



**COMMITTEE OF ADJUSTMENT
MINUTES**

WEDNESDAY, MARCH 27, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
100 WELLINGTON SQUARE, BRANTFORD

Dan Namisniak in the Chair

1. ROLL CALL

Present: Lesley Ann Bowen, Greg Kempa, Dan Namisniak, Lee Rynar

Regrets: Erin Ruby

2. DECLARATION OF CONFLICTS OF INTEREST

No members declared a conflict of pecuniary interest.

3. STATUTORY PUBLIC HEARINGS/PUBLIC MEETINGS

The procedure to be followed during the Committee of Adjustment Hearings was explained by Vice-Chair Namisniak. Proper notification of all applications had been given.

**3.1 Application B09/2019
37 Glenwood Drive**

Staff informed the Committee that the applicants are seeking a deferral to a future meeting.

Moved by Greg Kempa
Seconded by Lee Rynar

- A. THAT Application B09/2019 BE DEFERRED; and
- B. THAT the reason(s) for deferral are as follows:
 - 1. To allow time for Bell Canada and the Owner to address the existing pedestal and buried utilities on the subject lands and provided recommendations for conditions regarding the application.

Recorded vote on Item 3.1:

YES: Gregory Kempa, Lesley Ann Bowen, Dan Namisniak, Lee Rynar – 4

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

**3.2 Applications B10/2019, B11/2019 & A10/2019 (2019-125)
1& 3 Spring Lane and 46 Jarvis Street - Deferral**

Staff informed the Committee that the applicant is seeking deferral in order to provide appropriate notice for the newly identified variance.

Moved by Greg Kempa
Seconded by Lee Rynar

- A. THAT Applications B10/2019, B11/2019 & A10/2019 BE DEFERRED; and
- B. THAT the reason(s) for deferral are as follows:
 - 2. To allow the applicant to amend their application to include the newly identified variance and provide the required public notice

Recorded vote on Item 3.2:

YES: Gregory Kempa, Dan Namisniak, Lee Rynar, Lesley Ann Bowen – 4

NO: None – 0

**3.3 Application B06/2019 & B13/2019 (2019-196)
335, 339 & 342 Paul Avenue
Applicant/Agent - Carolyn Johnson, Underwood Ion & Johnson Law
Owner - John K. Rose Enterprises Inc.**

Carolyn Johnston, Underwood Ion & Johnson Law appeared before the Committee. The application is to separate the lots as they plan to sell them individually. The lots were only joined on title due to previously being purchased together. They are seeking approval of the application.

Brynne O'Neill, Planner, addressed the Committee and provided an overview of the Staff Report. The application is to separate the two lots in order to allow them to be sold individually. The application meets the Official Plan requirements as the lots are serviced and traffic considerations have occurred. Site Plan control is not required for this application. Staff are recommending approval as the application is consistent with the Zoning By-law the Official Plan and is minor in nature.

No members of the public were present to speak to the application.

Moved by Lesley Ann Bowen
Seconded by Greg Kempa

- A. THAT Applications B06/2019 & B13/2019 to sever two parcels of land from the lands municipally addressed as 335, 339 & 341 St. Paul Avenue, both having lot areas of approximately 1093 m², and to retain a parcel of land having a lot area of 980.9 m² BE APPROVED, subject to the conditions attached in Appendix A; and
- B. THAT the reason(s) for approval are as follows:
3. Having regard for the matters under Section 51 (24) of the Planning Act, Staff is 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 of the policies of the Official Plan and Zoning By-law, specifically Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford and consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and
- C. THAT pursuant to Section 53(17)-(18.2) of the Planning Act, R.S.O. 1990, .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. 2019-196”.

Recorded vote on Item 3.3:

YES: Gregory Kempa, Dan Namisniak, Lee Rynar, Lesley Ann Bowen – 4

NO: None – 0

3.4 Application B07/2019 (2019-176)
194 Terrace Hill Street
Agent - David Clement, Waterous Holden Amey Hitchon
Applicant - Brant Community Health Care System
Owner - Brant County Health Unit

Dave Clement, Waterous Holden appeared before the Committee. He informed the Committee that the application is to re-establish an existing easement for a feeder line and polls. A water main from the City was also included in the application and an easement for the City of Brantford water line is included. Previously, hydro wires were transferred however the easement was not and this application is to correct this.

Brynne O'Neill, Planner addressed the Committee and provided an overview of the Staff Report. The application is to correct the easement for the hydro lines and a City of Brantford water main. The application is consistent with the Provincial Policy Statement

and the Places to Grow Act. The easement is efficient and allows for the maintenance of the structures currently on the property. Staff are recommending approval.

No members of the public were present to speak to the application.

Moved by Lee Rynar

Seconded by Greg Kempa

- A. THAT Application B07/2019 to create an easement for access and maintenance purposes for a portion of the lands municipally known as 194 Terrace Hill Street, BE APPROVED, subject to the conditions attached in APPENDIX A; and
- B. THAT the reason(s) for approval are as follows:
 - 4. Having regard for the matters under Section 51 (24) of the Planning Act, Staff is 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 of the policies of the Official Plan and Zoning By-law, consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; 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. 2019-176.”

Recorded vote on Item 3.4:

YES: Gregory Kempa, Dan Namisniak, Lee Rynar, Lesley Ann Bowen – 4

NO: None – 0

3.5 Application B08/2019 (2019-179)
84 Lynden Road
Agent/Applicant/Owner - NADG (LPM) LTD.; I.G. Investment

Steve Bishop, NADG LPM LTD, appeared before the Committee. The application is necessary for the lease renewal of CIBC Bank located on the same property of Lynden Park Mall. There are no alterations to the CIBC, simply to allow for the renewal of a long term lease. The applicant agrees to the conditions and is seeking approval.

Brynne O'Neill, Planner addressed the Committee and provided an overview of the Staff Report. Ms. O'Neill informed the Committee that previously the owner and tenant were operating with a lease less than 21 years. There are no alterations proposed and the lease cap is 30 years. Ms. O'Neill informed the Committee that Clause A should be moved to include the 30 year cap on the lease.

No members of the public were present to speak to the application.

Moved by Lee Rynar

Seconded by Greg Kempa

- A. THAT application B08/2019 to create a long term lease up to 30 years for a portion of the lands municipally known as 84 Lynden Road, BE APPROVED, subject to the conditions attached in Appendix A; and
- B. THAT the reason(s) for approval are as follows:
 - 5. Having regard for the matters under Section 51 (24) of the Planning Act, Staff is 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 of the policies of the Official Plan and Zoning By-law, consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; 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. 2019-179.”

Recorded vote on Item 3.5:

YES: Gregory Kempa, Dan Namisniak, Lee Rynar, Lesley Ann Bowen – 4

NO: None – 0

3.6 Application A09/2019 (2019-178)
30 Dublin Street
Applicant/Owner - Ennio Cupoli

Bob Phillips, J. H. Cohoon representative for Ennio Cupoli, appeared before the Committee. He explained that the application pertains to the front yard and side yard setback. The proposal is to keep the house in line with the Church. The reduction in the rear yard is offset by the space beside the house. The applicant is satisfied with the recommendations and is seeking approval.

Alexandra Mathers, Planner addressed the Committee and provided an overview of the Staff Report. The properties were severed in 2018 to create two separate properties which are under site plan control. The proposed variances are desirable and seen as minor in nature. The front yard is consistent with the character of the street. The intent of the Official Plan is maintained and the property accommodates off street parking and amenity space.

Adrien Ross and Raymond Knight of 31 Dublin Street appeared before the Committee seeking clarification on the frontage of the house. They expressed concern that only having one parking spot in the garage will limit the availability of on-street parking. They informed that they are against the application.

Bob Phillips reappeared before the Committee and explained that the required off-street parking space requirement is met by having a parking spot in the garage.

Moved by Greg Kempa

Seconded by Lesley Ann Bowen

- A. THAT Application No. A09/2019 seeking relief from Zoning By-law 160-90 for the lands municipally known as 30 Dublin Street to permit a minimum front yard of 4.5 m, whereas 6.0 m is required, and a minimum rear yard of 1.5 m, whereas 7.5 m is required, BE APPROVED; and
- B. THAT the reason(s) for approval are as follows:
 - 1. The proposed variances are considered compatible with the surrounding area;
 - 2. The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90; and
 - 3. The requested relief is considered minor in nature and the application complies with the criteria set out in Section 45(1) of the Planning Act; 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 2019-178.”

Recorded vote on Item 3.6:

YES: Gregory Kempa, Dan Namisniak, Lee Rynar, Lesley Ann Bowen – 4

NO: None – 0

3.7 Application A05/2019 (2019-216)
7 Erie Avenue
Agent - Architecture for All (c/o Richard Papa)
Applicant/Owner - 1821154 Ontario Ltd.

Richard Papa appeared before the Committee and explained that the applicant is seeking relief for the minimum landscape requirements, minimum interior side yard and reduction of off street parking spaces. Originally the applicant was going to put underground parking at the building however due to the water levels, the GRCA is restricting underground parking. The applicant met with the Brantford Heritage Committee and received approval. The shadow studies showed no significant shadow issues on adjacent properties. Mr. Papa asked if the Committee could change one

condition of approval to read 0.75 parking spaces per unit rather than a specific number of units. This will allow the applicant to vary the number of units in the building rather than locking in a specific number of units.

Sean House, Planner addressed the Committee and provided an overview of the Staff Report. The application was previously deferred and has been reviewed by and approved by the Brantford Heritage Committee. The application is desirable and minor in nature and maintains the intent of the Official Plan. Staff are comfortable with the change to the parking condition expressed by the applicant.

No members of the public were present to speak to the application.

Moved by Greg Kempa

Seconded by Lesley Ann Bowen

- A. THAT Application A05/2019 requesting relief from the City of Brantford Zoning By-law as outlined in Section 4 of Report 2019-216 BE APPROVED; and
- B. THAT the reason(s) for approval 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 land; 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. 2019-216.”

Recorded vote on Item 3.7:

YES: Gregory Kempa, Dan Namisniak, Lee Rynar, Lesley Ann Bowen – 4

NO: None – 0

4. PRESENTATIONS/DELEGATIONS

5. ITEMS FOR CONSIDERATION

6. CONSENT ITEMS

6.1 Minutes

Moved by Lesley Ann Bowen

Seconded by Greg Kempa

THAT the minutes of the Committee Adjustment meeting held on February 27, 2019 BE ADOPTED.

Recorded vote on Item 4.1:

YES: Gregory Kempa, Lesley Ann Bowen, Dan Namisniak, Lee Rynar – 4

NO: None – 0

7. RESOLUTIONS

8. NOTICES OF MOTION

9. ADJOURNMENT

The meeting adjourned at 6:35 p.m.

Dan Namisniak, Vice-Chair

Sean House, Secretary-Treasurer

Alexandra Mathers,
Deputy Secretary-Treasurer

Julia Sippel, Council & Committee
Services Coordinator