



COMMITTEE OF ADJUSTMENT MINUTES

October 2, 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, Ashish Patel, 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 A47-2024 – 29 Rosehill Avenue, 2024-580

Agent/Applicant/Owner – Ellen Arsenault

Owner and applicant Ellen Arsenault, appeared before the committee and provided an overview of the application. The applicant is seeking approval to facilitate the construction of a 1-storey attached garage.

The Committee did not have any questions of staff.

There were no persons virtually or in-person to speak to the application.

The applicant did not have any clarifying statements.

Moved by Tamara Cupoli
 Seconded by Mark Simpson

- A. THAT minor variance application A47-2024 seeking relief from Section 9.2 of the City adopted County of Brant Zoning By-law 61-16 to permit a garage with a minimum interior side yard of 0.63 m, whereas a minimum of 1.5 m is otherwise required, BE APPROVED subject to the garage being no closer than 0.3 m from the side lot line;
- 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 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 5.2 of Report No. 2024-580”*.

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.1:

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

No: None - 0

3.2 Application A49-2024 – 325 Fairview Drive, 2024-579

Applicant/Owner – 1000192999 Ontario Inc. (c/o Andrew Evans)

Andrew Evans, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to address existing site deficiencies and to permit personal service stores in their existing building.

Ashley Timbs, Development Planner appeared before the Committee to answer various questions.

Mark Turkstra, 24 Memorial Drive, Brantford appeared before the Committee and expressed concerns regarding the plan for the backyard storage and the rear yard deck.

The applicant reappeared before the committee and provided clarifying statements regarding the plans for the rear of the building and confirmed there will be no changes to the building.

Moved by Mark Simpson
Seconded by Ashish Patel

- A. THAT minor variance application A49-2024 seeking relief from Section 7.11.2.6.1 of Zoning By-law 160-90 to permit a personal service store in the existing building, whereas a personal service store is otherwise only permitted to be located within an apartment building, BE APPROVED; and,
- B. THAT minor variance application A49-2024 seeking relief from Section 7.11.4.1.1 of Zoning By-law 160-90 to permit the existing enclosure of an upper-level deck converted into a 29m² storage area on the west end of the existing building, whereas regulations shown on Schedule B, Map RHD-1 do not allow for such an extension, BE APPROVED, conditional upon the applicant applying for a Building Permit; and,
- C. THAT minor variance application A49-2024 seeking relief from Section 7.11.4.1.2.2 of Zoning By-law 160-90 to permit a maximum general office size of 93.0 m², whereas a maximum of 56.0 m² is otherwise required, BE APPROVED; and,
- D. THAT the reasons for the approval of the minor variance(s) are as follows: the proposed variance(s) 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,
- E. THAT pursuant to 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. 2024-579*".

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.2:

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

No: None - 0

3.3 Application B34-2024 and A48-2024 – 28 Grandview Street, 2024-578

Agent - J H Cohoon Engineering (c/o Bob Phillips)

Applicant/Owner – Mayberry Homes

Agent for the applicant, Bob Phillips, appeared before the committee and provided an overview of the application. The applicant is seeking approval to sever the subject lands into 2 parcels, which will separate the ownership of the under construction semi-detached dwelling so that each dwelling unit can be conveyed separately. In order to facilitate the severance, the applicant is also seeking relief for lot area and lot width.

The Committee did not have any questions of Staff.

There were no persons virtually or in-person to speak to the application.

The applicant did not have any clarifying statements.

Moved by Mike Bodnar

Seconded by Mark Simpson

- A. THAT minor variance application A48-2024 seeking relief from Section 7.8.2.1.1.2 of Zoning By-law 160-90 to permit a minimum lot area of 182.6 m² per unit, whereas 230 m² per unit is otherwise required, BE APPROVED; and,
- B. THAT minor variance application A48-2024 seeking relief from Section 7.8.2.1.2.2 of Zoning By-law 160-90 to permit a minimum lot width of 5.5 m per unit, whereas 6 m per unit is otherwise required, BE APPROVED; and,
- C. 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,
- D. THAT consent application B34-2024 to sever 28 Grandview Street into 2 parcels, each having a lot area of 182.6 m² and a lot width of

5.5 m BE APPROVED, subject to the conditions listed in **Appendix A** of Report No. 2024-578; and,

- E. THAT the reasons for approval of B34-2024 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 By-law; and,
- F. THAT pursuant to 45(8) – (8.2) and Sections 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 5.2 of Report No. 2024-578*”.

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.3:

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

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 - September 4, 2024

Moved by Tamara Cupoli
Seconded by Ashish Patel

THAT the minutes of the September 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 5:52pm.

Gregory Kempa, Chair

L. Madden, Committee Coordinator