COMMITTEE OF ADJUSTMENT
MINUTES
THURSDAY, JANUARY 24, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
100 WELLINGTON SQUARE, BRANTFORD

Dan Namisniak in the Chair

1. ROLL CALL

Present: Gregory Kempa, Lee Rynar, Dan Namisniak, Erin Ruby
Regrets: Lesley Ann Bowen

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 Vice-Chair Namisniak. Proper notification of all applications had been given.

Vice-Chair Namisniak informed the Committee that Item 3.8 on the agenda regarding 7 Erie Avenue is seeking deferral and will be considered first on the agenda.

3.8 Application A05/2019 (CD2019-011)
7 Erie Avenue – Minor Variance
[Applicant/ Owner – 1821154 Ontario Ltd. Agent – Architecture for All (c/o Richard Papa)]

Deferral

Moved by Gregory Kempa
Seconded by Lee Rynar

THAT the following motion BE DEFERRED:

A. THAT Application A05/2019 requesting relief from the City of Brantford Zoning By-law for:
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- Relief from Section 9.1.2.9.14.1 to permit a minimum of 4.9% (120 m²) of landscaped open space whereas a minimum of 15% (364 m²) is required.
- Relief from Section 9.1.2.9.10.2 to permit a minimum interior side yard of 0 m whereas a minimum interior side yard of 5.5 m is required when abutting a building with windows on the facing wall.
- Relief from Section 6.18.7.8 to permit 61 residential parking spaces for 92 residential units (0.66 spaces/residential unit) whereas 92 residential parking spaces are required (1 space/residential unit for a mixed use building).
- Relief from Section 9.1.2.9.6 to permit a minimum building step-back of 0 m above 6 storeys in the locations shown on the submitted elevations (Drawings A-201 to A-204), whereas a minimum step-back of 1.5 m is required above 6 storeys, BE DEFERRED.

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

- In accordance with Section 9.1.10 of the Official Plan, a Heritage Impact Statement is required as the subject lands are adjacent to a known heritage resource. As the minor variance related to the required step-back may potentially impact the known heritage resource, Staff are unable to make a recommendation until a Heritage Impact Statement is submitted; and
- To afford the Applicant further opportunity to rationalize and amend their variance application as it relates to the parking reduction and reduction in landscaped open space.

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. CD2019-011.”

DEFERRAL CARRIED
UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on deferral of Item 3.8:

YES: Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO: None – 0

The deferral of Item 3.8 carried unanimously on a recorded vote.

The Committee then resumed the agenda with Item 3.1

3.1 Application A01/2019 (CD2019-007)
55 Kent Road – Minor Variance
[Agent – G. Douglas Vallee Ltd. / Applicant/ Owner – Brant Haldimand Norfolk Catholic District School Board]

G. Douglas Vallee, agent for Brant Haldimand Norfolk Catholic District School Board, appeared before the Committee. The application is to build an addition for a daycare
service. The applicant is seeking a minor variance in order to allow for an addition to an existing school to permit for a day nursery. The applicant is satisfied with the conditions and is seeking approval.

Alexandra Mathers, Development Planner addressed the Committee and provided an overview of the Staff Report. The proposed development will permit a day nursery. 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 a desirable use of the subject land.

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

Moved by Greg Kempa
Seconded by Erin Ruby

A. THATApplication A01/2019 seeking relief from the City’s Zoning By-law to permit an addition for day nursery use with a rear yard setback of 5.0m, whereas a minimum 12.0m rear yard is required BE APPROVED.

B. That the reason(s) for approval are as follows:
   • The proposed variance will facilitate the construction of a day nursery use in association with the existing school;
   • The relief requested is considered minor in nature and appropriate for the development of the lands, and the application complies with the criteria set out in Section 45(1) of the Planning Act; and
   • The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90.

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 CD2019-007.”

   CARRIED

Recorded vote on Item 3.1:

YES: Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

3.2 Application B06/2018 and Application A18/2018 (CD2019-010)
28 Golfdale Road – Consent and Minor Variance
[Applicant/Owner – Randy Novak Agent – Andrew Neill Construction Inc.]
Andrew Neill, agent for Randy Novak appeared before the Committee and stated that the application will permit the demolition of the existing single detached dwelling and construct two new single detached dwellings. The applicant is satisfied with the conditions and is seeking approval.

Sean House, Development Planner addressed the Committee and reviewed the Staff report. The applicant is looking to sever the land to have two new single detached dwellings built. The new lot will have sufficient capacity for the wastewater service from the Empey Station. Staff heard concerns from the public pertaining to the size of the development and whether the new house will meet the neighbourhood standards. 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.

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

Moved by Lee Rynar
Seconded by Greg Kempa

A. THAT application B06/2018 to sever a parcel of land from the southeast side of the lands municipally addressed as 28 Golfdale Road, having a lot area of 1117.8 m$^2$, and to retain a parcel of land having a lot area of 1116.8 m$^2$, 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 A18/2018 requesting relief from Section 7.2.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 2 m for the retained parcel at the southeasterly locations as illustrated on the site plan whereas a minimum rear yard of 7.5 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. CD2018-010.”

Recorded vote on Item 3.2:

YES: Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO: None – 0

Item 3.2 carried unanimously on a recorded vote.

3.3 Application B03/2019 (CD2019-012)
140 Lynden Road – Application for Consent
[Applicant/Agent – 150 Lynden Road JV Inc. / Owner – Mustafa Al-Haboobi]

Mustafa Al-Haboobi, owner of 140 Lynden Road, appeared before the Committee and stated that the application is to sever the lot to create a new lot for commercial purposes. The applicant satisfied with the conditions and is seeking approval of the application.

Sean House, Development Planner, addressed the Committee and reviewed the Staff Report. The application is to further sever lands to create a commercial lot where a medical centre will be constructed. Staff are supportive of the application as it will not negatively impact the area, maintains the intent of the Official Plan and Zoning By-law and is appropriate development. Staff are recommending approval of the application.

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

Moved by Gregory Kempa
Seconded by Erin Ruby

A. THAT application B03/2019 to sever a parcel of land from the east side of the lands municipally addressed as 140 Lynden Road, having a lot area of 0.964 ha and to retain a parcel of land having a lot area of 0.968 ha BE APPROVED, subject to the conditions attached in Appendix A and

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
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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. CD2018-012.”

CARRIED

Recorded vote on Item 3.3:

YES:  Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO:  None – 0

Item 3.3 carried unanimously on a recorded vote.

3.4 Application A04/2019 (CD2019-008)
26 Charing Cross Street – Minor Variance
[Applicant/ Owner – Jesse Sleeth  Agent – Mike Dubecki Homes Limited]

Garry Dubecki, agent for owner Jesse Sleeth appeared before the Committee and informed that the applicant is seeking approval to allow an oversize accessory building. The building will be used for personal use only and is not for commercial use. The agent is seeking confirmation from staff that there will be no site plan control required.

Alexandra Mathers, Development Planner, addressed the Committee and reviewed the Staff Report. A single detached dwelling and accessory structure is currently on the lot. The application is to allow for a two storey garage with hoists for personal use. Staff confirmed the application will not require site plan control as the comments can be addressed through site alteration and building permit application. 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.

John Sleeth of 28 Charing Cross appeared before the Committee and stated he is in favour of the application.

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

Moved by Lee Rynar
Seconded Erin Ruby
A. THAT Application A04/2019 requesting relief from Section 6.3.1.1 of the Zoning Bylaw to permit a maximum lot coverage of all accessory buildings and structures to be 17.5% to permit the development of an accessory building, whereas the maximum lot coverage of all accessory buildings and structures shall be 10% BE APPROVED.

B. That the reason(s) for approval are as follows:
   - The proposed variance is considered compatible with the surrounding area;
   - 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 CD2019-008.”

   CARRIED

Recorded vote on Item 3.4:

YES: Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO: None – 0

Item 3.4 carried unanimously on a recorded vote.

3.5 Application B02/2019 (CD2019-005)
422 Mount Pleasant Road – Consent


J. Hitchon agent for Dixon TNG Investments Inc., appeared before the Committee regarding the application. J. Hitchon explained that the original application was approved under the County but they permitted the application to lapse and is now under the City of Brantford. J. Hitchon informed the Committee that they have been in discussion with Staff for amended conditions. The applicant is seeking approval with the revised conditions.

Brynne O’Neill, Development Planner, addressed the Committee and reviewed the Staff Report. Lands are now located in the City of Brantford. Staff distributed a memo
pertaining to the changing of the conditions for the application. A copy is available in the original meeting file. Staff are in favour of updating the conditions and approving the application as it demonstrates appropriate development planning, good land use planning and meets the intent of the Zoning By-law and Official Plan.

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

Moved by Erin Ruby
Seconded by Greg Kempa

A. THAT Application B02/2019 to merge the lands identified as Part 1 on Appendix B, Report CD2019-005, and to sever an area of 1,620m² (Part 2), and to retain a parcel having an area of 18,040m² BE APPROVED, subject to the conditions attached in Appendix A and in the Staff Memo distributed.

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

- The Consent application is in conformity with the general intent of the policies of the County of Brant Official Plan and Zoning By-law 61-16, specifically Section 6.8.2.1c)iv (Official Plan) respecting lot creation in the ‘Suburban Residential’ designation, and is 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. CD2019-005”

CARRIED

Recorded vote on Item 3.5:

YES: Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO: None – 0

Item 3.5 carried unanimously on a recorded vote.

3.6 Application B01/2019 (CD2019-004)
131 & 133 Sheridan Street – Consent
[Applicant – Lesley Ann Bowen Owner – Lori & Rob Santilli and Albert & Leanne Connolly]
Lori and Rob Santilli, applicants, appeared before the Committee regarding the application for consent. The consent is required to approve a right of way that was incorrectly registered on the property in 1987. They are satisfied with the conditions and are seeking approval.

Brynne O’Neill, Development 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 Gregory Kempa
Seconded by Lee Rynar

A. THAT Application B01/2019 to create an easement for a shared access driveway for 131 and 133 Sheridan Street, 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, 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. CD2018-142.”

CARRIED

Recorded vote on Item 3.6:

YES: Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO: None – 0

Item 3.6 carried unanimously on a recorded vote.
3.7 Application A02/2019 (CD2019-004)
135 George Street – Minor Variance
[Applicant/Owner – Grand Erie District School Board Agent – Grguric Architects Inc.]

John Grguric, Project Architect for the applicant, appeared before the Committee regarding the application for minor variance. The application is to construct a one storey addition for a day nursery and play area. The applicant is in agreement with the conditions and is seeking approval.

Brynne O’Neill, Development 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 Erin Ruby
Seconded by Lee Rynar

A. THAT Application A02/2019 seeking relief from the City’s Zoning By-law to permit an addition for day nursery use with a front yard setback of 3.0m whereas 6.0m is required yard, and unenclosed stairs being located 0.2m away from the property line whereas 0.6m is required BE APPROVED.

B. That the reason(s) for approval are as follows:
   • The proposed variances will facilitate the construction of an addition to be used as a day nursery.
   • The relief requested is considered minor in nature and appropriate for the development of the lands, and the application complies with the criteria set out in Section 45(1) of the Planning Act; and
   • The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90.

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 CD2019-006."

   CARRIED

Recorded vote on Item 3.7:

YES: Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO: None – 0
Item 3.7 carried unanimously on a recorded vote.

4. CONSENT ITEMS

4.1 Minutes

Moved by Gregory Kempa
Seconded by Lee Rynar

THAT the minutes of the Committee Adjustment meeting held on December 19, 2019 BE ADOPTED.

CARRIED

Recorded vote on Item 4.1:

YES:  Gregory Kempa, Lee Rynar, Erin Ruby, Dan Namisniak – 4

NO:  None – 0

Item 4.1 carried unanimously on a recorded vote.

4.2 Information Items

5. NEXT MEETING

Reminder:  The next meeting of the Committee of Adjustment is Wednesday, February 27, 2019 in the Council Chambers, City Hall, 100 Wellington Square, Brantford at 5:30 p.m.

6. ADJOURNMENT

The meeting adjourned at 6:40 p.m.

Dan Namisniak, Vice-Chair                     Sean House, Secretary-Treasurer

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