



COMMITTEE OF ADJUSTMENT MINUTES

December 2, 2020

5:30 p.m.

Council Chambers, Brantford City Hall

Dan Namisniak in the Chair

1. ROLL CALL

Present: Tara Gaskin, Krystyna Brooks, Dan Namisniak, Virginia Kershaw, Greg Kempa, Mike Bodnar

Regrets: Lee Rynar

2. DECLARATIONS OF CONFLICTS OF INTEREST

None.

3. STATUTORY PUBLIC HEARINGS/PUBLIC MEETING

The procedure to be followed during the Committee of Adjustment Hearings was explained by Chair Namisniak. As the meeting was held in a virtual setting, the procedures for the virtual meeting format were also reviewed prior to commencing the hearings. Proper notification of all applications had been given.

3.1 Application A20/2020 - 84 Lynden Road, 2020-566

Agent - R.G. Richards & Associates

**Applicant/Owner - I.G. Investment Management Ltd. & NADG (LPM)
GP Ltd.**

Ronald Richards, R.G. Richards & Associates, appeared before the Committee to provide an overview of the application. Steven Bishop, Vice-President of North American Development Group and Darryl Bird, Manager of Planning, WSP Consultants for Costco, also appeared before Committee to provide clarification if any questions

arise. The application is for a minor variance at 84 Lynden Road to allow for a gross leasable area of 15,105 m² for a retail warehouse as well as gas bar known as Costco.

Alexandra Mathers, Development Planner, addressed the Committee and provided an overview of the Staff Report. The application is to permit a retail warehouse and gas bar on the southern portion of the lands that is currently vacant. Lynden Park Mall and 4 outer buildings exist on the subject land. The applicant is seeking relief to permit a gross leasable area of 15,105 m² for a retail warehouse. The increase in gross leasable area at 85 Lynden Park Rd is not expected to have adverse impacts with existing retail within the City of Brantford. The Planning Justification Report referenced the New Market Demand Impact and Review Study which stated that the new retail warehouse development would have no impact on the existing retail market. Adequate parking will be provided on the lot and will continue to meet the minimum lot coverage requirements. Planning staff are of the opinion that the minor variance application to permit the 15,105 square metre retail warehouse meets the four tests of The Planning Act under section 45 (1) and staff are recommending approval of the application.

No members of the public spoke to the application.

Moved by Greg Kempa

Seconded by Virginia Kershaw

- A. THAT Application A20/2020 requesting relief from Section 9.11.3.4.4.8.1.3 of the City of Brantford Zoning By-law 160-90 to permit a gross leasable area of 15,105 m² for a retail warehouse, whereas the maximum gross leasable area of a retail warehouse at 84 Lynden Road is 13,005 m² 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 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. 2020-566.”

CARRIED

Recorded vote on Item 3.1:

YES: Virginia Kershaw, Tara Gaskin, Dan Namisniak, Greg Kempa, Krystyna Brooks,
Mike Bodnar – 6

NO: None – 0

Item 3.1 carried unanimously on a recorded vote.

3.2 Application A21/2020 - 205 King George Road, 2020-577

Agent - Pattison Outdoor Advertising
Applicant/Owner - Loutia Investments Ltd

Brandon Lincz, Agent, and Nathan Jankowski, Agent, Pattison Outdoor Advertising, appeared before Committee and provided a slideshow. A copy of which has been added to the file. Mr. Lincz advised they are seeking approval for a double sided electronic ground sign to be placed at Pho Viet Nam 999 restaurant located at 205 King George Road. The proposed sign complies with all applicable By-laws except for the setback requirement of 9.0 metres. The applicant is seeking a setback relief of 3.2 metres.

In response to questions, the Agent advised they will not be reusing the posts from the existing sign as the new sign is larger and will require concrete to be poured. Mr. Jankowski advised the image on the new sign will not be blinking, flashing, scrolling etc., it will be a static picture. The variance is to avoid placing the sign within the existing parking lot.

Brynne O'Neil, Development Planner, appeared before Committee to provide an overview of the Report. The application is to allow a billboard application 3.2 metres away from the street line whereas 9 metres is required under the Municipal Code. Ms. O' Neil clarified that the sign being requested is not a ground sign but is a billboard sign. The proposed billboard sign is larger than the existing sign. At the requested set back of 3.2 metres staff believes it will have negative impacts on the streetscape regarding pedestrian and vehicular traffic. Staff are recommending refusal of the application as it does not meet the intent of the Official Plan or the Municipal Code.

In response to questions, Ms. O'Neil advised staff would work with the Agent to find a more suitable location keeping safety in mind.

No members of the public spoke to the application.

Moved by Greg Kempa
Seconded by Mike Bodnar

THAT the following Application BE DEFERRED for one meeting cycle to give the Applicant and Staff time to reach a more suitable setback:

- A. THAT Application A21/2020 seeking relief from Section 478.14.6 of the Brantford Municipal Code to permit a billboard sign 3.2 m away from a street line whereas 9 m away is required BE REFUSED; and
- B. That the reason(s) for refusal are as follows:
 - i. The relief requested is not considered minor in nature and the application does not comply with the criteria set out in Section 45(1) of the *Planning Act*, and
 - ii. The proposed variance is not in keeping with the general intent of the Official Plan and Chapter 478 of the Brantford Municipal Code; 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. 2020-577

CARRIED

Recorded vote on Item 3.2:

YES: Virginia Kershaw, Tara Gaskin, Dan Namisniak, Greg Kempa, Krystyna Brooks, Mike Bodnar – 6

NO: None – 0

Item 3.2 carried unanimously on a recorded vote.

3.3 Application B16/2020 - 288 & 298 Murray Street, 2020-578

Agent - J. H. Cohoon Engineering Limited

Applicant/Owners - 2633350 Ontario Inc. (288 Murray St), 1617663 Ontario Inc. (298 Murray St)

Bob Phillips, Agent, J. H. Cohoon Engineering Ltd., appeared before the Committee to provide an overview of the application. The application is to sever a strip of land between an industrial building and the CN Railway. The land proposed to be severed is

approximately 40 feet wide. The severance will help with the use of the existing building located at 288 Murray Street.

Alexandra Mathers, Development Planner, addressed the Committee and provided an overview of the Staff Report. The application is for a consent boundary lot adjustment. The receiving lands currently contain a building that take up the majority of the lot. The applicants are proposing to sever a narrow 3 metre strip of land and merge the parcel of land with the neighboring property at 288 Murray Street. The purpose of adding this narrow strip of land is to provide access to a covered door on the building at 188 Murray Street. The consent application as proposed will not result in any adverse impacts to the surrounding properties. Staff are of the opinion the consent is consistent and conforms with the Official Plan and as such are recommending approval of the Application.

No members of the public spoke to the application.

In response to questions of Committee, Ms. O'Neil advised there is some form of an agreement the applicants are currently working on. From staff's understanding, if the applicants were not able to come to an agreement then this would be a null and void condition as it would not be required.

No members of public spoke to the application.

Moved by Virginia Kershaw
Seconded by Greg Kempa

- A. THAT Application B16/2020 for a lot boundary adjustment for sever 93 m² of land from the southwest corner of 298 Murray Street to merge them with the lands a 288 Murray Street, and retain a parcel of land having a lot area of +/- 2.04 ha, BE APPROVED subject to the conditions attached as Appendix A of Report 2020-578; 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 boundary adjustment 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 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; and
- C. 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 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. 2020-578.”

CARRIED

Recorded vote on Item 3.3:

YES: Virginia Kershaw, Tara Gaskin, Dan Namisniak, Greg Kempa, Krystyna Brooks, Mike Bodnar – 6

NO: None – 0

Item 3.3 carried unanimously on a recorded vote.

3.4 Application B17/2020 & A24/2020 - 10 Cecil Avenue, 2020-569

Applicant/Owner - Lucas, Al & Faith Bonfini

Bob Phillips, Agent, J. H. Cohoon Engineering Ltd., appeared before the Committee to provide an overview of the application. The application is proposing to sever a portion of the rear yard of the resident's property to create a new lot for another single family home. This results in a couple of required variances on the retained and severed property. The agent and client have read the staff report and are fully supportive of the conditions.

Alexandra Mathers, Development Planner, addressed the Committee and provided an overview of the Staff Report. The application is a consent and minor variance application to propose the creation of one new lot for residential use and retain one lot with the existing dwelling. To facilitate this consent, variances are required for the both the retained and new lot. The application was circulated to all residents within 60 metres of the property and one email was received with concerns regarding the lot creation. The home will remain on the property but the detached garage will be removed. The application is consistent with the Provincial Policy Statement and The Places to Grow Act. The proposed new lot is an appropriate size to accommodate a dwelling, amenity space and a parking area. Staff are of the opinion that the variance and the consents are appropriate. The approval of this application will not result in negative impacts to the surrounding neighborhoods. Staff are recommending approval of the application.

No members of the public spoke to the application.

Moved by Mike Bodnar

Seconded by Greg Kempa

- A. THAT Application B17/2020 to sever a parcel of land from the west portion of the lands municipally addressed as 10 Cecil Avenue, having a lot area of 425 m² and retain a parcel of land having a lot area of 438 m², BE APPROVED subject to the conditions attached as Appendix A to Report 2020-569; 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 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; and
- C. THAT Application A24/2020 seeking relief from Section 7.2.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 425 m², whereas a minimum lot area of 550 m² is required for the severed lot; Section 7.2.2.1.1 of Zoning By-law 160-90 to permit a minimum lot area of 438 m², whereas a minimum lot area of 550 m² is required for the retained lot; Section 7.2.2.1.5.1 to recognize an existing front yard of 4.7 m for the retained lot, whereas a minimum front yard of 6 m or the established front building line is required; and Section 7.2.2.1.6 to permit a minimum rear yard of 6 m for the severed parcel, whereas a minimum rear yard of 7.5 m is required, BE APPROVED; and
- 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 of Report No. 2020-569.”

CARRIED

Recorded vote on Item 3.4:

YES: Virginia Kershaw, Tara Gaskin, Dan Namisniak, Greg Kempa, Krystyna Brooks,
Mike Bodnar – 6

NO: None – 0

Item 3.4 carried unanimously on a recorded vote.

3.5 Application B18/2020 - 118 Albion Street, 2020-558

Agent - George Ziotek

Applicant/Owner - Polish Alliance of Canada Brantford Branch 10

George Ziotek, Agent, appeared before committee to provide an overview of the application. The applicant is requesting a consent for a severance of one parcel of land at 118 Albion Street from the entire parcel of land. The applicant is requesting Committee to consider further relief on conditions 5 and 6.

Brynne O'Neill, Development Planner, appeared before Committee and provided an overview of the application. The purpose of this application is for a consent application at 118 Albion Street. The Notice of Public Hearing was issued by personal mail and by posting signs at the site. At the date of this hearing, no comments were received from the public. The application was circulated to internal departments and agencies and as such the building department has requested spatial separations and the engineering department has requested grading and servicing plans. Both of these requests have been included as conditions of consent. The uses on the property are currently permitted. The proposed severance will be recreating a lot that was previously created. The construction of the parking area is the only visual change of the site and will be subject to a site alteration permit. The lot is considered appropriate as there are similar lots along Albion Street and within the greater neighbourhood. Staff recommend approval of the application subject to the conditions attached to the report.

In response to questioning, Ms. O'neil advised that condition number 5 and 6 are relatively standard. The Servicing Plan is required to ensure the proposed services are not crossing any other servicing lines. The grading and drainage conditions are required to ensure there are no storm or water drainage issues due to the alterations required to the parking. Staff are not comfortable removing those conditions at this time.

In response to questions, Mr. Ziotek advised he requested the City to provide the servicing for the properties but has not received that yet.

No members of the public spoke to the application.

Moved by Greg Kempa

Seconded by Mike Bodnar

THAT the following Application BE DEFERRED for one meeting cycle to allow Planning Staff to consult the Building Department and the Engineering Department to discuss conditions number 5 and 6:

- A. THAT Application B18/2020 to sever the parcel of land known municipally as 118 Albion Street, having a lot area of 432m² and retain a parcel of land municipally known as 126 Albion Street and 119 William Street, having a total lot area of 3,144m² BE APPROVED subject to the conditions attached as Appendix A to Report 2020-558; 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 consent application 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 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; and
- C. 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. 2020-558.”

CARRIED

Recorded vote on Item 3.5

YES: Virginia Kershaw, Tara Gaskin, Dan Namisniak, Greg Kempa, Krystyna Brooks, Mike Bodnar – 6

NO: None – 0

Item 3.5 carried unanimously on a recorded vote.

3.6 Application B19/2020 - 111 Sherwood Drive & B20/2020 - 125 Sherwood Drive, 2020-563

Agent - J.H. Cohoon Engineering Ltd.

Applicant/Owner - Forge and Foster (B19/2020) and Multani Custom Homes (B20/2020)

Bob Phillips, Agent, J. H. Cohoon Engineering Ltd., appeared before the Committee to provide an overview of the application. Two neighbours have come together and submitted applications to sever parcels of land to combine to create a new industrial lot to allow for future development. The Agent has read the planning report and is fully supportive of the report.

Brynne O'Neil, Development Planner, appeared before Committee and provided an overview of the Staff Report. Two applications have been received for consents; 111 Sherwood Drive and 125 Sherwood Drive. The severances would then be combined as one single lot. The applicant is also requesting an access easement over the severed lands in favor of the retained lands of application located at 125 Sherwood. The recent refusal of the Committee of Adjustment in August of 2020 was only for 125 Sherwood Drive. Notice of Public Hearing was issued by personal mail and by posting a sign at both addresses. No comments were received to date other than one resident for clarification purposes only. The proposed consents meet and conform to the Official Plan. Once the lands are merged, Planning staff are of the opinion that the consent applications are in compliance of the Zoning By-law. Staff are recommending approval of the applications subject to the conditions attached to the report.

No members of the public registered to speak.

Moved by Mike Bodnar

Seconded by Krystyna Brooks

- A. THAT Application B19/2020 to sever a parcel of land from the southwest portion of the lands municipally addressed as 111 Sherwood Drive, having an area of 0.24 ha to be consolidated with the severed lands of Consent Application B20/2020, and retain a parcel of land with an area of 3.82 ha, BE APPROVED, subject to the conditions attached in Appendix A1 of Report No. 2020-563; and
- B. THAT Application B20/2020 to sever a parcel of land from the southeast side of the lands municipally addressed as 125 Sherwood Drive, having an area of 0.15 ha to be consolidated with the severed lands of Consent Application B19/2020, and retain a parcel of land having a lot area of 1.96 ha and to create an access easement over the severed lands in favour of the retained

lands, BE APPROVED, subject to the conditions attached in Appendix A2 of Report No. 2020-563; and

C. 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 is consistent with the Provincial Policy Statement; and

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 2020-563

CARRIED

Recorded vote on Item 3.6

YES: Virginia Kershaw, Tara Gaskin, Dan Namisniak, Greg Kempa, Krystyna Brooks, Mike Bodnar – 6

NO: None – 0

Item 3.6 carried unanimously on a recorded vote.

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

Moved by Greg Kempa

Seconded by Virginia Kershaw

THAT the following minutes BE APPROVED:

6.1 Minutes

6.1.1 Committee of Adjustment - November 4, 2020

CARRIED

7. RESOLUTIONS

None.

8. NOTICES OF MOTION

None.

9. ADJOURNMENT

The meeting adjourned at 7:31.

Dan Namisniak, Chair

Sean House,
Secretary-Treasurer

Emma Vokes, Committee Coordinator