



## **COMMITTEE OF ADJUSTMENT MINUTES**

October 16, 2019

5:30 p.m.

Council Chambers, Brantford City Hall

### **1. ROLL CALL**

PRESENT: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Krystyna Brooks, Dan Namisniak

REGRETS: Matt Savard

### **2. DECLARATIONS OF CONFLICTS OF INTEREST**

There were no declarations of pecuniary interest by members present.

### **3. STATUTORY PUBLIC HEARINGS/PUBLIC MEETINGS**

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

#### **3.1 Application A29/2019 - 268 Brant Avenue (2019-614)**

Agent/Applicant - Jim Wallace (ARCHAUS Architects Inc.)

Applicant/Owner - Cynthia and Louis Bahoshy

Jim Wallace, ARCHAUS Architects appeared before the Committee to provide an overview of the application. The purpose of the application is to permit a maximum lot coverage of 51% whereas 40% is required. The Heritage Committee has provided conditional approval of the application dependent upon passing through the Committee of Adjustment.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The Application has been approved by the Heritage Committee and no objections were received through the circulation process. Planning Staff believe that this is appropriate development of the land and will not be overbuilt even with the extension in lot area coverage. Staff recommend the application to be approved.

No members of the public were present to speak for or against the application.

Moved by Greg Kempa

Seconded by Virginia Kershaw

- A. THAT Application A29/2019 requesting relief from the City of Brantford Zoning By-law 160-90 to permit a maximum lot coverage of 51% whereas 40% is required BE APPROVED; and
- B. 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, 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. 2019-614.”

Recorded vote on Item 3.1:

YES: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Dan Namisniak, Krystyna Brooks – 6

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

**3.2 Application A30/2019 - 19 Roman Crescent (2019-585)**

Applicant/Agent - Narinder and Nirmal Bopari

Owner - 2410200 Ontario Inc.

Narinder Bopari appeared before the Committee to provide an overview of the application. The purpose of the application is to permit a minimum floor area of 48 metres squared for a basement dwelling.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The applicant will be converting half of the basement into a dwelling unit. Staff have reviewed the application and believe the application to be minor in nature, appropriate development and a good use of land. One letter of objection was received and distributed to members of the Committee. Staff informed the neighbour that the Zoning By-law does not discriminate from renter occupancy and the use of the basement as a dwelling is permitted. Staff are recommending approval.

Moved by Virginia Kershaw  
 Seconded by Greg Kempa

- A. THAT Application A30/2019 requesting relief from the City of Brantford Zoning By-law 160-90 to permit a minimum Gross Floor Area of 48 m<sup>2</sup> for a converted dwelling, whereas a minimum Gross Floor Area of 55 m<sup>2</sup> is required, BE APPROVED; and
- B. 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, 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. 2019-585.”

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Dan Namisniak, Krystyna Brooks – 6

NO: None – 0

Item 3.2 carried unanimously on a recorded vote.

**3.3 Application A31/2019 - 40 Henry Street (2019-636)**  
 Applicant/Owner - Steven Garland

Steve Garland appeared before the Committee to provide an overview of the application. The application is to allow for a deck with a ramp in the front yard beyond the approved encroachment.

Alexandra Mathers, Development Planner addressed the Committee and provided an overview of the Staff Report. The deck has been built encroaching into the yard however provides an accessible amenity space to the yard. The proposal maintains the general intent of the land and does not encroach on adjoining properties. Planning Staff are recommending approval of the application.

In response to questioning, Staff informed that the applicant is currently working with the Building Department as a permit is required and any alteration to the deck in order to meet the building code will be required to be completed.

John Thompson, 28 Henry Street appeared before the Committee and stated that he is neither for or against the application in question. He expressed concern for the size of the deck in the front yard and stated that the ramp could have been built without the deck portion included. He would prefer that the deck be located in the rear of the property.

No other members of the public in attendance came forward to speak to the application.

Moved by Greg Kempa

Seconded by Tara Gaskin

- A. THAT Application A31/2019 requesting relief from Section 6.4.1.1 of the City of Brantford Zoning By-law 160-90 under to permit an encroachment of a deck of 4.8 m whereas 2.5 m is permitted and to permit an extension of the existing legal non-conforming use residential use under Section 45(2) of the *Planning Act*, BE APPROVED; and
- B. THAT the reason(s) for approval are as follows: the proposed variance under Sections 45(1) and 45(2) of the Planning Act is considered appropriate for the subject lands and will not result in adverse impacts on the surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90; 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. 2019-636”

Recorded vote on Item 3.3:

YES: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Dan Namisniak, Krystyna Brooks – 6

NO: None – 0

Item 3.3 carried unanimously on a recorded vote.

**3.4 Application A32/2019 - 395 Park Road North (2019-632)**

Agent - Coletara Development

Applicant/Owner - 395 Park Holdings Inc.

Chris Pidgeon of GSP Group, Authorized Agent for the Applicant appeared before the Committee to provide an overview of the application. A PowerPoint presentation was made and a copy placed in the original meeting file.

Highlights of the presentation included the following:

- 6 storey apartment building with elevators
- 164 condo units overall
- Meets Zoning By-law overall
- Exceeds minimum landscaped area
- Setback to the building is larger than necessary
- Summary of the zoning
- Site plan process will review the fence and landscaping
- One single driveway access

Alexandra Mathers, Development Planner addressed the Committee and provided an overview of the Staff Report. The Applicant is seeking amendments to the application requesting that the sideyard be reduced. A memo was distributed to members of the Committee and a copy placed in the meeting file. The application in question will require site plan control however Staff believe the application meets the four tests as required. The proposed development is keeping with the height of the neighbouring land and will not have a negative impact. A petition was received from the neighbouring property, a copy will be placed in the meeting file. In response to the circulation sent by Staff, a number of responses from the public were received.

Concerns from the public included the following:

- Increase of traffic due to density
- Impact on ability to safely make turns onto the road
- Garbage pickup
- Impact of the look on neighbouring properties
- Public safety/ increase of crime
- Impacts of construction to neighbouring properties

Staff responded accordingly to the concerns and have informed them that the majority of the concerns will be handled during the site plan control process which is required with this application. Staff have fully reviewed the application and the proposed amendment and recommend approval.

In response to questioning, staff informed the Committee that there were concerns expressed by the public about persons not receiving the notice. Staff confirmed that under the Planning Act the notice was sent appropriately to the owner and it is the responsibility of the owner to circulate to tenants.

In response to further questioning, Chris Pidgeon explained that the developer has not fully designed the building but it will be primarily single and two bedroom units, no three bedroom units. The removal of one egress was to permit the building to be located closer to the other 6 storey building where it will look more appropriate and is more efficient. C. Pidgeon also confirmed that there will be full underground parking at the location as well.

Dave Klein, 385 Park Road North Unit 40 appeared before the Committee and expressed concerns with the amount of traffic that this development will create. This is a very high density unit in an area where there is primarily single family residents. He expressed concerns about those in the retirement home who will be affected by the development and did not receive notice of the meeting. Mr. Klein expressed concerns that there are not adequate turning lanes and that a full traffic study in the area needs to be completed prior to allowing this development.

Robert Manns, 385 Park Road North Unit 15 appeared before the Committee. He is part of the Board of Directors and explained that the concerns expressed by Mr. Klein are felt by a number of the residents at the condo.

Chris Sterling, 385 Park Road North Unit 14 appeared before the Committee and expressed that there is a pride in ownership in the neighbourhood and they do not want this to be ruined by the increase in density.

Stanley White, 385 Park Road North Unit 20 appeared before the Committee and expressed concerns regarding the increased traffic this will create. As there is no centre lane, people wait for a long time for an appropriate time to exit the property as it is. He further expressed concerns that the majority of persons in the neighbourhood are elderly with wheelchairs, walkers and disabilities and need safer traffic in the area. Mr. White believes a compromise of limiting the building to four floors is in order.

Brian Battler, 385 Park Road North Unit 31 appeared before the Committee and stated he is in agreement with what has been stated. He further expressed concerns with winter snow removal and the potential reduction in parking spaces caused by snow storage.

Susan Georgakopoulos, 384 Park Road North Unit 30 appeared before the Committee and asked if there will be a bicycle lane on the road. She further expressed concerns with the proposed location of the garbage shed and its proximity to her property and the impact it will have on the value of her property. She expressed concerns that renters of these new units may not take pride in their property and it could be negative to the area if not owned condominiums. She further expressed concerns with lighting in the parking lots affecting her property or insufficient lighting attracting crime.

Stephanie Tinto, 398 Park Road North appeared before the Committee. Her property is opposite the building and has concerns about the height of the building as those on the upper floors will be looking directly in her home. She expressed concerns with traffic and stated that there are already issues with snow removal which will be heightened.

Sarah Marie and Rene Parent, 390 Park Road North appeared before the Committee and expressed environmental concerns with the property in question. When a previous home was put in, the ground water level increased causing water to flood their basement and they had to install two sump pumps. They expressed concerns that this development will increase further ground water issues.

No other members of the public in attendance came forward to speak to the application.

Chris Pidgeon reappeared before the Committee and stated that the garbage shed will not be located next to any properties. He further clarified that the traffic concerns, snow removal and lighting will be addressed at site plan. A stormwater management report will be presented that will deal with the water concerns expressed by neighbouring properties to ensure proper run off and no impact to neighbours. He clarified that the developer cannot control if the building will be owner occupied but the building will be a condominium. In response to questioning, Mr. Pidgeon confirmed that a traffic study was not required as part of this application and will be dealt with at site plan approval process however there were no comments from City staff at this time.

Moved by Greg Kempa

Seconded by Tara Gaskin

- A. THAT Application A32/2019 requesting relief from the City of Brantford Zoning By-law 160-90 to permit the following:
  1. Section 7.10.2.1.1.1 to permit a minimum lot area of 55 m<sup>2</sup> per unit, whereas 167 m<sup>2</sup> per unit is required;
  2. Section 7.10.2.1.4 to permit a height of 6-storeys, provided a minimum interior side yard of 20 m (southerly lot line) is maintained; including a 2 m landscaped buffer abutting the southerly lot line which can be reduced to 1.0 m in the rear yard portion of the property line, whereas a maximum of 4-storeys is required; and
  3. Section 6.18.7.8 to permit a parking ratio of 1.1 spaces per unit whereas 1.5 spaces per unit are required, BE APPROVED;
- B. 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, 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. 2019-632.”

Recorded vote on Item 3.4:

YES: Tara Gaskin, Greg Kempa, Dan Namisniak – 3

NO: Virginia Kershaw, Krystyna Brooks, Lee Rynar – 3

Item 3.3 failed on a tie vote.

A five minute recess was held to allow members of the public to exit Council Chambers.

**3.5 Application A34/2019 - Northeast of Grey Street and James Avenue (2019-581)**

Agent - T. Johns Consulting Group Ltd

Applicant/Owner - Winzen Residential Homes Ltd.

Diana Morris, Agent appeared before the Committee seeking approval of the variances. The application is to correct provisions of a previous application which did not consider side yard upon completion of part lot control process. Without approval, the development cannot proceed as requested.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The application is to address errors associated with a previously approved development. The proposed variances are considered minor in nature and have no adverse effects on adjacent properties. The application is desirable in nature and is a good use of land. Staff are recommending approval of the application.

No members of the public were present to speak for or against the application.

Moved by Lee Rynar

Seconded by Krystyna Brooks

A. THAT Application A34/2019 requesting relief from the City of Brantford Zoning By-law 160-90 to permit an interior side yard setback of 1 m for Units 15, 21, 32 and 39 on Appendix B1 in Report No. 2019-581, whereas the Zoning By-law requires 3.0 m, to permit 53 dwelling units on the lands identified as Part 2 on Schedule ‘B’ Map R4A-68, whereas the Zoning By-law requires 60 and to permit 60 dwelling units on the lands identified as Part 1 on

Schedule 'B' Map R4A-68, whereas the Zoning By-law requires 53, BE APPROVED; and

- B. 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, 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. 2019-581.”

Recorded vote on Item 3.5:

YES: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Dan Namisniak, Krystyna Brooks – 6

NO: None – 0

Item 3.5 carried unanimously on a recorded vote.

**3.6 Application B29/2019 - 610 West Street (2019-628)**

Agent - Dillion Consulting

Applicant/Owner - 410 Fairview Drive Inc. (9182071 Canada Inc.)

Greg Hayes, Dillion Consulting appeared before the Committee to provide an overview of the application. The application is for a long term lease at a Tim Horton's property. There are no proposed changes to the property.

Alexandra Mathers, Development Planner addressed the Committee and provided an overview of the Staff Report. The application has no adverse impacts on the neighbourhood and is compatible with the surrounding area. The application is in conformity with the Official Plan and Zoning By-law. Staff are recommending approval of the application.

No members of the public were present to speak for or against the application.

Moved by Virginia Kershaw

Seconded Greg Kempa

- A. THAT application B29/2019 to create a long term lease for a portion of the lands municipally known as 610 West Street, BE APPROVED, subject to the conditions attached in **Appendix A** of Report No. 2019-628; and

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

- Having regard for the matters under Section 50(3) 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 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. 2019-628.”

Recorded vote on Item 3.6:

YES: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Dan Namisniak, Krystyna Brooks – 6

NO: None – 0

Item 3.6 carried unanimously on a recorded vote.

**3.7 Application B31/2019 - 164 Eagle Avenue (2019-583)**

Applicant/Owner - Adam Marshall and Sherri Marshall

Adam and Sherri Marshall appeared before the Committee to provide an overview of the application. They are proposing to sever the lands in order to build a second residential dwelling. They are satisfied with the conditions of the report and are seeking approval.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The application is to sever the lands in order to build a second single family dwelling. The existing dwelling will remain on the retained lot. The application is consistent with the neighbourhood and is minor in nature. The application is desirable in nature and will not have adverse impacts on surrounding properties. Staff are recommending approval.

Gloria and Louis Dejong, 166 Eagle Avenue appeared before the Committee and expressed concerns with the parking and whether there will be enough room to put in a parking space or if there will be a shared driveway or street parking. Further, they have

put in a variety of trees and bushes and would like to know if there are plans to remove them and if so, if they will be replaced.

Gloria and Louis Dejong reappeared before the Committee and informed that there will be a garage and enough space for parking as well. There are no plans for tree or bush removal at this time.

Moved by Greg Kempa

Seconded by Lee Rynar

- A. THAT Application B31/2019 to sever a parcel of land from the northeast side of the lands municipally addressed as 164 Eagle Avenue, having a lot area of 406.5 m<sup>2</sup> and to retain a parcel of land having a lot area of 476.5 m<sup>2</sup> BE APPROVED, subject to the conditions attached in **Appendix A** of Report No. 2019-583; 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 and Zoning By-law, specifically Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the 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. 2019-583.”

Recorded vote on Item 3.7:

YES: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Dan Namisniak, Krystyna Brooks – 6

NO: None – 0

Item 3.7 carried unanimously on a recorded vote.

#### **4. PRESENTATIONS/DELEGATIONS**

## **5. ITEMS FOR CONSIDERATION**

### **6. CONSENT ITEMS**

Moved by Greg Kempa

Seconded by Virginia Kershaw

THAT the following minutes BE APPROVED:

#### **6.1 Committee of Adjustment - September 18, 2019**

Recorded vote on Item 6.1:

YES: Virginia Kershaw, Tara Gaskin, Greg Kempa, Lee Rynar, Dan Namisniak,  
Krystyna Brooks – 6

NO: None – 0

Item 6.1 carried unanimously on a recorded vote.

## **7. RESOLUTIONS**

## **8. NOTICES OF MOTION**

## **9. UPDATES**

### **9.1 Changes to Staff Reports**

Staff provided an update to how reports are to be streamlined and changed. Members asked if the public mail out can be a part of the reports moving forwards so they know what the circulation looks like when members of the public are here.

## **10. ADJOURNMENT**

The meeting adjourned at 8:28 p.m.

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D. Namisniak, Chair

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J. Sippel, Council & Committee Services  
Coordinator

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S. House, Secretary-Treasurer

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A. Mathers, Deputy Secretary-Treasurer