



COMMITTEE OF ADJUSTMENT MINUTES

November 3, 2021

5:30 p.m.

Brantford City Hall, 58 Dalhousie Street

Dan Namisniak in the Chair

1. ROLL CALL

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

Regrets: Lee Rynar

2. DECLARATIONS OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest made by members present at the meeting.

3. 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.

3.1 Application A38/2021 - 18 Stirton Avenue, 2021-687

Applicant - Andrew Neill Construction Inc.

Owner - Corporation of the City of Brantford

Connie Martin, representing Andrew Neill Construction appeared before the Committee along with Deb Schlichter and Jeff Lowe from the City of Brantford. The application is to decrease the gross floor area to 30 metres squared. They are seeking approval of the staff recommendation.

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 original meeting file. The application is for a semi-detached building to be converted into four

units. They are seeking relief of the gross floor area per unit. The variance is required to permit the use as a fourplex. Residents were notified of the application and there was one comment. The application is minor in nature, desirable for the neighbourhood and use of land. Staff are recommending approval of the application.

There were no members of the public in attendance to speak to the application.

The public hearing was completed and subsequently closed.

Moved by Virginia Kershaw

Seconded by Greg Kempa

- A. THAT Application A38/2021 requesting relief from Section 7.8.2.1.8.2 of Zoning By-law 160-90 to permit a converted dwelling with a minimum Gross Floor Area of 30.0 m²/unit, whereas 55.0 m²/unit 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, 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. 2021-687.”

Recorded vote on Item 3.1:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Gregory Kempa, Michael Bodnar, Dan Namisniak – 6

NO: None – 0

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

3.2 Applications B23/2021, B24/2021, A40/2021 & A41/2021 - 106 Oak Street, 2021-680

Agent - J. H. Cohoon Engineering Ltd.

Applicant/ Owner - Dan Brown

Bob Phillips, J. H. Cohoon Engineering Ltd., Roshika Angrish, Angrish Group and Dan and Carolynne Brown appeared before the Committee regarding the application. A PowerPoint presentation was made and a copy placed in the meeting file. The application is to sever the subject lands to create two additional residential lots for single family dwellings. The Staff report recommends refusal for one of the lots however the

applicant is requesting approval as the proposed lots are underutilized and are compatible with the neighbourhood by enhancing the character of the community without causing undue adverse impacts on adjacent properties. The renderings have been created to fit the neighbourhood. The owners have gone to the neighbours and the majority of the neighbours saw no concern and they did not meet any resistance. They also showed pictures of the houses they propose and the neighbourhood was pleased with development. The applicants and agents responded to a number of questions from the Committee.

Sean House, Intermediate 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 one of the severances but not the other. Staff responded to a number of questions from the Committee.

No members of the public were in attendance to speak to the applications.

The applicants reappeared before the Committee and responded to questions from the Committee.

The public hearing was completed and subsequently closed.

Moved by Michael Bodnar

Seconded by Greg Kempa

- A. THAT application B23/2021 to sever a parcel of land from the west side of the lands municipally addressed as 106 Oak Street, having a lot area of 222 m² and to retain a parcel of land having a lot area of 370 m², BE APPROVED subject to the conditions attached as Appendix A to Report 2021-680; 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 and will not result in adverse impacts on the surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90, and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and,
- C. THAT application A40/2021 seeking relief from Zoning By-law 160-90 for the lands municipally known as 106 Oak Street, BE APPROVED for the following variances:

B23/2021 Severed Lot

- Section 7.8.2.1.1.1 to permit a lot area of 222 m² for the severed lot, whereas 270 m² is required; and

- Section 7.8.2.1.6 to permit a reduced rear yard of 3.75 m whereas 7.5 m is required, conditional upon a minimum 6.5 m interior side yard being maintained.

B23/2021 Retained Lot

- Section 7.8.2.1.6 to permit a reduced rear yard of 0.4 m for the existing building only whereas 7.5 m is required; and
 - Section 7.8.2.1.5 to permit a reduced front yard of 1 m whereas 6 m or the established front building line, whichever is lesser, is required; 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 subject lands; and
- E. 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 2021-680.”

Recorded vote on B23/2021 and A40/2021:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Gregory Kempa, Michael Bodnar, Dan Namisniak – 6

NO: None – 0

Applications B23/2021 and A40/2021 carried on a recorded vote of 6 to 0.

Moved by Virginia Kershaw

Seconded by Greg Kempa

- A. THAT application B24/2021 to sever a parcel of land from the east side of the lands municipally addressed as 106 Oak Street, having a lot area of 184 m² and to retain a parcel of land having a lot area of 184 m², BE APPROVED,; and,
- B. THAT the reason(s) for approval are as follows: has regard for the matters under Section 51 (24) of the Planning Act, and meet the policies of the Official Plan; and,

- C. THAT application A41/2021 seeking relief from Zoning By-law 160-90 for the lands municipally known as 106 Oak Street, BE APPROVED for the following variances :

B24/2021 Severed Lot

- Section 7.8.2.1.1.1 to permit a lot area of 184 m² for the severed lot, whereas 270 m² is required;
- Section 7.8.2.1.6 to permit a reduced rear yard of 6.67 m whereas 7.5 m is required; and
- Section 7.8.2.1.5 to permit a reduced front yard of 1 m whereas 6 m or the established front building line, whichever is lesser, is required.

B24/2021 Retained Lot

- Section 7.8.2.1.1.1 to permit a lot area of 184 m² for the retained lot, whereas 270 m² is required; and,

- D. That the reason(s) for approval of the minor variances are as follows: The proposed variances are 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 subject land; and,

- E. 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 2021-680.”

Recorded vote on B23/2021 and A41/2021:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Gregory Kempa, Michael Bodnar, Dan Namisniak – 6

NO: None – 0

Applications B23/2021 and A40/2021 carried on a recorded vote of 6 to 0.

3.3 Application A39/2021 - 139-141 Charing Cross Street, 2021-688
Agent - MHBC Planning (Trevor Hawkins)
Applicant/ Owner - Om India Food Centre/ Long Holdings Inc.

Trevor Hawkins of MHBC Planning appeared before the Committee to give an overview of the application. The application is to construct a specialty grocery store which is not defined in any permitted uses but is similar to permitted uses. The applicant is seeking approval of the application.

Sarah Hague, Development Planner appeared before the Committee and provided an overview of the Staff Report. The application is to permit a specialty grocery store where no permitted use is provided for. Planning staff are in support of the application as it allows a commercial use that is similar to permitted uses, is a representation of good land use planning, the PPS, the Growth Plan and the Official Plan.

No members of the public appeared to speak to the application.

The public hearing was completed and subsequently closed.

Moved by Krystyna Brooks

Seconded by Greg Kempa

- A. THAT Application A39/2021 to permit a 'Specialty Grocery Store' as a similar or like use to a 'Meat Store', 'Fresh Produce Outlet', and 'Bakery' in Zoning By-law 160-90, pursuant to Section 45(2)b of the *Planning Act*, BE APPROVED; and,
- B. THAT the reason(s) for approval are as follows: the proposed variance under Sections 45(2) of the Planning Act is considered appropriate for the subject lands and will not result in adverse impacts on the surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90; 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. 2021-688."

Recorded vote on Item 3.3:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Gregory Kempa, Michael Bodnar, Dan Namisniak – 6

NO: None – 0

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

4. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

5. ITEMS FOR CONSIDERATION

5.1 Appointment of Secretary Treasurer and Deputy Secretary Treasurer to Committee of Adjustment

Moved by Virginia Kershaw

Seconded by Michael Bodnar

- A. THAT Sean House BE REMOVED as Secretary-Treasurer, Committee of Adjustment; and
- B. THAT Alexandra Mathers BE APPOINTED as Secretary-Treasurer, Committee of Adjustment; and
- C. THAT Sarah Hague BE APPOINTED as Deputy Secretary-Treasurer, Committee of Adjustment, to fulfill all duties of the Secretary-Treasurer in their absence.

CARRIED

6. CONSENT ITEMS

6.1 MINUTES

Moved by Virginia Kershaw

Seconded by Greg Kempa

THAT the following minutes BE APPROVED:

6.1.1 Committee of Adjustment - October 6, 2021

CARRIED

6.2 Approval of 2022 Meeting Dates

Moved by Michael Bodnar

Seconded by Krystyna Brooks

THAT the following dates BE APPROVED for the Committee of Adjustment in 2022:

January 12, 2022

February 3, 2022

March 2, 2022

April 6, 2022

May 4, 2022

July 6, 2022

August 3, 2022
September 7, 2022
October 5, 2022
November 2, 2022
December 7, 2022

CARRIED

7. RESOLUTIONS

There were no resolutions.

8. NOTICES OF MOTION

There were no notices of motion.

9. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Dan Namisniak, Chair

J. Sippel, Supervisor of Legislative
Services