COMMITTEE OF ADJUSTMENT
MINUTES
WEDNESDAY, DECEMBER 19, 2018 – 5:30 P.M.
CITY COUNCIL CHAMBERS
100 WELLINGTON SQUARE, BRANTFORD

Jay Shewchuk in the Chair

1. ROLL CALL

Present: Gregory Kempa, Lesley Ann Bowen, Lee Rynar, Jay Shewchuk, Dan Namisniak

Regrets: Erin Ruby

2. DECLARATION OF CONFLICTS OF INTEREST

None

3. ITEMS FOR CONSIDERATION

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

3.1 Application B18/2018 and Application A33/2018 (CD2018-156)
16 Burke Avenue – Consent and Minor Variance

Bob Phillips of J. H. Cohoon appeared before the Committee and stated that the application proposes to sever the subject property to make a second residential lot. Once severed, the land owner will demolish the current house and construct two new single detached dwellings. The applicant is satisfied with the conditions including site plan control.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. Staff are recommending approval of the application as the application is in keeping with the general intent of the Official Plan and Zoning By-law, the relief is minor in nature and desirable for the appropriate development and use of
the subject land. Staff also noted the development is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement. Staff are recommending that the application be approved.

No members of the public in attendance spoke to the application.

Moved by Lesley Ann Bowen
Seconded by Greg Kempa

A. THAT Application B18/2018 to sever a parcel of land from the south side of the lands municipally addressed as 16 Burke Avenue, having a lot area of 684.9 m², and to retain a parcel of land having a lot area of 685 m², BE APPROVED, subject to the conditions attached in Appendix A.

B. THAT the reason(s) for approval are as follows:

- 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.

C. THAT Application A33/2018 requesting relief from Section 7.3.2.1.2 of Zoning By-law 160-90 to permit a minimum lot width of 14.2 m, whereas a minimum lot width of 15.0 m is required BE APPROVED.

D. That the reason(s) for approval are as follows:

- The proposed variance is 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
- The proposal is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement.

E. THAT pursuant to Section 53(17)-(18.2) and 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. CD2018-156.”

CARRIED
Recorded vote on Item 3.1:

YES: Gregory Kempa, Jay Shewchuk, Lesley Ann Bowen, Lee Rynar, Dan Namisniak – 5

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

3.2 Application B19/2018 and Application A36/2018 (CD2018-157)
61 Cayuga Street – Consent and Minor Variance
[Applicant/Owner – David Gans]

David Gans appeared before the Committee and stated that the application is to sever a parcel of land from the property. Mr. Gans is severing the subject lands to create a new residential lot for the purpose of ownership of the semi-detached dwelling to convey and recognize the properties as separate. Mr. Gans is in favour of the conditions recommended.

Sean House, Development Planner addressed the Committee and reviewed the Staff report. The application is considered minor in nature, it is an appropriate use of land, meets the intent of the zoning by-law and Official Plan and will have no adverse impact on the surrounding neighbourhood. Staff are recommending approval of the application.

In response to questioning, S. House informed the Committee that the concerns of the resident whose letter was included as appendix J have been remediated.

No members of the public in attendance spoke to the application.

Moved by Dan Namisniak
Seconded by Greg Kempa

A. THAT application B19/2018 to sever a parcel of land from the east side of the lands municipally addressed as 61 Cayuga Street, having a lot area of 237.8 m², and to retain a parcel of land having a lot area of 263.0 m², BE APPROVED, subject to the conditions attached in Appendix A.

B. THAT the reason(s) for approval are as follows:

- 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.
C. THAT Application A36/2018 requesting relief from Section 7.8.2.1.2.2 of Zoning By-law 160-90 to permit a minimum lot width of 5.79 m, whereas a minimum lot width of 6.0 m is required BE APPROVED.

D. That the reason(s) for approval are as follows:

- The proposed variance is 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
- The proposal is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement.

E. THAT pursuant to Section 53(17)-(18.2) and 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. CD2018-157.”

Recorded vote on Item 3.2:

YES: Gregory Kempa, Lesley Ann Bowen, Jay Shewchuk, Lee Rynar, Dan Namisniak – 5

NO: None – 0

Item 3.2 carried unanimously on a recorded vote.

3.3 Application A34/2018 (CD2018-154)
195 Henry Street – Relief from Municipal Code Sign Regulation
[Applicant/ Owner – Vicano Developments Limited / Agent – Roy Dzeko – Gracious Outdoor Media Inc.]

Roy Dzeko, agent for the applicant, Vicano Developments Limited, appeared before the Committee and stated that the application is to erect a digital billboard sign. All requirements of the Sign By-law have been met, they are however seeking a variation from the required setback to avoid placing the sign in the parking spots.

Alexandra Mathers, City Planner addressed the Committee and reviewed the Staff Report. The proposed location is within the allowed areas of signs. Staff are supportive of the application as it will not negatively impact the area, is minor in nature and maintains the intent of the Official Plan.

No members of the public in attendance spoke to the application.
Moved by Greg Kempa
Seconded by Dan Namisniak

A. THAT Application A34/2018 requesting relief from Section 478.14.4 of Chapter 478 of the City of Brantford Municipal Code, BE APPROVED, as follows:

- Section 478.14.6 to permit the most easterly edge of the Billboard sign, supporting post, and base to be located 4m from the property line, whereas no billboard sign shall be erected close to any street line than 9m (29.5 ft), nor close to any side lot line than 0.6m (2 ft), nor closer to any rear lot line than the minimum rear yard requirements of the Zoning By-laws of the Corporation of the City of Brantford for a main building on the same lot, unless greater or lesser distance separations between such billboard sign and any front, side or rear lot line required by approval granted pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13.

B. That the reason(s) for approval are as follows:

- The proposed variance is considered compatible with the surrounding area as the property and proposed location of the proposed billboard sign on Wayne Gretzky Parkway is within the permitted area – Schedule ‘A’ Billboard sign–Permitted Areas of Chapter 478 of the Municipal Code;
- The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90; and,
- The relief requested is considered minor in nature and the application complies with criteria set out in Section 45(1) of the Planning Act.

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 CD2018-154.”

CARRIED

Recorded vote on Item 3.3:

YES: Gregory Kempa, Lesley Ann Bowen, Jay Shewchuk, Lee Rynar, Dan Namisniak – 5

NO: None – 0

Item 3.3 carried unanimously on a recorded vote.
3.4 Application B17/2018 (CD2018-153)
86-88 Richardson Street – Consent
[Applicant/Owner – Joan Kim-Sheldrick]

Joan Kim-Sheldrick of 43 Concord Avenue, Dundas Ontario, appeared before the Committee and informed that they are seeking approval to separate the two semidetached houses on the properties for separate ownership. The applicant is willing to adhere to the conditions however expressed concern over the need for the survey. She stated she will comply if this is required.

Alexandra Mathers, City Planner addressed the Committee and reviewed the Staff Report. Staff is satisfied with the application and have no concerns with the approval of the consent. A. Mathers further informed a minor variance is not required as the property meets all requirements of the Zoning By-law.

No members of the public in attendance spoke to the application.

Moved by Lee Rynar
Seconded by Lesley Ann Bowen

A. THAT Application B17/2018 to sever a parcel of land municipally addressed as 86-88 Richardson Street, having a lot area of 287 m², and to retain a parcel of land having a lot area of 286.87 m² BE APPROVED, subject to the conditions attached in Appendix A.

B. THAT the reason(s) for approval are as follows:

- 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.

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. CD2018-153.”

CARRIED
Recorded vote on Item 3.4:

YES: Gregory Kempa, Lesley Ann Bowen, Jay Shewchuk, Lee Rynar, Dan Namisniak – 5

NO: None – 0

Item 3.4 carried unanimously on a recorded vote.

3.5 Application B20/2018 and Application A35/2018 (CD2018-155)
45 Fulton Street – Consent and Minor Variance

[Applicant/Owner – Ennio Cupoli]

Ennio Cupoli, owner and applicant, appeared before the Committee regarding the application for consent and minor variance. E. Cupoli applied to sever the lots in order to demolish the current house to build two new single family dwellings. The applicant approves the conditions of the application.

Alexandra Mathers, City Planner, addressed the Committee and reviewed the Staff Report. Staff are of the opinion that the application is in accordance with applicable policies, meets the intent of the Official Plan and is minor in nature. Staff are recommending approval of the application.

No members of the public in attendance spoke to the application.

Moved by Lesley Ann Bowen
Seconded by Greg Kempa

A. THAT Application B20/2018 to sever a parcel of land from the south side of the lands municipally addressed as 45 Fulton Street, having a lot area of 367.7 m², and to retain a parcel of land having a lot area of 327.5 m², BE APPROVED, subject to the conditions attached in Appendix A.

B. THAT the reason(s) for approval are as follows:

- 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.

C. THAT Application A35/2018 requesting relief from Sections 7.4.2.1.1, 7.4.2.1.2, and 7.4.2.1.5 of Zoning By-law 160-90 to facilitate the creation of the severed lands at 45 Fulton Street BE APPROVED, in accordance with the following:
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- Relief from Section 7.4.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 327m² for the retained lands, whereas 360m² is required;
- Relief from Section 7.4.2.1.2 of Zoning By-law 160-90 to permit a minimum lot width of 10.45m for the retained lands, whereas 12m is required; and
- Relief from Section 7.4.2.1.5 of Zoning By-law 160-90 to permit a minimum front yard setback of 3.0m at the southwest portion of the proposed dwelling unit from the daylight triangle and 0.3m reserve for the severed lands, whereas 6.0m or the Established Front Building Line, whichever is the lesser, is required.

D. 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
- The proposal is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement.

E. THAT pursuant to Section 53(17)-(18.2) and 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. CD2018-155.”

CARRIED

Recorded vote on Item 3.5:

YES: Gregory Kempa, Lesley Ann Bowen, Jay Shewchuk, Lee Rynar, Dan Namisniak – 5

NO: None – 0

Item 3.5 carried unanimously on a recorded vote.

4. CONSENT ITEMS

4.1 Minutes

Moved by Greg Kempa
Seconded by Lee Rynar
THAT the minutes of the Committee Adjustment meeting held on November 7, 2018 BE ADOPTED.

CARRIED

Recorded vote on Item 4.1:

YES:  Gregory Kempa, Lesley Ann Bowen, Jay Shewchuk, Lee Rynar, Dan Namisniak – 5

NO:  None – 0

Item 4.1 carried unanimously on a recorded vote.

4.2 Information Items

4.2.1 Local Planning Appeal Tribunal Order – 19 Sandy Row

4.3 New Business

5. NEXT MEETING

Reminder: The next meeting of the Committee of Adjustment is Thursday, January 24, 2019 in the Council Chambers, City Hall, 100 Wellington Square, Brantford at 5:30 p.m.

6. ADJOURNMENT

The meeting adjourned at 6:49 p.m.

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Jay Shewchuk, Chair  Sean House, Secretary-Treasurer

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Alexandra Mathers, Deputy Secretary-Treasurer  Julia Sippel, Council & Committee Services Coordinator