



COMMITTEE OF ADJUSTMENT MINUTES

December 1, 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 A44/2021 - 71 Ravenwood Road, 2021-751 Agent - J.H. Cohoon Engineering Limited Applicant/Owner - Claudio Pavan

Bob Phillips and Claudio Pavan appeared before the Committee. The application is to legitimize a setback in the backyard where a deck was built. An application was submitted and taken from the building department and mistakenly approved without proper setbacks. The issue was discovered close to final inspection on the deck. The applicant is seeking approval of the application.

Sarah Hague, Planner appeared before the Committee and provided an overview of the staff report. The deck projects further into the yard than permitted. The additional

projection into the rear yard is not major in nature and suites development. The property behind the deck is a school and there remains 3.90 metres from the rear lot line which is sufficient. Staff are recommending approval of the application.

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

Moved by Greg Kempa

Seconded by Michael Bodnar

- A. THAT Application A44/2021 requesting relief from Section 6.4.1.1 of the Zoning By-law 160-90 to permit an existing deck to project into the required rear yard to a maximum of 3.65 m, whereas 2.5 m projection is permitted, provided the projection is no closer than 1.2 m from the lot line 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 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. 2021-751”

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 Application A43/2021 - 43 Maitland Street, 2021-750
Applicant/ Owner - 2687656 Ontario Limited**

Ralph and Teresa Noack, owners 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 to convert the single dwelling to a converted dwelling. They are seeking relief from the lot area requirements, landscaping requirements and parking space length requirements. The applicants reviewed the four tests and stated why they believe this is good planning.

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. Staff have reviewed the application and are recommending refusal of the application as it is not minor in nature, is not appropriate development and does not meet the general intent of the Official Plan and Zoning By-law. Staff responded to various questions from the Committee.

No members of the public registered to speak to the item. The public portion was completed and the hearing subsequently closed.

Moved by Greg Kempa

Seconded by Tara Gaskin

- A. THAT application A43/2021 seeking relief from Zoning By-law 160-90 for the lands municipally addressed as 43 Maitland Street, BE REFUSED for the following variances:
- Section 6.18.1.1.6 to permit a parking space with a length of 4.8 m whereas 5.6 m is required;
 - Section 6.18.3.9 to permit 45 percent landscaped open space within the front yard whereas 50 percent is required; and
 - Section 7.8.2.1.1 to permit a lot area of 260 m², whereas 360 m² is required for a converted dwelling; and,
- B. THAT the reason(s) for refusal of the minor variances are as follows: the proposed variances are not in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is not considered minor in nature and is not 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 submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2021-750.”

Recorded vote on Item 3.2:

YES: Michael Bodnar – 1

NO: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Gregory Kempa, Dan Namisniak – 5

The motion failed on a recorded vote of 1 to 5.

Moved by Virginia Kershaw
 Seconded by Krystyna Brooks

- A. THAT application A43/2021 seeking relief from Zoning By-law 160-90 for the lands municipally addressed as 43 Maitland Street, BE APPROVED for the following variances:
- Section 6.18.1.1.6 to permit a parking space with a length of 4.8 m whereas 5.6 m is required;
 - Section 6.18.3.9 to permit 45 percent landscaped open space within the front yard whereas 50 percent is required; and
 - Section 7.8.2.1.1 to permit a lot area of 260 m², whereas 360 m² is required for a converted dwelling; and,
- B. THAT the reason(s) for approval of the minor variances are as follows: the applications meets the needs of the neighbourhood, the relief requested is considered minor in nature and is desirable and 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 submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report 2021-750.”

Recorded vote on Item 3.2:

YES: Krystyna Brooks, Tara Gaskin, Virginia Kershaw, Gregory Kempa, Dan Namisniak – 5

NO: Michael Bodnar – 1

Item 3.2 carried on a recorded vote of 5 to 1.

4. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

5. ITEMS FOR CONSIDERATION

There were no items for consideration.

6. CONSENT ITEMS

6.1 MINUTES

Moved by Virginia Kershaw
Seconded by Greg Kempa

THAT the following minutes BE ADOPTED:

6.1.1 Committee of Adjustment - November 3, 2021

CARRIED

7. RESOLUTIONS

There were no resolutions.

8. NOTICES OF MOTION

There were no notices of motion.

9. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Dan Namisniak, Chair

J. Sippel, Supervisor of Legislative
Services