



## COMMITTEE OF ADJUSTMENT MINUTES

July 3, 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, Ashish Patel

### 2. Declarations of Conflict of Interest

Tamara Cupoli declared a conflict on Item 3.3 - Application A32-2024 - 9 Garden Avenue, 2024-411 as she owns the property at 11 Garden Ave, and has a pecuniary interest in its development.

### 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 A22-2024 - 251 Stanley Street, 2024-285

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

**Applicant/Owner - Mazher Lalif**

Bob Philips, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to facilitate the construction of a 10-unit townhouse development on the

corner lot fronting Campbell Street and Stanley Street and a double duplex on the middle lot fronting Stanley 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 Mark Simpson

Seconded by Tamara Cupoli

- A. THAT Minor Variance application A22-2024 seeking relief from Zoning By-law 160-90 for the severed portions of the lands municipally known as 251 Stanley Street, BE APPROVED for the following variances, provided that a minimum interior side yard and a minimum exterior side yard of 6.0 m is provided for Severed Lot 2:
- i. Severed Lot 1: Section 6.18.3.9 to permit a front yard landscaped open space of 40.3%, whereas 50% is otherwise required;
  - ii. Severed Lot 2: Section 7.9.2.1.5 to permit a front yard setback of 2.75 m, whereas 6 m is otherwise required;
  - iii. Severed Lot 2: Section 7.9.2.1.6.1 to permit a rear yard setback of 2.1 m, whereas 7.5 m is otherwise required;
  - iv. Severed Lot 2: Section 7.9.2.1.3.1 to permit a lot coverage of 46.2%, whereas 40% is otherwise required;
- B. 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 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 2024-285.*”

**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, Ashish Patel – 7

No: None - 0

**3.2 Application A30-2024 - 372 Darling Street, 2024-410**

**Agent/Applicant - Ken Bekendam**

Ken Bekendam appeared before the Committee and provided an overview of the application. The applicant is seeking approval to convert the existing laundry room and storage room into dwelling units.

The agent answered various questions from the Committee.

The Committee did not request to see the staff presentation however Lindsay King, Intermediate Planner, appeared before the Committee and answered various questions.

Kim Urry, 372 Darling St, Brantford, appeared before the Committee and expressed concerns regarding the condition of the existing residential units with respect to property standards. She requested clarification regarding the date of application and issue for permits on the property.

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 comments regarding the property standards, and the date of submission for permits.

The public hearing was completed and subsequently closed.

Moved by Mike Bodnar  
Seconded by Tamara Cupoli

- A. THAT minor variance application A30-2024 seeking relief from Section 7.10.2.1.1.1 to permit a minimum lot area of 167 m<sup>2</sup>/unit whereas 185 m<sup>2</sup>/unit is otherwise required, 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 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
- 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 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. 2024-410.”*

**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, Ashish Patel – 7

No: None - 0

**3.3 Application A32-2024 - 9 Garden Avenue, 2024-411**

**Agent - King Homes Inc**

**Applicant/Owner - Ken Bekendam**

Ken Bekendam appeared before the Committee and provided an overview of the application. The applicant is seeking a deferral to develop the subject lands into 51 stacked townhouse units. 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.

Eric Jennings, 1022 Colborne Street E, Brantford, appeared before the Committee and expressed concerns regarding the impact the proposed variance would have on parking in the area. He further expressed concerns regarding the increase to the submission size and noted the past approvals on the site.

Mary Lou Rutter, Unit 8, 1030 Colborne St E, appeared before the Committee and expressed concerns regarding protection of privacy for

current residents given the increase to the submission size and noted past approvals on the site. She further expressed concerns regarding changes to the character of the neighbourhood as a result of the proposed development, and the impact the proposed variance would have on parking and traffic in the area.

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 regarding the density noting that the increased density is a result of financial viability. The changes to rentals

The public hearing was completed and subsequently closed.

Moved by Tara Gaskin

Seconded by Mark Simpson

THAT application A32-2024 BE DEFERRED and THAT an additional statutory meeting be held:

- A. THAT minor variance application A32-2024 seeking relief from Section 7.9.4.79.2.1 to permit a minimum lot area of 102 m<sup>2</sup>/unit, whereas 153 m<sup>2</sup>/unit is otherwise required, BE REFUSED;
- B. THAT the reasons for the refusal of the minor variance are as follows: the proposed variance is in keeping with the general intent and purpose of the Official Plan, however the relief requested is not considered minor in nature, is not desirable for the appropriate development and use of the subject lands, nor does it maintain the purpose and intent of the Zoning By-law; and,
- C. THAT minor variance application A32-2024 seeking relief from Section 7.9.4.79.12 to permit a parking ratio of 1.11 spaces/unit, whereas 1.5 spaces/unit is otherwise required, BE REFUSED;
- D. THAT the reasons for the refusal of the minor variance are as follows: the proposed variance is in keeping with the general intent and purpose of the Official Plan, and desirable for the appropriate development and use of the subject lands, however the relief requested is not considered minor in nature, nor does it maintain the purpose and intent of the Zoning By-law; 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 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. 2024-411.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on motion to defer:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, Tara Gaskin, Ashish Patel – 6

No: None - 0

As Tamara Cupoli declared a conflict on this item, she did not participate in the discussion or vote on the item.

**3.4 Application A33-2024 - 504 King George Road, 2024-431**

**Agent - Waterous Holden Amey Hitchon LLP (c/o Courtney Boyd)**

**Applicant/Owner - Paul Polillo**

Agent for the applicant, Courtney Boyd of Waterous Hold Amey Hitchon LLP, appeared before the Committee and provided an overview of the application. The applicant is seeking a deferral to construct one (1) single detached dwelling, two (2) accessory dwelling units (ADUs), one (1) accessory structure (horse barn), and a fenced off paddock area on the subject property. The deferral is requested to accommodate the necessary archaeological assessments.

The agent answered various questions from the Committee.

The Committee did not request to see the staff presentation however Noor Hermiz, Intermediate 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 A33-2024 seeking relief from Section 4.4 (b) of County of Brant Zoning By-law 61-16, to permit an accessory structure in the front yard whereas it is otherwise not permitted, BE DEFERRED;
- B. THAT application A33/2024 seeking relief from Section 4.5 (a) of County of Brant Zoning By-law 61-16, to permit two (2) separate accessory buildings for the use of ADUs, whereas one (1) is otherwise the maximum, BE DEFERRED;
- C. THAT application A33/2024 seeking relief from Section 4.5 (b) of County of Brant Zoning By-law 61-16, to permit an accessory structure in the front yard whereas it is otherwise not permitted, BE DEFERRED;
- D. THAT the reasons for the deferral of the minor variances are as follows: to give the Applicant an opportunity to complete the necessary archaeological assessment as requested by the City and the Mississaugas of the Credit First Nation.
- 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 2024-431.”*

Recorded vote on item 3.4:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, Tamara Cupoli, Tara Gaskin, Ashish Patel – 7

No: None - 0

**3.5 Application B26-2024 & A28-2024 - 64 Sandra Street, 2024-421**

**Agent/ Applicant - Ruchika Angrish**

**Owner - Brian Williams**

Ruchika Angrish, agent for the applicant appeared before the Committee and provided an overview of the application. The applicant is seeking approval to to sever a 400.5 m<sup>2</sup> parcel and retain a 678 m<sup>2</sup> parcel that includes an existing single detached dwelling. The agent answered various questions from the Committee.

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

Cindy McDonald, 60 Sandra Street, Brantford appeared before the committee and expressed concerns regarding the proposed to the level of density and intensification, and changes to the character of the neighbourhood as a result of the proposed development. She further expressed concerns related to the impact the proposed variance would have on parking and traffic in the area, and on property values as a result of the proposed development.

Mary Sawicki of 70 Evelyn Street, Brantford appeared before the committee and expressed concerns regarding the proposed to the level of density and intensification, and changes to the character of the neighbourhood 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 Virginia Kershaw

Seconded by Mike Bodnar

- A. THAT application A28-2024 seeking relief from Section 7.2.2.1.1 of Zoning By-Law 160-90 to permit a lot area of 400.5 m<sup>2</sup> for the severed parcel, whereas a minimum of 550 m<sup>2</sup> is otherwise required, BE APPROVED;
- B. THAT application A28-2024 seeking relief from Section 7.2.2.1.6 of Zoning By-Law 160-90 to permit a rear yard setback of 5.38 m for the retained parcel, whereas a minimum of 7.5 m is otherwise required, BE APPROVED;
- C. 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;
- D. THAT Consent application B26-2024 requesting to sever a parcel of land from the subject property municipally addressed as 64



Sandra St, having a lot area of 400.5 m<sup>2</sup> and retain a parcel of land having a lot area of 550 m<sup>2</sup>, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-421 as Appendix A;

- E. THAT the reason(s) for approval of B26-2024 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
- F. THAT pursuant to Sections 53(17)-(18.2) and 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 2024-421.”*

#### **Carried Unanimously on a Recorded Vote**

##### Recorded vote on item 3.5:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, Tamara Cupoli, Tara Gaskin, Ashish Patel – 7

No: None - 0

### **3.6 Application A26-2024 - 352-354 West Street, 2024-409**

#### **Agent - Antech Design and Engineering (Candice Micucci)**

#### **Applicant/Owner - Mike Hendrie**

Candice Micucci, agent for the applicant, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to facilitate the construction of two 7-storey multi-residential buildings. 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 minor variance application A26-2024 seeking relief from Section 7.11.4.28.1.2 of Zoning By-law 160-90 to permit a minimum lot area of 40.8 m<sup>2</sup>/unit, whereas 43.5 m<sup>2</sup>/unit is otherwise required, BE APPROVED;
- B. THAT minor variance application A26-2024 seeking relief from Section 6.23.4.2 of Zoning By-law 160-90 to permit a driveway providing access to loading spaces with a minimum width of 6.0 m for two-way traffic, whereas a minimum of 7.0 m is otherwise required, BE APPROVED;
- C. THAT minor variance application A26-2024 seeking relief from Section 6.18.4.4 of Zoning By-law 160-90 to permit an overhead clearance for accessible parking spaces of 2.1 m, whereas 3.35 m is otherwise required, BE APPROVED;
- D. THAT minor variance application A26-2024 seeking relief from Section 6.14.1.1 of Zoning By-law 160-90 to permit a height exception of 7 m for roof-top equipment, whereas 5 m is otherwise permitted, BE APPROVED;
- E. THAT minor variance application A26-2024 seeking relief from Section 7.11.4.28.1.3.1 of Zoning By-law 160-90 to permit an interior side yard setback of 3.2 m, whereas 3.5 m is otherwise required, BE APPROVED;
- F. 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 of the subject lands; and,
- G. 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 2024-409.”*

**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, Ashish Patel – 7

No: None - 0

**3.7 Application B27 - 463 Blackburn Drive, 2024-430**

**Agent/Applicant - MHBC Planning (c/o Dave Aston)**

**Owner - Losani Homes (c/o Daniel Borelli)**

Melissa Visser, agent for the applicant appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever and convey a 391.5 sq. m (4,214 sq. ft.) parcel of land for the development of a single detached dwelling. Daniel Borelli of Losani Homes was also in attendance to answer questions from the Committee. The agent answered various questions from the Committee, and noted concerns related to the timing of completing condition #12.

The Committee did not request to see the staff presentation however Noor Hermiz, Intermediate 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 re-appeared before the committee and clarified the implications associated with approving condition #12.

The public hearing was completed and subsequently closed.

Moved by Mark Simpson

Seconded by Mike Bodnar

- A. THAT Consent application B27-2024 requesting to sever the subject lands municipally addressed as 463 Blackburn Drive, BE APPROVED, subject to the Conditions of Consent, attached to Report 2024-430 as Appendix A;
- B. THAT the reason(s) for approval of B27-2024 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. 2024-430.”*

**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, Ashish Patel – 7

No: None - 0

**3.8 Application A29-2024 - 20 Lancaster Avenue, 2024-420**

**Applicant/Owner - Rob Ronson**

Rob Ronson appeared before the Committee and provided an overview of the application. The applicant is seeking approval to construct an accessory structure (garage).

The Committee did not request to see the staff presentation or ask 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 Tara Gaskin

- A. THAT application A29-2024 seeking relief from Section 6.3.1.1 of Zoning By-Law 160-90 to permit a lot coverage of 14.42%, whereas 10% is otherwise permitted, AND relief from Section 6.3.12 to permit a height of 5.9 m, whereas a height of 4.5 m is otherwise permitted for accessory buildings, as shown on and in general

conformance with the site plan provided with this application 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 2024-420.”*

**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, Ashish Patel – 7

No: None - 0

### **3.9 Application A31-2024 - 82 Park Avenue, 2024-408**

#### **Applicant/Owner - Jen Pescod**

Jen Pescod appeared before the Committee and provided an overview of the application. The applicant is seeking approval to facilitate the conversion of an in-law suite in the basement into a 4th residential dwelling unit. The applicant answered questions from the Committee.

The Committee did not request to see the staff presentation or have any 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 Tara Gaskin

- A. THAT minor variance application A31-2024 seeking relief from Section 7.8.2.1.8.2 of Zoning By-law 160-90 to permit a gross floor area of 47.45 m<sup>2</sup>/unit, whereas a minimum gross floor area of 55 m<sup>2</sup>/unit is otherwise required, BE APPROVED;
- B. 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,
- 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 2024-408.”*

Recorded vote on item 3.9:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, Tamara Cupoli, Tara Gaskin, Ashish Patel – 7

No: None - 0

**3.10 Application B24-2024 & B25-2024 - 103 Usher Street, 2024-407**

**Applicant/Owner - Michael Hurley**

Michael Hurley appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever the subject lands into 3 separate parcels of land. The subject lands have an existing 3-unit street townhouse dwelling, which is proposed to remain and be separated into 3 individual units so that each unit will be located on their individual property. The applicant answered various questions from the Committee.

The Committee did not request to see the staff presentation or have any 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 Mike Bodnar

- A. THAT Consent application B24-2024 requesting to sever the subject lands municipally addressed as 103A Usher Street, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-407 as Appendix A;
- B. THAT the reason(s) for approval of B24-2024 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 Consent application B25-2024 requesting to sever the subject lands municipally addressed as 103C Usher Street, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-407 as Appendix B;
- D. THAT the reason(s) for approval of B25-2024 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,
- E. 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. 2024-407.”*

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 3.10:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, Tamara Cupoli, Tara Gaskin, Ashish Patel – 7

No: None - 0

#### 4. Presentations/Delegations

##### 4.1 Presentations

There were no presentations.

## 4.2 Delegations

### 4.2.1 Ruchika Angrish, The Angrish Group

RE: Application B15-2024 & A15-2024 - 111-113 Pearl Street, 2024-201 - DEFERRAL

Ruchika Angrish, of the Angrish Group appeared before the Committee and requested that the application be deferred an additional two cycles in order to continue working with Staff on conditions of approval for the proposal.

Moved by Tamara Cupoli  
Seconded by Virginia Kershaw

THAT Section 15.6.2(d)(i) 1 of the City of Brantford Municipal Code BE WAIVED to add a delegate past the 9:00 a.m. deadline.

**Carried Unanimously on a Recorded Vote**

## 5. Items for Consideration

### 5.1 Application B15-2024 & A15-2024 - 111-113 Pearl Street, 2024-201 - DEFERRAL

**Agent - The Angrish Group**

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

Moved by Virginia Kershaw  
Seconded by Mark Simpson

THAT the following application A15-2024 & B15-2024 BE DEFERRED and THAT an additional statutory public meeting be held:

- 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 m<sup>2</sup> 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 item 5.1:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, Tamara Cupoli, Tara Gaskin, Ashish Patel – 7

No: None - 0

**5.2 Application A24-2024 - 105 Colborne Street W, 2024-357 - DEFERRAL  
Agent - Melanie VanAsten**

**Applicant/Owner - Angelo Abbruzzese**

Moved by Tamara Cupoli

Seconded by Virginia Kershaw

- 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 m<sup>2</sup> whereas the maximum sign face is 0.14 m<sup>2</sup>, 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*

Moved by Virginia Kershaw

Seconded by Tamara Cupoli

Amendment

THAT item 5.2 BE STRUCK AND REPLACED with the following:

- 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 6.44 m<sup>2</sup> whereas the maximum sign face is 0.14 m<sup>2</sup>, 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 or desirable for the appropriate use of the lands; 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 APPROVED;
- F. 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 the relief requested is considered minor in nature and desirable for the appropriate use of the lands; and,

G. 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**

As amended

**Carried Unanimously on a Recorded Vote**

Recorded vote on item 5.2, as amended:

Yes: Gregory Kempa, Mark Simpson, Mike Bodnar, Virginia Kershaw, Tamara Cupoli, Tara Gaskin, Ashish Patel – 7

No: None - 0

## **6. Consent Items**

### **6.1 Minutes**

#### **6.1.1 Committee of Adjustment - June 5, 2024**

Moved by Mark Simpson  
Seconded by Tara Gaskin

THAT the minutes of the June 5, 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 7:42 p.m.

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Gregory Kempa, Chair

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L. Madden, Committee Coordinator