COMMITTEE OF ADJUSTMENT
MINUTES
January 22, 2020
5:30 p.m.
Council Chambers, Brantford City Hall

Dan Namisniak in the Chair

1. ROLL CALL

Present: Tara Gaskin, Virginia Kershaw, Lee Rynar and Krystyna Brooks
Regrets: Greg Kempa and Matt Savard

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.

Agent - J.H. Cohoon Engineering Ltd.
Applicant/ Owner - Frank J. Zamboni & Co. Limited

Bob Phillips, J.H. Cohoon Engineering Ltd., agent for the property, appeared before the Committee to provide an overview of the application. The application is to sever two lots off the current parcel. A corresponding minor variance has been applied for the retained and severed lands to permit a 5 m drive aisle. The agent agrees with the conditions of approval.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The application will sever the lands into three individual parcels and permit a reduced size in the drive aisle. The applications will facilitate the creation of industrial infill lots within the City of Brantford in accordance with the applicable planning policy framework under the Provincial Policy Statement, Growth
Plan and Official Plan. Staff are recommending approval subject to the conditions of the report.

Michael Jaeger, Solicitor from Boddy Ryerson LLP and representing 71 Craig Street Brantford Ltd. and Brantford Standard Condominium Corporation No. 26 appeared before the Committee. Mr. Jaeger stated that his clients own/operate an industrial/commercial plaza which backs on to the west side of the Zamboni lands. The client uses the rear access for shipping and receiving on a daily basis. The gravel strip appears to be owned by 71 Craig Street and has been used by them for many years. Severance of this property, resulting in clearing, fencing and developing would have a detrimental impact of the neighbourhood, possible loss of a client and devaluing of the property.

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

In response to questioning, Staff clarified that there are no registered easements on file and that a reference plan and survey are required as part of the conditions.

Moved by Virginia Kershaw
Seconded by Lee Rynar

A. THAT Application B26/2019 to sever a parcel of land from the western portion of the lands municipally addressed as 38 Morton Avenue East, having a lot area of 10,699 m² (Lot 2) and retain a parcel of land having a lot area of 99,747 m² (these retained lands are subject to Application B27/2019), and create two abutting 5 m wide access easements, one on each of the lots created through application B26/2019 (as identified on Appendix C in Report 2020-47), BE APPROVED subject to the conditions attached in Appendix A1 of Report No. 2020-47; and

B. THAT Application B27/2019 to sever a parcel of land from the southern portion of the lands municipally addressed as 38 Morton Avenue East, having a lot area of 78,403 m² (Lot 3) and retain a parcel of land having a lot area of 21,344 m² (Lot 1) (as identified on Appendix C in Report 2020-47) BE APPROVED, subject to the conditions attached in Appendix A2 of Report No. 2020-47; and

C. THAT reason(s) for approval are as follows: Having regard for 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

D. THAT Application A27/2019 to facilitate the creation of the Lots 1 and 2 through Application B26/2019 as on the illustrated on Survey Sketch #19-186 prepared by MacAulay, White & Muir Ltd., (see Appendix C of Report 2020-47), BE APPROVED, in accordance with the following:

   Relief from Section 6.23.4.2 to permit a driveway of 5 m for two-way traffic access to a loading space on each lot, whereas 7 m is required;

E. 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 land; and

F. 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. 2020-47.”

CARRIED

Recorded vote on Item 3.1:

YES: Virginia Kershaw, Tara Gaskin, Lee Rynar, Dan Namisniak and Krystyna Brooks – 5

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

3.2 Application B35/2019 - 56 Henry Street and Abutting Railway Corridor (2020-45)

Agent - Dentons Canada LLP

Applicant/ Owner - Canadian National Railway Company

Aaron Kurts, Dentons Canada LLP, appeared on behalf of the applicant before the Committee. The application is to facilitate the sale of the lands to the abutting owner which they use for access to Henry Street and parking. Mr. Kurts expressed concerns with condition 4 set out requiring separate water and sewer servicing and is seeking clarification on this item.
Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. The application is to sever a portion of lands to be sold to the abutting property owner who currently use the land for parking and access. This will continue to be the use after the severance and there is no proposed development. Staff are recommending approval of the application.

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

Moved by Lee Rynar
Seconded by Krystyna Brooks

A. THAT application B35/2019 to sever the southeastern portion of the lands where the Canadian National Railway Corridor intersects Henry Street, having a lot area of 675 m² to be merged with the property municipally known as 56 Henry Street BE APPROVED, subject to the conditions attached in Appendix A (excluding condition 4) of Report No. 2020-45; 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. 2020-45.”

CARRIED

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Tara Gaskin, Lee Rynar, Dan Namisniak and Krystyna Brooks – 5

NO: None – 0

Item 3.2 carried unanimously on a recorded vote.
4. PRESENTATIONS/DELEGATIONS

5. ITEMS FOR CONSIDERATION

6. CONSENT ITEMS

6.1 MINUTES

Moved by Tara Gaskin
Seconded by Lee Rynar

THAT the following minutes BE APPROVED:

6.1.1 Committee of Adjustment - December 18, 2019

CARRIED

Recorded vote on Item 6.1:

YES: Virginia Kershaw, Tara Gaskin, Lee Rynar, Dan Namisniak and Krystyna Brooks – 5

NO: None – 0

Item 6.1.1 carried unanimously on a recorded vote.

7. RESOLUTIONS

8. NOTICES OF MOTION

9. ADJOURNMENT

The meeting adjourned at 6:10 p.m.


Dan Namisniak, Chair

Sean House, Secretary-Treasurer

Julia Sippel, Council & Committee Services Coordinator