



## COMMITTEE OF ADJUSTMENT MINUTES

February 3, 2021

5:30 p.m.

Brantford City Hall, 100 Wellington Square

Daniel Namisniak in the Chair

### 1. ELECTION OF THE CHAIR

Moved by Virginia Kershaw

Seconded by Greg Kempa

THAT Dan Namisniak BE ELECTED as Chair.

No other nominations were received.

D. Namisniak accepted the nomination and was acclaimed as Chair.

Moved by Greg Kempa

Seconded by Lee Rynar

THAT Virginia Kershaw BE ELECTED as Vice-Chair.

No other nominations were received.

V. Kershaw accepted the nomination and was acclaimed as Vice-Chair.

### 2. ROLL CALL

Present: Tara Gaskin, Krystyna Brooks, Virginia Kershaw, Greg Kempa, Michael Bodnar, Lee Rynar, Dan Namisniak

Regrets: None

### **3. DECLARATIONS OF CONFLICTS OF INTEREST**

No declarations of conflicts of interest were declared.

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

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.

#### **4.1 Application B04-2021 and A12-2021 - 9 Broad Street and 130 Terrace Hill Street, 2021-100**

Item 4.1 was automatically DEFERRED for one meeting cycle as requested by staff.

#### **4.2 Application A10-2021 - 11 South Street, 2021-117**

Applicant - Mazher Latif

Owner - TJ McCool

Mazher Latif, Applicant, appeared before Committee and provided an overview of the application. The applicant's intent is to build a duplex with a lot width of 7.6 metres whereas 12 metre is required. The applicant is also requesting to permit tandem parking.

Brynne O'Neill, Development Planner, addressed the Committee and provided an overview of the Staff Report. The application contains three minor variances at 11 South Street. The applicant is proposing to construct a duplex dwelling on the vacant property. To facilitate the development, the applicant is seeking relief from three sections of the Zoning Bylaw to permit a required parking space in the front yard, to permit tandem parking and to permit a lot width of 10.5 m for a duplex dwelling whereas 12 m is required. The lands are currently vacant as the existing dwelling has been demolished.

The surrounding properties are generally single detached in nature. This application was circulated to appropriate departments and agencies and no adverse comments were received. Notice was issued by personal mail and posting a sign on the site and no comments have been received. Planning Staff is of the opinion that the proposed minor variance application is consistent with the Provincial Policy Statement and conforms to the growth plan. Planning staff are of the opinion the variance is minor in

nature and that the proposed minor variance meets the four tests of Section 45 (1) of the Planning Act. Planning staff are recommending approval of the application.

In response to questions of Committee, Brynne O'Neill advised that through Bill 108 of the Planning Act, tandem parking shall be permitted for accessory dwelling units (additional units within an existing dwelling). The City's By-law was recently updated to include the tandem parking that the Planning Act required for those units however it did not consider other uses for example duplex dwellings. Planning staff are of the opinion it is similar in nature. The applicant must maintain 50% landscaped open space in the front yard. In Planning Staff's opinion, tandem parking is more appropriate than having the full front yard driveway.

No members of the public spoke to the application.

Moved by Virginia Kershaw

Seconded by Lee Rynar

- A. THAT Application A10/2021 seeking relief to permit a tandem parking space within the required front yard; to permit tandem parking for a duplex dwelling, whereas tandem parking is not permitted; and to permit a minimum lot width of 10.5 m for a duplex dwelling, whereas 12 m 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 160-90, 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 this planning matter, as discussed in Section 6.2 of Report No. 2021-117.”*

CARRIED UNANIMOUSLY

Recorded vote on Item 4.2:

YES: Dan Namisniak, Virginia Kershaw, Tara Gaskin, Greg Kempa and Krystyna Brooks, Lee Rynar, Mike Bodnar – 7

NO: None – 0

Item 4.2 carried unanimously on a recorded vote.

#### **4.3 Application B05-2021 and A09-2021 - 223 Sydenham Street, 2021-127**

Applicant/Owner - 2712007 Ontario Inc./ Chris Henderson

Chris Henderson, Applicant, appeared before Committee to provide an overview of the application. The applicant purchased the property with residential infill in mind to help Brantford with the current housing shortage. The applicant is requesting a severance in along with three different minor variances. The applicant feels there are other areas in Brantford where this has happened and to support the City's mandate regarding infill development they are requesting the severance and variances. The applicant has read the Staff Report and is supportive of all the conditions.

Brynne O'Neill, Development Planner, addressed the Committee and provided an overview of the Staff Report. The application is for a minor variance and consent for 223 Sydenham Street. The applicant is proposing to sever an existing property into two lots for the purposes of developing a single detached dwelling on the severed lands. The existing dwelling will remain on the retained lands. Three minor variances are required to facilitate the severance. The lands are occupied by a single detached dwelling with an attached garage.

The application was circulated to all applicable departments and agencies and no adverse comments were received. Engineering services has advised they will be requiring a grading and drainage plan as a condition of consent. Further, they have requested a road widening of 2.75 m for both the retained and severed parcels. Planning staff are generally supportive of these requests however staff are not supportive in this instance as it would impact the feasibility of the development. Sydenham Street is not contemplated under Schedule 5-2 of the Official Plan and the widening would impact the proposed lot areas so therefore the road widening has not been made a condition of consent.

Notice was issued by personal mail (55 notices) and by posting a sign on-site. At the date of the preparation of this Report no comments had been received however there has since been a letter received that was distributed to Committee members prior to the meeting. The existing garage will be demolished as a condition of consent. Staff are of the opinion that the consent maintains the character of the established residential neighbourhood. The severed property if approved, would be subject to Site Plan Approval. Staff are of the opinion that the variances are desirable for the appropriate development and use of the land as it will not result in adverse impacts or restrict development of any adjacent property. It is Planning Staff's opinion that the variances

satisfy the four tests as defined under the *Planning Act*. Planning staff are supportive of the application and are recommending approval.

In response to questions of Committee, Brynne O'Neill advised there is work scheduled for Sydenham road however, the remaining properties along the road, match where the property line is right now. Staff believe the work is to upgrade sidewalks, etc. but details are unknown. The current development would not impact any construction along Sydenham in the future.

Three members of the public registered to speak to this application.

Pam Gadawaski, 227 Sydenham Street, appeared before Committee and advised she doesn't believe there is enough lot room for what is being proposed. Ms. Gadawaski is also concerned about the parking situation if the road widening takes place. Where will they park at 223 Sydenham because there will not be enough room. Right now, there is a By-law that states we can't park on the road between December 15 – March 15 that is already a concern. It is an established neighbourhood and this would be the first severance in this neighbourhood.

Terry Antonie, 219 Sydenham Street, appeared before Committee and advised he has lived in the neighbourhood his entire life. The proposed development is going to set a precedent now that a builder can buy a property and make two houses but there is not enough room. This neighbourhood has been a sought after neighbourhood for ever for families. The lots sizes are what draw people. Most houses have enough parking to park their cars in their driveways. Mr. Antonie is concerned they will lose appeal of the neighbourhood and what will happen tax wise. Mr. Antonie does not believe this application should be approved.

Troy Antonie, 219 Sydenham Street, appeared before Committee and advised she believes the present By-law of 12 m lots should be upheld. 9 m is a very small narrow lot. If the variance is approved who is to say that this won't continue on the street until we are eaves trough to eaves trough. We stayed here in this area because it is a beautiful area, decent yards, lots of parking, more privacy. If this severance is approved it will take away from our quality of life in this area. If you only have room for one vehicle in the front yard, then you are putting more cars on our street which we do not need. Ms. Antonie is worried about the property value of their home. She does not want this to set a precedent. Ms. Antonie does not feel this variance is minor and believes the application should not be approved.

No other applicants registered to speak.

In response to questions, Brynne O'Neill, Development Planned advised one parking spot per property is what is required under the By-law so that is not a variance that the applicant is seeking. The applicant is meeting the parking requirement. Any application

that is received by the Planning Department is reviewed on a case by case basis. If the application does get approved, it does not mean it sets a precedence as each lot is reviewed against the provincial and local criteria as to whether it is appropriate. The applicant has applied to sever the lot and the three variances that they have been requested are typically seen with infill development. Through the Site Plan Control process that is a condition of severance, the applicant must provide detailed plans, elevations, site plan, grading, storm water management. Through that process, staff, as well as the ward councillors have time to comment.

In terms of the frontage size, it is smaller than lots adjacent to this property but there are examples further down the road on Sydenham of similar size so planning staff considered the neighbourhood as a whole rather than properties directly adjacent.

Chris Henderson, Applicant, offered clarification that the applicant fully intends to comply with all the requirements and conditions of the application. The applicant is more than happy to meet with any neighbours to hear their input. The applicant is working on plans at the moment and is trying to keep it consistent with other buildings in the area so it will fit in from esthetic point of view.

The Chair clarified for the members of the public that this request is not already a done deal. The Committee of Adjustment is appointed by Council to make decisions under the Planning Act. The Committee is a decision maker regarding applicable planning policies to consider the merits of the request. We are in a unique position to consider all these things to make an informed decision. In this case we are making a decision on variance and consent applications.

Moved by Michael Bodnar

Seconded by Greg Kempa

- A. THAT Application B05/2021 to sever a parcel of land from the south portion of the lands municipally addressed as 223 Sydenham Street, having a lot area of 311 m<sup>2</sup>, and retain a parcel of land having a lot area of 355 m<sup>2</sup> BE APPROVED, subject to the conditions attached as Appendix A to Report 2021-127; 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 A09/2021 seeking relief from Section 7.4.2.1.1 of Zoning By-law 160-90 to permit minimum lot areas of 355 m<sup>2</sup> (retained) and 311 m<sup>2</sup> (severed), whereas a minimum lot area of 360 m<sup>2</sup> is required for both the severed and retained lots; Section 7.4.2.1.2 of Zoning By-law 160-90 to permit a minimum lot width of 9.1 m, whereas a minimum lot width of 12 m would be required for both the severed and retained lots; and Section 7.4.2.1.7.1 to permit an interior side yard of 1.2 m, whereas 3 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 Section 6.2 of Report No. 2021-127.”*

Moved by Tara Gaskin

Seconded by Michael Bodnar

THAT Clause C BE AMENDED to include the words “applied to the retained parcel only” after 1.2 m

CARRIED

Recorded vote on the Amendment

YES: Dan Namisniak, Virginia Kershaw, Tara Gaskin, Greg Kempa and Krystyna Brooks, Lee Rynar, Mike Bodnar – 7

NO: None – 0

Amendment carried unanimously on a recorded vote.

CARRIED UNANIMOUSLY AS AMENDED

Recorded vote on Item 4.3 AS AMENDED:

YES: Dan Namisniak, Virginia Kershaw, Tara Gaskin, Greg Kempa and Krystyna Brooks, Lee Rynar, Mike Bodnar – 7

NO: None – 0

Item 4.3 AS AMENDED carried unanimously on a recorded vote.

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

There were no presentations/delegations.

**6. ITEMS FOR CONSIDERATION**

There were no items for consideration.

**7. CONSENT ITEMS**

**7.1 MINUTES**

Moved by Lee Rynar

Seconded by Greg Kempa

THAT the following minutes BE APPROVED:

**7.1.1 Committee of Adjustment - January 14, 2021**

CARRIED

**8. RESOLUTIONS**

There were no resolutions.

**9. NOTICES OF MOTION**

There were no notices of motion.

**10. ADJOURNMENT**

The meeting adjourned at 6:54 p.m.

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Dan Namisniak, Chair

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Sean House,  
Secretary-Treasurer

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Emma Vokes, Committee Coordinator