



COMMITTEE OF ADJUSTMENT MINUTES

August 4, 2021

5:30 p.m.

Brantford City Hall, 100 Wellington Square

Chair V. Kershaw

1. ROLL CALL

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

Regrets: Dan Namisniak

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 A26-2021 - 63 Wharfe Street, 2021-513

Agent - Vicano Developments Limited (c/o - Yaw Yawson)

Applicant/Owner - 2788845 Ontario Inc.

Yaw Yawson, Vicano Development, appeared before committee to give a brief overview of the application. Mr. Yawson advised the purpose of the application is to reduce the required loading spaces at the proposed development. The developer is proposing to

develop a 3 story medical clinic with approximately 106 above ground parking spaces and 40 underground. There will be 7 accessible parking spaces with three accesses. The applicant would like to reduce the loading space required to 1 loading space as they only require loading once per week. The applicant and agent believe the applications meets the 4 tests in the Planning Act and general intent of the Official Plan.

Sean House, Development Planner, appeared before Committee and presented the Staff Report. Staff received a minor variance application for 60 Wharfe Street. The property was formally occupied by a lumber yard which has recently been demolished. The property is now vacant. The Applicant is proposing to construct a 3 story medical building and is seeking relief for 1 loading space whereas 3 are required. Medical clinics are a permitted use in the Official Plan and the Zoning By-law. Notice was circulated to all property owners within 60 m and no objections were received. Planning staff are recommending approval of Application A26-2021.

Yaw Yawson, Agent, clarified that the owner of the building is a local medical group looking to expand and serve Brantford and surrounding areas.

Moved by Lee Rynar

Seconded by Mike Bodnar

- A. THAT Application A26/2021 requesting relief from Section 6.23.6.3 of Zoning By-law 160-90 to permit a minimum of one (1) loading space for a medical clinic with a Gross Floor Area (GFA) of 4,100 m², whereas a minimum of three (3) loading spaces are required for non-residential uses with a GFA between 3,700 m² and 9,250 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. 2021-513.*”

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.1:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Lee Rynar, Gregory Kempa, Michael Bodnar – 6

NO: None – 0

Item 3.1 carried on a recorded vote of 6 to 0.

3.2 Application A27-2021 and A30-2021 - 501 Shellard Lane, 2021-514

Agent - MHBC Planning Ltd. (c/o Stephanie Mirtitsch)

Applicant/Owner - Losani Homes (c/o Myles Smith)

Stephanie Mirtitsch, Agent, appeared before Committee to provide an overview of the Application. Ms. Mirtitsch advised the Application is for two minor variances for a recently registered Plan of Subdivision - Block 219 and Block 222. Both of the blocks are proposed to be developed as street townhouses subject to future part lot control applications. As a result of the part lot application, the individual lot area will be created. The Applicant is seeking a lot area of 165 sq m whereas 180 sq m is required which will allow 5.5 m wide townhouse dwellings. The Applicant advised she has been working with staff throughout the process and appreciates the help.

Alexandra Mathers, Development Planner, appeared before Committee and gave an overview of the Staff Report. The Application received is for 2 minor variance applications at 501 Shellard Lane. The Applications are specifically relating to two blocks in the registered Plan of Subdivision - 219 and 222. The Applicant is proposing to development a combination of town home units. In order to facilitate the development, the Applicant is seeking relief to permit a minimum lot area of 165 sq m whereas 180 sq m is required. In order for a minor variance to be approved is must meet the four tests of s. 45 (1) the Planning Act. Notice of Public Hearing was issued by personal mail (50 notices) and by posting a sign on-site. At the date of the preparation of this Report, one member reached out to the application with questions but had no comments. Staff are supportive of the Application and recommend approval.

Moved by Lee Rynar

Seconded by Gregory Kempa

- A. THAT Application A27/2021 requesting relief from Section 7.9.4.62.1.1 of Zoning By-law 160-90 for Block 219 to permit a minimum lot area of 165 m², whereas a minimum lot area of 180 m² is required, BE APPROVED; and
- B. THAT Application A30/2021 requesting relief from Section 7.9.4.62.1.1 of Zoning By-law 160-90 for Block 222 to permit a minimum lot area of

165 m², whereas a minimum lot area of 180 m² is required, BE APPROVED; and

- C. THAT the reason(s) for approval are as follows: the proposed variances are 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 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. 2021-514.”

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.2:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Lee Rynar, Greg Kempa, Michael Bodnar – 6

NO: None – 0

Item 3.2 carried unanimously on a recorded vote of 6 to 0.

3.3 Application A28-2021 - 371 St. Paul Avenue, 2021-510

Agent - Paul Marques Architect Inc.

Applicant/Owner - Metro Ontario Real Estate Limited

Franco Romano, Metro Ontario Real Estate Limited, appeared before Committee and gave a brief overview of the application. Mr. Romano advised the proposal is to enclose the existing loading bay area located at the rear of the building. The bay is currently covered but open on 3 sides. The enclosure will add 56.6 sq m in gross floor area. The proposed enclosure complies with all other aspects of the Zoning By-law including rear yard setbacks. The proposal does not seek any change to the hours during which loading and receiving is permitted and there will be no increase in loading bay area that is being proposed. The proposed enclosure will assist in mitigating impacts and result in less noise and reduce visible outdoor activities. As part of the proposal, a noise study was undertaken and submitted to the City. Metro is undertaking to screen the rooftop

mechanical equipment which will further reduce noise levels. The applicant has read the Staff Report and agrees with staff recommendations.

Sean House, Development Planner, appeared before Committee and provided an overview of the Staff Report. Staff received a minor variance application for 371 St. Paul for a Supermarket known as Metro. The Applicant is proposing to add an addition of approximately 56 sq m which will enclose the existing concrete pad and loading area. To facilitate the development as proposed, the Applicant is seeking relief from the Zoning By-law to permit a gross floor area of 4,275 sq m whereas a maximum gross floor area of 3,985 sq m is permitted. To be approved, the Application must pass the 4 tests of the Planning Act. The addition is not expected to have a negative impact on neighboring properties. A noise study was completed and it was determined it will actually reduce current noise volumes. The application is desirable for the lands and will improve the esthetics of the site. The site specific zoning does dictate the maximum GFA which is 3985 sq m based on the gross amount of floor footage. The intent of the Zoning By-law and Official Plan is maintained. Public Notice was circulated to all properties within 60m and a sign posted on the site. Staff received 3 inquiries requesting information. The applicant is not proposing changes to the noise levels. Planning staff recommend approval of Application A28-2021.

In response to questions staff advised that after you enclose all sides to a roof, it becomes part of the gross floor area.

Moved by Krystyna Brooks

Seconded by Greg Kempa

- A. THAT Application A28/2021 requesting relief from the City of Brantford Zoning By-law 160-90 to permit a Gross Floor Area (G.F.A.) of 4,275 m², whereas a maximum Gross Floor Area of 3,985 m² is permitted 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 subject lands; 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 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. 2021-510.”

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Item 3.3:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Lee Rynar, Gregory Kempa, Michael Bodnar – 6

NO: None – 0

Item 3.3 carried unanimously on a recorded vote of 6 to 0.

3.4 Application B18-2021 and A29-2021 - 11 Milton Street, 2021-485

Applicant/Owner - Ryan, Danielle, Lynn and Ken Benson

Ryan Benson, Applicant/Owner, appeared before Committee and gave an overview of the Application. Mr. Benson advised he is requesting approval to sever the west portion of the lot at 11 Milton Street. With the severance, he is also seeking approval for consent to build a single detached residential dwelling. The applicant is requesting a few minor variances on the retained lot. The first is looking for a minor variance for the back yard setback of 6.5 sq m whereas 7.5 is required. The applicant is also a reduction in the lot area to 365 m sq. whereas 450 m sq is required. The applicant is further seeking approval for minor variances on the west lot. The applicant is seeking to reduce the rear yard from the required 7.5 sq. m to 3 m. To make up for that reduction, the applicant is requesting to increase the side yard from the required 3 sq m to 7.2 sq m.

In response to questions, the Applicant advised Committee they will not have any problems fulfilling all requests by Staff.

Alexandra Mathers, Development Planner, appeared before Committee and gave an overview of the Staff Report. Planning staff have received a consent and minor variance application for 11 Milton Street. The surrounding area is mixed of low medium density residential dwellings. The Applicant is proposing to sever the property into two lots. The existing single detached will remain. To facilitate the consent application, minor variances are required to provide relief for both the retained and severed lot. The proposed variances are to permit lot area of 365 m sq for the severed lot and 416 m sq whereas 450 sq m is required, to permit a minimum front yard of 5.7 m for the severed lands whereas 6 sq m is required and to permit rear yard of 3 sq m and 6.5 m for the retained lot. In order for a minor variance to be approved it must meet the four tests of section 45(1) of *the Planning Act*. There are many examples of 6.5 m sq rear yards within the City. The severed lot is subject to Site Plan Control to provide an opportunity to review the site plans in order to ensure its compatibility.

The applications were circulated to all applicable departments and agencies. No adverse comments were received. Notice of Public Hearing was issued by personal mail (41 notices) and by posting two signs on-site. 9 members of the public contacted the planning department expressing concerns related to the size of the lot. Planning Staff recommend that applications B18/2021 and A29/2021 be approved subject to the conditions attached as Appendix A to Report 2021-485.

In response to questions, Alexandra Mathers advised that if a side walk gets installed, the sidewalks would be within the public right of way for Charles Street so it would not require variances unless the applicant proposes a new development at that time.

Two members of the Public registered to speak to the Application.

Kevin General, 40 Charles Street, built his house with his brother 25 years ago. Three of his house windows would be blocked by a brick wall or siding on a two story house so in turn would block all the light into his home. Mr. General has 5 letters all from members of the community within a 60 meter radius, all opposing the development. The view, the grounds, the cramming of people, the parking, and the buss is all concerns to the community. Mr. General advised he is livid that someone would want to move into this neighbourhood and do this. The variances will make the back yard too small. Three of our neighbours will be staring at their neighbours watching everything they do. The trees on the property are a whole other matter. The development will destroy our neighborhood. Could you imagine building a house and then have someone slap a 2 story house up beside you?

Austin General, 40 Charles Street, advised Committee he is in opposition of the lot severance due to the above mentioned comments of Kevin General. In conclusion, the development will ultimately bring tension to our residents and neighbourhood. Mr. General has heard nothing but negative comments. Mr. General does not support the lot severance.

Moved by Krystyna Brooks

Seconded by Gregory Kempa

- 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; and
- 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; and

- 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; 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. 2021-485”

Deferral:

Moved by: Michael Bodnar

Seconded by: Gregory Kempa

THAT the following BE DEFERRED for two meeting cycles to allow staff to consult with the applicant to investigate a revised application limited to a single story dwelling with a similar footprint, placement of the mature trees and off street parking:

- 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; and
- 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; and
- 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; 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 Policy No. 2021-485”

CARRIED UNANIMOUSLY ON A RECORDED VOTE

Recorded vote on Deferral:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Lee Rynar, Greg Kempa, Michael Bodnar – 6

NO: None – 0

Item 3.4 carried on a recorded vote of 6 to 0.

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

There were no presentations/delegations on the Agenda.

5. ITEMS FOR CONSIDERATION

There were no Items for Consideration.

6. CONSENT ITEMS

Moved by Gregory Kempa

Seconded by Lee Rynar

THAT the following minutes BE APPROVED:

6.1 MINUTES

6.1.1 Committee of Adjustment - May 5, 2021

6.1.2 Committee of Adjustment - July 7, 2021

CARRIED UNANIMOUSLY

7. RESOLUTIONS

There were no Resolutions.

8. NOTICES OF MOTION

There were no Notices of Motion.

9. ADJOURNMENT

The meeting adjourned at 6:50 p.m.



Virginia Kershaw, Chair

Emma Vokes, Council & Committee
Services Coordinator

Sean House, Secretary-Treasurer