



COMMITTEE OF ADJUSTMENT MINUTES

December 16, 2024

5:30 p.m.

Council Chambers, Brantford City Hall
58 Dalhousie Street, Brantford

1. Roll Call

Mark Simpson in the Chair.

Present: Virginia Kershaw, Tamara Cupoli, Mark Simpson, Mike Bodnar, Ashish Patel

Regrets: Greg Kempa, Tara Gaskin

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Statutory Public Meetings

3.1 Application B38-2024 & A58-2024 – 61 - 73 Murray Street, 2024-694

Agent – Corbett Land Strategies Inc. (c/o Nick Wood)

Applicant/Owner – Multani Custom Homes (c/o Rob Multani)

Agent for the applicant Nick Wood, of Corbett Land Strategies Inc., appeared before the Committee and provided an overview of the application. A Power Point Presentation was made and a copy placed in the meeting folder. The applicant is seeking approval for an easement in order to provide access to part of the drive aisle as well as access to a single space in the existing parking lot for the proposed fourplex, and for a minor variance to address the minimum lot area as a result of a zoning deficiency. The agent answered various questions from the Committee.

The Committee did not have any questions of staff.

Karen McNeill, 13 Sarah Street, Brantford, appeared before the Committee and expressed concerns regarding the impact the neighbouring property at 73 Murray Street, has had on the surrounding area.

There were no other persons virtually or in-person to speak to the application.

The applicant reappeared before the committee and provided clarifying statements regarding the proposed easement for the parking area.

Moved by Tamara Cupoli

Seconded by Mike Bodnar

- A. THAT consent application B38-2024 to create an easement for access to a parking space over 61-73 Murray Street (Part 3 on Plan 2R-7864) in favour of Part 4 in Plan 2R-7864, BE APPROVED, subject to the conditions listed in Appendix A of Report No. 2024-694;
- B. THAT the reasons for approval of the consent application are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act* and Staff are satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning By-law;
- C. THAT minor variance application A58-2024 seeking relief from Section 7.9.4.51.1 of Zoning By-law 160-90 to permit a minimum lot area of 450 m² , whereas 453 m² is otherwise required, BE APPROVED;
- D. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance application is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is not considered minor in nature, and desirable for the appropriate development of the subject lands; and,
- E. THAT pursuant to Section 45(8) – (8.2) and Sections 53(17) – (18.2) 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 5.2 of Report No. 2024-694”.

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.1:

Yes: Mark Simpson, Tamara Cupoli, Mike Bodnar, Virginia Kershaw, Ashish Patel, – 5

No: None - 0

3.2 Application B39-2024, B40-2024 and A56-2024 – 101A-C Usher Street, 2024-690

Agent – N/A

Applicant/Owner – Anthony Ricci

Applicant, Anthony Ricci, appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever an existing street fronting townhouse dwelling into three individual parcels, and relief from front yard landscaped open space (in Lots A/B/C) and to seek relief from minimum lot width for Lot B.

The Committee did not have any questions of staff.

There were no persons virtually or in-person to speak to the application.

The applicant did not have any clarifying statements.

Moved by Ashish Patel

Seconded by Tamara Cupoli

- A. THAT minor variance application A56-2024 seeking relief from Section 6.18.3.9 of Zoning By-law 160-90 to permit a minimum landscaped front yard of 33.4% (101A Usher St.) for an existing street fronting townhouse, whereas 50% is otherwise required, BE APPROVED;
- B. THAT minor variance application A56-2024 seeking relief from Section 6.18.3.9 of Zoning By-law 160-90 to permit a minimum landscaped front yard of 40.0% (101B Usher St.) for an existing street fronting townhouse, whereas 50% is otherwise required, BE APPROVED;

- C. THAT minor variance application A56-2024 seeking relief from Section 6.18.3.9 of Zoning By-law 160-90 to permit a minimum landscaped front yard of 41.2% (101C Usher St.), whereas 50% is otherwise required, BE APPROVED;
- D. THAT minor variance application A56-2024 seeking relief from Section 7.8.2.1.2.2 of Zoning By-law 160-90 to permit a minimum lot width of 5.4 m (101B Usher St.) for an existing street fronting townhouse, whereas 6.0 m is otherwise required, BE APPROVED;
- E. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance application is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature, and desirable for the appropriate development of the subject lands; and,
- F. THAT consent application B39-2024 to sever a parcel of land from an existing street fronting townhouse at 101A Usher Street, having a frontage of 6.3 m and a lot area of 386.6 m², and to retain a parcel of land having a frontage of 5.4 m and a lot area of 353.9 m², BE APPROVED, subject to the conditions listed in Appendix A of Report No. 2024-690;
- G. THAT the reasons for approval of the consent application are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act* and Staff are satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning By-law; and,
- H. THAT consent application B40-2024 to sever a parcel of land from an existing street fronting townhouse at 101C Usher Street, having a frontage of 6.4 m and a lot area of 408.5 m², and to retain a parcel of land having a frontage of 5.4 m and a lot area of 353.9 m², BE APPROVED, subject to the conditions listed in Appendix B of Report No. 2024-690;
- I. THAT the reasons for approval of the consent application are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act* and Staff are satisfied that the

proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning By-law; and,

- J. THAT pursuant to 45(8) – (8.2) and Sections 53(17) – (18.2) 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 5.2 of Report No. 2024-690”*.

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.2:

Yes: Mark Simpson, Tamara Cupoli, Mike Bodnar, Virginia Kershaw, Ashish Patel, – 5

No: None - 0

3.3 Application B41-2024 and A57-2024 – 13 Burwell Street, 2024-689

Agent – J.H Cohoon Engineering c/o Bob Phillips

Applicant/Owner – Andrew Ozga

Agent for the applicant Bob Phillips of JH Cohoon Engineering Ltd., appeared before the Committee and provided an overview of the application. The applicant is seeking approval to sever the subject lands to create a new parcel to facilitate the construction of a single detached dwelling, and is subsequently seeking relief for lot coverage, accessory lot coverage and rear yard setback. The agent expressed concerns regarding condition #11.

The Committee did not request to see the staff presentation however Ashley Timbs, Development Planner appeared before the Committee and answered various questions.

Amy Vanderwal, 43 Slater Street, Brantford, appeared before the Committee and expressed concerns related to drainage, and storm-water management, and infrastructure servicing, and the overall impact the development would have on her property.

There were no persons virtually or in-person to speak to the application.

The applicant reappeared before the committee and reaffirmed their concerns regarding condition #11.

Moved by Ashish Patel

Seconded by Mike Bodnar

- A. THAT minor variance application A57-2024 seeking relief from Section 6.3.1.1 of Zoning By-law 160-90 to permit a maximum accessory building/structure lot coverage of 20.5%, whereas 10% is otherwise required, BE APPROVED;
- B. THAT minor variance application A57-2024 seeking relief from Section 7.3.2.1.3 of Zoning By-law 160-90 to permit a maximum lot coverage of 39.6% for the retained parcel, whereas 35% is otherwise required, BE APPROVED;
- C. THAT minor variance application A57-2024 seeking relief from section 7.3.2.1.6 to permit a minimum rear yard of 1.25 m for the severed parcel, whereas 7.5 m is otherwise required, BE APPROVED, conditional upon a minimum westerly interior side yard of 7.5 m being provided;
- D. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance application is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature, and desirable for the appropriate development of the subject lands; and,
- E. THAT consent application B41-2024 to sever a parcel of land from 13 Burwell Street, having a frontage of 21.2 m and a lot area of 721.0 m², and to retain a parcel of land having a frontage of 17.3 m and a lot area of 640.0 m², BE APPROVED, subject to the conditions listed in Appendix A of Memo 2024-723;
- F. THAT the reasons for approval of the consent application are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act* and Staff are satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning By-law; and,

G. THAT pursuant to 45(8) – (8.2) and Sections 53(17) – (18.2) 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 5.2 of Report No. 2024-689*”.

Carried Unanimously on a Recorded Vote

Recorded vote on item 3.3:

Yes: Mark Simpson, Tamara Cupoli, Mike Bodnar, Virginia Kershaw, Ashish Patel, – 5

No: None - 0

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

6.1.1 Committee of Adjustment - November 6, 2024

Moved by Virginia Kershaw

Seconded Tamara Cupoli

THAT the minutes of the November 6, 2024 meeting of the Committee of Adjustment BE APPROVED.

Carried

7. Resolutions

There were no resolutions.

8. Notices of Motion

There were no Notices of Motion.

9. Adjournment

The meeting adjourned at 6:11pm

Mark Simpson, Vice-Chair

L. Madden, Committee Coordinator