



COMMITTEE OF ADJUSTMENT MINUTES

November 4, 2020
5:30 p.m.
Council Chambers, Brantford City Hall

Daniel Namisniak in the Chair

1. ROLL CALL

Virginia Kershaw, Tara Gaskin, Daniel Namisniak, Krystyna Brooks, Lee Rynar, Gregory Kempa

2. DECLARATIONS OF CONFLICTS OF INTEREST

There were no conflicts of pecuniary interest made for items on the agenda by members of the Committee.

3. STATUTORY PUBLIC HEARINGS/PUBLIC MEETING

3.1 Request for Deferral - Application B12/2019 & A11/2019 - 28 St. Andrews Drive, 2020-528

The Chair advised Committee that if the request for deferral carries there will be a second statutory public hearing conducted when the application returns.

Agent, Derek Sinko appeared before Committee to provide an overview of the application. He advised they are seeking a withdrawal for the minor variance application (A11/2019) and will proceed with the deferral of the consent application (B12/2019). The reasons for this are due to public comments that were received in response to the application as well as staff not being able to produce a favourable recommendation for the minor variance.

Sean House, Development Planner, appeared before the Committee and provided an overview of the Staff report. The application was for a consent and minor variance application at 28 St. Andrews Drive. A two story single detached dwelling currently exists on the property. The applicant is proposing to sever the easterly side yard to

create a new lot. The minor variance application was received in 2019 but there were concerns from the Engineering Department regarding servicing and a noise study. The applicant has requested a deferral of their consent application in light of the comments that were received and staff's clarification of their position that they would not be able to provide a favorable recommendation on the minor variance. A Zoning By-law amendment may be more appropriate in this instance. Staff is supportive of the deferral request.

The application was circulated to all property owners within 60 metres of the property as well as posting a sign on the property. Staff received 26 letters from nearby properties. 24 letters were in opposition and 2 were in support. A petition with 34 signatures in opposition of this proposal was also received and circulated to the Committee.

Joe Muto, Manager, Developing Planning, asked Mr. Sinko to provide a formal letter of withdrawal for the minor variance application A11/2019 to planning staff.

Four members of the public were registered to speak to the application. One applicant withdrew their registration leaving three members of the public in attendance to speak to the application.

Joydi Zuidema was in attendance and appeared before Committee to speak in opposition of the application. Ms. Zuidema expressed her concerns for the process that was followed in bringing these applications forward. There was no pre-consultation meeting held with city staff nor was there a survey conducted by an Ontario land surveyor. Ms. Zuidema advised she would like to be made aware when this application comes back before Committee.

Ms. Zuidema questioned when this application will be returning to the Committee and confirmation if the applicant is doing a rezoning.

Patti Kunashko was in attendance and appeared before Committee to advise she is only in attendance to observe and had no comments.

Tenley Dubois was in attendance and appeared before Committee to advise she is just observing the meeting and will wait to see what the Zoning By-law Application will be. Ms. Dubois advised she has lived on St. Andrews Drive since 1993 and at that time there were covenants, rules, and restrictions that everyone had to abide by that included size of property and size of house.

Mr. Sinko provided clarification to the Committee and advised that he cannot confirm at this time if the Applicant will be bringing a zoning application but are currently considering the merits. The deferral of the consent should be sine die until any Zoning Bylaw Amendment can be brought and dealt with.

G. Kempa questioned staff regarding the impacts the covenants will have on this application when it comes back to Committee and if it impact the role of this Committee?

Moved by Greg Kempa

Seconded by Krystyna Brooks

- A. THAT Applications B12/2019 BE DEFERRED ; and A11/2019 BE WITHDRAWN; and
- B. THAT the reason(s) for deferral are as follows: to afford the applicant an opportunity to pursue a Zoning By-law Amendment Application and address comments received from the public.

Recorded vote on Item 3.1:

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

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

CARRIED

**3.2 Application B15/2020 & A19/2020 - 87 Abigail Avenue, 2020-502
Applicant/Owner - Carolina Home Builders + Design Inc**

The Applicant, Tony Castagna, Carolina Home Builders and Design Inc., appeared before Committee to provide an overview of the application. The application is proposing to divide the 90 ft wide property into two 45 ft lots with custom design and build two bedroom bungalows. A copy of the elevation was provided with the application. Basically there will be a bungalow on each property that will be stoned in brick that will complement the existing properties on either side of the home. Given the proximity to Henderson Neighbourhood, they will be in keeping with design and color to complement that part of the area. The majority of the current properties to the right (looking at house) of the property are smaller than lot of 45 ft wide. The property as designed, won't look out of place as it will be similar in size to neighbouring properties.

Sean House, Development Planner, appeared before Committee and presented an overview of the report. The property located on Abigail Avenue has an area of 1014 sq. metres and is currently designated residential area – low density in the City's Official Plan and zoned R-1-A in Zoning By-law 160-90. The variances are minor and consistent with lot widths.

The Notice of Public Hearing was issued via personal mail and a sign was posted on the property. Two members of the public called planning staff raising concerns as well as two emails and one letter were received. Ward Councillor Sless also informed staff he received six phone calls in opposition of the proposal. Residents have raised concerns regarding the change in landscape, loss of trees, and construction.

Staff believe the variances are minor as it will not result in negative impacts on the adjacent properties and are consistent with the lot widths and areas with other properties on Abigail Avenue. The minor variances are desirable for use of land as it will not restrict development on adjacent properties. To conclude staff recommend the applications be approved.

Two members of the public were registered to speak to the item.

Edmond Oliver appeared before Committee and spoke to the application. Mr. Oliver raised his concerns about the lot sizes and asked the committee to be cautious of the character and nature of the Henderson Survey.

Sharon Hovestadt appeared before Committee and spoke to the application. Ms. Hovestadt advised her back yard abuts the properties back yard and expressed her concerns regarding the timing of receiving the letter and that she didn't have enough time to ask questions. She is concerned the big trees that provide privacy for her back yard will be removed. She believes her loss of privacy and quality of living will be impacted.

Ms. Hovestadt questioned Committee as to what is stopping the builder from deciding to build 2 story houses and as the properties are built on sand, what kind of precautions will the builder take so not to damage homes nearby.

In response to questions from members of the public, the applicant advised the plan that was submitted to the Committee is what is being built. The applicant advised he does not build two story homes. The applicant advised if he can keep the tree closer to the lane he will as it also provides shade for property. The backyard is quite deep and the covered porch is quite a ways from the milk access. The applicant advised he is required to provide deposits and sign a legal contract that he will do everything he has been asked to do. The applicant advised he would meet with members of the public to discuss the plan.

In response to questions from Committee, staff advised the site plan control process is really a technical review of this proposed development to make sure it won't have adverse impacts on neighboring properties ie. grading and servicing. If the builder submits an application to build a bungalow that is what he must build. The applicant must sign an agreement that the City is a party to as to what he proposes will be built there.

Staff advised the reason the noise study that was requested for the other application was because of its proximity to the CN Rail line to ensure that the proposed development would have necessary measures to protect it from the noise coming from CN Rail line.

Staff clarified that the required notice under the Planning Act was given.

Joe Muto, Manager of Development Planning, clarified for the resident that staff is available 5 days a week to answer questions and will respond in a timely manner.

Moved by Greg Kempa

Seconded by Virginia Kershaw

- A. THAT Application B15/2020 to sever a parcel of land from the north portion of the lands municipally addressed as 87 Abigail Avenue, having a lot area of 507m² and retain a parcel of land having a lot area of 507 m² BE APPROVED subject to the conditions attached as Appendix A to Report 2020-502;
- 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 consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The applications are in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90, specifically Section 18.9 of the Official Plan respecting consent applications including boundary adjustments 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 A19/2020 seeking relief from Section 7.2.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 507 m², whereas a minimum lot area of 550 m² is required for both the severed and retained lots; Section 7.2.2.1.2 of Zoning By-law 160-90 to permit a minimum lot width of 13.8 m, whereas a minimum lot width of 18 m would be required for both the severed and retained lots; and Section 7.2.2.1.3 to permit a maximum lot coverage of 36%, whereas a maximum lot coverage of 35% is required for both the severed and retained lots 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, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the land; and,

- 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 Sections 6.2 and 7.4 of Report No. 2020-502.”

Recorded vote on Item 3.2:

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

NO: None – 0

Item 3.2 carried unanimously on a recorded vote.

CARRIED

4. PRESENTATIONS/DELEGATIONS [list, if any, available at the meeting]

There were no presentations or delegations.

5. ITEMS FOR CONSIDERATION

There were no items for consideration.

6. CONSENT ITEMS

6.1 Minutes

Moved by Greg Kempa
Seconded by Lee Rynar

THAT the following minutes BE ADOPTED:

6.1.1 Committee Adjustment - October 7, 2020

CARRIED UNANIMOUSLY

7. RESOLUTIONS

There were no resolutions.

8. NOTICES OF MOTION

There were no Notices of Motion

9. ADJOURNMENT

The meeting adjourned at 6:44.

Dan Namisniak, Chair

Sean House,
Secretary-Treasurer

Emma Vokes, Committee Coordinator