



COMMITTEE OF ADJUSTMENT MINUTES

September 1, 2021

5:30 p.m.

Brantford City Hall, 58 Dalhousie Street

Dan Namisniak in the Chair

1. ROLL CALL

Present: Virginia Kershaw, Gregory Kempa, Krystyna Brooks, Michael Bodnar,
Tara Gaskin, Lee Rynar

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 MEETINGS

The procedure to be followed during the Committee of Adjustment Hearings was explained by Chair Kershaw. 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 A31/2021 - 59 Roy Boulevard, 2021-572 Applicant/Owner - 2618909 Ontario Ltd. Roman Rockcliff

Patrick Pearson and David Capper of Glen Schnarr & Associates Inc. appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. The application is a minor variance for the separation distance between the cannabis processing facility and lands zoned for residential. In order to facilitate the addition, they are seeking a reduction of 10 metres to permit it. They are seeking approval of the application.

Sarah Hague, Planner appeared before the committee and provided an overview of the Staff Report. A PowerPoint presentation was made and a copy placed in the meeting file. The minor variance is minor in nature as it is a 2.5% reduction which can mitigate

potential issues. It is appropriate for the area and will add jobs to the community. Staff are recommending approval of the application.

There were no members of the public present to speak to the application. The public hearing was subsequently completed and closed.

Moved by Virginia Kershaw

Seconded by Gregory Kempa

- A. THAT Application A31/2021 requesting relief from By-Law No. 122-2020 to permit a separation distance of 390 m between a Cannabis Production and Processing Facility from residentially zoned lands, whereas a separation distance of 400 m is required, BE APPROVED, contingent on By-law No. 122-2020 coming into force and effect; 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. 2021-572.”

Recorded vote on Item 3.1:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Lee Rynar, Gregory Kempa, Michael Bodnar. Dan Namisniak – 7

NO: None – 0

Item 3.1 carried on a recorded vote of 7 to 0.

3.2 Application A32/2021 - 87 Stauffer Road, 2021-564

Applicant - TCA LIV Hardy Road Inc.

Owner - Telephone City Aggregates, James Dick Construction Ltd., and 2006002 Ontario Inc.

Agent - MHBC Planning

Dave Aston of MHBC Planning appeared before the Committee to provide an overview of the application. The application is for a minor variance as the location for the transformer for the development needed to change due to recommendation from

Brantford Power. The minor variance is necessary to use the preferred location. They are seeking approval of the application before the committee.

Alexandra Mathers, Development Planner appeared before the Committee and provided an overview of the staff report. A PowerPoint presentation was made and a copy placed in the meeting file. Staff are recommending approval of the application as it facilitates the service equipment integral to the subdivision.

No members of the public were in attendance to speak to the application. The public meeting was subsequently completed and closed.

Moved by Michael Bodnar

Seconded by Lee Rynar

- A. THAT Application A32/2021 requesting relief from Section 6.19.6.1 of Zoning By-law 160-90 to permit utility service equipment (electrical transformer) to not be screened on all sides by an opaque fence and/or wall of a minimum height equal to the height of the utility service equipment to a maximum of 4.0 m, or a buffer approved pursuant to the Site Plan Control provisions of the *Planning Act*, whereas when utility service equipment is located on a lot and not enclosed, and is greater than 1.4 m in height, such equipment shall be screened on all sides by an opaque fence and/or wall of a minimum height equal to the height of the utility service equipment to a maximum of 4.0 m, or a buffer approved pursuant to the Site Plan Control provisions of the *Planning Act* is required, BE APPROVED;
- B. THAT Application A32/2021 requesting relief from Section 6.19.6.2 of Zoning By-law 160-90 to permit utility service equipment (electrical transformer) to be located 2.2 m from either a lot in a Residential Zone or a lot line abutting a street, whereas when a utility service equipment is located on a lot and not enclosed and is greater than 1.4 m in height, such equipment shall not be permitted within 6.0 m of either a lot in a Residential Zone or a lot line abutting a street is required, BE APPROVED;
- C. 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,
- D. THAT pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1900 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 2021-564”

Recorded vote on Item 3.2:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Lee Rynar, Gregory Kempa, Michael Bodnar. Dan Namisniak – 7

NO: None – 0

Item 3.2 carried on a recorded vote of 7 to 0.

4. DELEGATIONS

Ken and Ryan Benson appeared before the Committee to speak to Item 5.1 – Applications B18/2021 & A29/2021 for 11 Milton Street. The item was previously deferred by the Committee. Ken and Ryan Benson as the applicants spoke and advised the committee that they did not amend their application and are seeking approval as it was originally applied. Mr. Benson further advised that the concerns from the neighbours regarding trees is not a concern as there are no trees that would need to be cleared. Members of the Committee asked a variety of questions of the delegates.

5. ITEMS FOR CONSIDERATION

5.1 B18/2021 & A29/2021 – 11 Milton Street – Memorandum regarding Committee Deferral, 2021-579

The following recommendation was automatically on the floor due to its previous deferral:

- A. THAT Application B18/2021 to sever a parcel of land from the east portion of the lands municipally addressed as 11 Milton Street, having a lot area of 365 m² and retain a parcel of land having a lot area of 416 m², BE APPROVED subject to the conditions attached as Appendix A to Report 2021-485;
- B. THAT the reason(s) for approval are as follows: having regard for the matter under Section 51(24) of the Planning Act, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area. 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 with 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 A29/2021 seeking relief from the following Sections of Zoning By-law 160-90: Section 7.3.2.1.1 to permit a lot area of 365 m² (severed) and 416 m² (retained), whereas 450 m² is required; Section 7.3.2.1.5 to permit a minimum front yard of 5.7 m for the severed lot, whereas 6 m or the established front building line, whichever is lesser is required; and Section 7.3.2.1.6 to permit a rear yard of 6.5 m (retained) and 3.0 m (severed) provided that a minimum 6.5 m side yard is maintained for one of the side yards of the severed lot, whereas a rear yard of 7.5 m is required 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 Section 6.2 of Report No. 2021-485”

Recorded vote on Item 5.1:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Michael Bodnar, Dan Namisniak – 5

NO: Gregory Kempa, Lee Rynar – 2

Item 5.1 carried on a recorded vote of 5 to 2.

6. CONSENT ITEMS

7. RESOLUTIONS

8. NOTICES OF MOTION

9. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Dan Namisniak, Chair

J. Sippel, Council & Committee
Services Coordinator