 449 m² for the severed lot, whereas 450 m² is otherwise required, BE APPROVED;
- B. THAT minor variance application A27-2024 seeking relief from Section 7.3.2.1.2 to permit a lot width of 12.19 m for the severed lot, whereas 15 m is otherwise required, BE APPROVED;
- C. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance is in keeping with the general intent and purpose of the Zoning By-law 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; and,
- D. THAT consent application B22-2024 seeking to create a property with a lot area of 449 m² and a lot frontage of 12.19 m BE

APPROVED subject to Appendix A - Conditions of Consent, attached to Report 2024-365;

- E. THAT the reasons for the approval of B22-2024 are as follows: the proposed consent has regard for the matters under Section 51(24) 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 Bylaw; and,
- F. 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2024-365.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.5:

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

No: None - 0

3.6 Application B23-2024 - 435 Elgin Street, 2024-362

Agent - GSP Group Inc. (Caleb Miller)

Applicant/Owner - Rod Aitken

Caleb Miller, of GSP Group Inc. appeared before the Committee and provided an overview of the application. The applicant is seeking relief to sever the subject lands into two parcels. The applicant requested clarification from staff regarding condition #14.

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

John Clawsie, Agent for 190 Hachborn Road, Brantford, appeared before the Committee and expressed concerns regarding traffic impacts as a result of potential development on the severed land.

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 by Tamara Cupoli

- A. THAT Consent application B23-2024 requesting to sever the subject lands municipally addressed as 435 Elgin Street, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-362 as Appendix A;
- B. THAT the reason(s) for approval of B23-2024 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; 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. 2024-362.”

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.6:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, 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 - May 1, 2024

Moved by Tamara Cupoli
Seconded by Mark Simpson

THAT the minutes of the May 1, 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 6:55pm

Gregory Kempa, Chair

L. Madden, Committee Coordinator