



COMMITTEE OF ADJUSTMENT MINUTES

December 18, 2019

5:30 p.m.

Charlie Ward Room, Brantford City Hall

Dan Namisniak in the Chair

1. ROLL CALL

Present: Matt Savard, Tara Gaskin, Greg Kempa, Dan Namisniak

Regrets: Lee Rynar, Virginia Kershaw, Krystyna Brooks

2. DECLARATIONS OF CONFLICTS OF INTEREST

There were no conflicts of interest declared for any items on the agenda.

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.

Chair Namisniak explained that Items 3.3 and 3.4 would be moved to the last items of the agenda as the agent is running late.

3.1 Application B22/2019 - 18 Hawarden Avenue (2019-784)

Agent - MHBC Planning

Owner - Catholic Diocese of Hamilton

Michael Campos and Dan Currie, Agents of the property, appeared before the Committee to provide an overview of the application. There are no concerns with the Staff Report and they support all conditions set forth. They are seeking approval of the application.

Brynne O'Neill, Development Planner addressed the Committee and provided an overview of the Staff Report. The application is to sever a portion of land from the property at 18 Hawarden Avenue and to retain a portion of land. The severed land will result in one new residential lot and the retained parcel will maintain the existing dwelling. The severed lot will be subject to site plan control as well. Staff see no

negative impacts on adjacent properties and are recommending approval of the application.

Ruth and Lyle Sylvester, 152 Dufferin Avenue Unit 8 appeared before the Committee. They stated that there are concerns associated with a tall building being built as this will impact the privacy of their property. They would like to see nothing higher than two storeys although they see that the property will be zoned for a triplex. They would like to know if a triplex will be built.

Marilyn Pettitt, 38 Slater Street appeared before the Committee seeking an explanation of the diagram provided. She has concerns associated with water runoff from the property as there is a large slope and significant amount of groundwater. She would like to know what will be done to ensure proper drainage of the lot and that it is not directed towards her property.

Susan Mackivor, 19 Hawarden Avenue appeared before the Committee seeking information for the plans of the severed property. She has concerns regarding what will be built and the size difference of the lots.

No other members of the public came forward to speak for or against the application.

Michael Campos and Dan Currie reappeared before the Committee and explained that the Catholic Diocese own the property and have no proposed development of the property. They will be selling the lot to someone else. The diagram was explained stated that the lot lines are located where they are due to necessary sewer line connections and slope impacts. As there is no plan to develop the property, water runoff and drainage is not a concern at this time however the property is subject to Site Plan Approval which requires proper drainage at time of development. Clarification was made that the properties zoning is for a single detached house.

Moved by Greg Kempa

Seconded by Matt Savard

- A. THAT Application B22/2019 to sever a parcel of land from the south side of the lands municipally addressed as 18 Hawarden Avenue, having a lot area of 1,680.6 m² and to retain a parcel of land having a lot area of 745.7 m² BE APPROVED, subject to the conditions attached in **Appendix A** of Report No. 2019-784; 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. 2019-784.”

CARRIED

Item 3.1 carried unanimously.

3.2 Application A38/2019 - 565 West Street (2019-803) Agent/ Owner - Vicano Developments Limited

Yaw Yawson, Agent of the property appeared before the Committee to provide an overview of the application. The application is to reduce the parking requirements from 14 to 131. The lot is zoned to permit a health club and restaurant with a drive through. The property is current going through the site plan process with the City.

Brynne O'Neill, Development Planner addressed the Committee and provided an overview of the Staff Report. The applicant is proposing to decrease the required parking. The application was circulated and no comments were received. Staff is of the opinion that the application conforms with the growth plan and is considered appropriate. The reduction in parking spaces will allow compact forms of development permitted in the intensification corridors.

Chair Namisniak called three times for members of the public and no one present came forward to speak for or against the application.

Moved by Matt Savard

Seconded by Tara Gaskin

- A. THAT Application A38/2019 requesting relief from the City of Brantford Zoning By-law 160-90 Section 6.18.8 Table 6.1 to permit a reduction of nine

parking spaces to 131 spaces, whereas a total of 140 parking spaces are required for the Health Club and Fast Food Restaurant development, BE APPROVED;

- B. THAT the reason(s) for approval area 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 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2019-803”

CARRIED

Item 3.2 carried unanimously.

3.5 Application B37/2019 - 150 Savannah Oaks Drive and 29 Tallgrass Court (2019-786)

Agent - GSP Group Inc.

Owner - Brantford Power Inc.

Matthew Warzecha, Agent for the property appeared before the Committee to provide an overview of the application. The application is to sever lands from 29 Tallgrass Court and merge the severed parcel to 150 Savannah Oaks Drive to accommodate Brantford Power Inc. The Zoning By-law amendment was approved for both properties and is conditional of the approval of the Committee of Adjustment.

Brynne O'Neill, Development Planner addressed the Committee and provided an overview of the Staff Report. The application was circulated and there were no objections received. Staff are of the opinion that the application is consistent with the Provincial Policy Statement and conforms with the growth plan and Official Plan. Staff are recommending approval of the application.

Chair Namisniak called three times for members of the public and no one present came forward to speak for or against the application.

Moved by Greg Kempa

Seconded by Matt Savard

- A. THAT Application B37/2019 to sever a 3,208.2 m² portion of land from 29 Tallgrass Court and merge that parcel with 150 Savannah Oaks Drive and

retain a parcel of land having a lot area of 1.6 ha for 29 Tallgrass Court BE APPROVED, subject to the conditions attached in **Appendix A** of Report No. 2019-784; 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. 2019-786.”

CARRIED

Item 3.5 carried unanimously.

A short recess was called.

3.3 Application B36/2019 - 179 Paris Road (2019-780)

Applicant - Dillon Consulting

Applicant/ Owner - Nighat Butt

Greg Hayes from Dillon Consulting appeared before the Committee to provide an overview of the application. The application is for a long term lease in excess of 25 years to allow the existing Tim Hortons to remain in operation. There are no changes to the site. They are in agreement with the Staff report and conditions of approval.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The application is for a lease in excess of 25 years. The application has no associated development and the approved consent is for the length of the lease. No objections were received and Staff are recommending approval.

Chair Namisniak called three times for members of the public and no one present came forward to speak for or against the application.

Moved by Greg Kempa
 Seconded by Matt Savard

- A. THAT application B36/2019 to permit a lease for a period of 21 years or more for a portion of the lands municipally known as 179 Paris Road, BE APPROVED, subject to the conditions attached in Appendix A of Report No. 2019-780; 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, consistent with the policies of the Greater Golden Horseshoe and the Provincial Policy Statement; and
- C. THAT pursuant to Section 53(17) – (18.1) 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. 2019-780.”

CARRIED

Item 3.3 carried unanimously.

3.4 Application B38/2019 - 225 Henry Street (2019-781)
Applicant - Dillon Consulting Limited
Owner - Huntwood Investments Inc.

Greg Hayes from Dillon Consulting appeared before the Committee to provide an overview of the application. The application is for a long term lease in excess of 21 years to allow the existing Tim Hortons to remain in operation. There are no changes to the site. They are in agreement with the Staff report and conditions of approval.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The application is for a lease in excess of 21 years. The application has no associated development and the approved consent is for the length of the lease. No objections were received and Staff are recommending approval.

Chair Namisniak called three times for members of the public and no one present came forward to speak for or against the application.

Moved by Greg Kempa
Seconded by Tara Gaskin

- A. THAT application B38/2019 to create a long term lease for a portion of the lands municipally known as 225 Henry Street, BE APPROVED, subject to the conditions attached in Appendix A of Report No. 2019-781; 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, consistent with the policies of the Greater Golden Horseshoe and 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. 2019-781.”

CARRIED

Item 3.5 carried unanimously.

4. PRESENTATIONS/DELEGATIONS

5. ITEMS FOR CONSIDERATION

6. CONSENT ITEMS

6.1 MINUTES

Moved by Greg Kempa
Seconded by Tara Gaskin

THAT the following minutes BE APPROVED:

6.1.1 Committee of Adjustment - November 14, 2019

CARRIED

Item 6.1.1 carried unanimously.

7. RESOLUTIONS

8. NOTICES OF MOTION

9. ADJOURNMENT

The meeting adjourned at 6:31 p.m.

Dan Namisniak, Chair

J. Sippel, Council & Committee Services
Coordinator