

## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: A11/2021 Related File Number: N/A Address: 3 Alwood Street Roll Number: 2906030014288000000 Applicant/Owner: Lisa Anne Labinowicz Agent: John Labinowicz

# IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

### Proposal:

A minor variance application has been received for the lands municipally addressed as 3 Allwood Street. The applicant is proposing to expand their existing attached garage into a double car garage. To facilitate the development as proposed, the applicant is seeking relief from Section 7.3.2.1.6 of Zoning By-law in order to permit a rear yard of 1.8 m, whereas 7.5 m is required. While the site plan for the proposed addition indicates a rear yard of 1.88 m, this number has been rounded down by Staff to account for tolerances during the construction process.

## **DECISION: APPROVED**

## DATE: March 4, 2021

THAT Application A11/2021 seeking relief from Section 7.3.2.1.6 of Zoning By-law 160-90 to permit a rear yard of 1.8 m, whereas 7.5 m is required BE APPROVED; and

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 160-90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the land; and

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. 2021-176."

Original signed by V. Kershaw, Member

Original signed by L. Rynar, Member

Original signed by M. Bodnar, Member

Original signed by K. Brooks, Member

Original signed by G. Kempa, Member

#### CERTIFICATION

I hereby certify that this is a true copy of the original document

eren House

Secretary-Treasurer

#### APPEALS

Any person or public body may, not later than 20 days after the giving of notice of a decision under Section 45(12) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Local Planning Appeal Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The fee for an appeal to the Local Planning Appeal Tribunal is \$400.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: **"Minister of Finance"**. In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$500.00 administrative fee made payable to the Corporation of the City of Brantford.

#### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, <a href="mailto:shouse@brantford.ca">shouse@brantford.ca</a> or, Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext. 5440, amathers@brantford.ca.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer Committee of Adjustment 100 Wellington Square Brantford ON N3T 2M3

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Local Planning Appeal Tribunal go to: http://elto.gov.on.ca/.

# The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is <u>March 24, 2021</u>

**END OF DECISION** 





## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: A12/2021 Related File Number: B04/2021 Address: 9 Broad Street & 130 Terrace Hill Street Roll Number: 2906020007012200000 (Broad Street) 2906020007087000000 (Terrace Hill Street) Applicant/Owner: Carriageview Homes

### IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

### Proposal:

Consent and minor variance applications have been received for the lands municipally addressed as 9 Broad Street and 130 Terrace Hill Street.

To facilitate the construction of the proposed semi-detached dwelling, the applicant is seeking relief from the following Section of Zoning By-law 160-90 on the retained lands:

• Section 6.4.1.1 to permit an exterior staircase to project a maximum of 3 m into a front yard, whereas an exterior staircase is not permitted to project into the front yard.

## **DECISION: REFUSED**

## DATE: March 4, 2021

THAT Application A12/2021 seeking relief from Section 6.4.1.1 to permit an exterior staircase to project a maximum of 3 m into a front yard, whereas an exterior staircase is not permitted to project into the front yard, BE REFUSED; and

THAT the reason(s) for refusal are as follows: the proposed variance is not in keeping with the geography or topography of the area and is not considered minor in nature; and,

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. 2021-187."

### Original signed by M. Bodnar, Member

### Original signed by G. Kempa, Member

#### CERTIFICATION

I hereby certify that this is a true copy of the original document

Secon House

Secretary-Treasurer

#### APPEALS

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### Original signed by K. Brooks, Member

### Original signed by L. Rynar, Member

#### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, <u>shouse@brantford.ca</u> or, Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext. 5440, amathers@brantford.ca.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer Committee of Adjustment 100 Wellington Square Brantford ON N3T 2M3

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Local Planning Appeal Tribunal go to: http://elto.gov.on.ca/\_

# The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is <u>March 24, 2021</u>

#### **END OF DECISION**





## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B04/2021 Related File Number: A12/2021 Address: 9 Broad Street & 130 Terrace Hill Street Roll Number: 2906020007012200000 (Broad Street) Roll Number: 2906020007087000000 (Terrace Hill Street) Applicant/Owner: Carriageview Homes

### IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

## PROPOSAL:

Consent and minor variance applications have been received for the lands municipally addressed as 9 Broad Street and 130 Terrace Hill Street. The lands were merged on title due to them being in the same ownership. The applicant is proposing to sever the previously existing lot at 9 Broad Street to facilitate the construction of a semi-detached dwelling. The proposed lot dimensions are as follows:

	Land to be Severed	Lands to be Retained	
Lot Frontage	18.74 m	17.37 m	
Lot Area	605 m <sup>2</sup>	589 m <sup>2</sup>	

## DECISION: REFUSAL

DATE: March 4, 2021

THAT Application B04/2021 to sever a parcel of land from the south portion of the lands municipally addressed as 9 Broad Street and 130 Terrace Hill Street, having a lot area of 605 m<sup>2</sup> and retain a parcel of land having a lot area of 589 m<sup>2</sup>, BE REFUSED

THAT the reason(s) for refusal are as follows: there is a potential for future damage through erosion to the neighbors properties, encroachment will occur on the neighbouring properties, the future cost of the retaining wall for adjoining property owners and the development is not in keeping with the geography and topography of area.

THAT pursuant to Section 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 6.2 of Report No. 2021-187."

Original signed by M. Bodnar, Member

Original signed by G. Kempa, Member

#### CERTIFICATION

I hereby certify that this is a true copy of the original document

Secon House

Secretary-Treasurer

#### APPEALS

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#### Notice of Changes

You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent

# The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is <u>March 25, 2021</u>

END OF DECISION

## Original signed by K. Brooks, Member

Original signed by L. Rynar, Member

#### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, <u>shouse@brantford.ca</u> or Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext.5440, <u>amathers@brantford.ca</u>.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer Committee of Adjustment 100 Wellington Square Brantford ON N3T 2M3

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## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B06/2021 Related File Number: N/A Address: 150 Savannah Oaks Drive Roll Number: 29060010012145000000 Applicant/Owner: Brantford Power Inc. Agent: GSP Group Inc.

### IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

## **PROPOSAL:**

A consent application has been received for the lands municipally addressed as 150 Savannah Oaks Drive. The applicant proposes to sever 11.1 hectares of land on the east side of the property which currently contains a large pond. The existing office building, which is used by Brantford Power Inc., will remain on the retained parcel which has a proposed area of 6 hectares.

## DECISION: PROVISIONAL APPROVAL

## DATE: March 4, 2021

THAT Application B06/2021 to sever 11.1 hectares of land from 150 Savannah Oaks Drive, and retain a parcel of land having a lot area of 6 hectares BE APPROVED, subject to the following conditions:

- 1. Receipt of a registered reference plan showing the severed and retained parcels;
- Receipt of payment for cash-in-lieu of parkland. (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018)
- 3. Receipt of confirmation that all taxes are paid up to date;
- Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be provided to the City);
- 5. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
- 6. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal

Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.

- 7. That the Owner/Applicant shall confirm that there is no direct roof drainage from the existing structure(s) within the retained parcels discharging to the severed parcels. Where drainage crosses the proposed severance limits appropriate easements shall be registered on title.
- 8. Receipt of confirmation that the Owner/Applicant has completed the removal of the trail and lights leading from the retained parcel across to the severed parcel, to the satisfaction of the Manager of Development Engineering or his/her designate.
- 9. That the above conditions be fulfilled and the Certificate of Official be issued on or before March 5, 2022, after which time the consent will lapse.

THAT the reason(s) for approval are as follows:

Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is 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 of the policies of the Official Plan and Zoning By-law, specifically Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the Provincial Policy Statement; and,

THAT pursuant to Section 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 6.2 of Report No. 2021-179."

Original signed by V. Kershaw, Member

Original signed by L. Rynar, Member Original signed by M. Bodnar, Member

Original signed by K. Brooks, Member

Original signed by G. Kempa, Member

#### CERTIFICATION

I hereby certify that this is a true copy of the original document

Secon House

Secretary-Treasurer

#### APPEALS

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#### Notice of Changes

You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent

## The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is <u>March 25, 2021</u>

**END OF DECISION** 

#### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, <u>shouse@brantford.ca</u> or Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext.5440, <u>amathers@brantford.ca</u>.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer Committee of Adjustment 100 Wellington Square Brantford ON N3T 2M3

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## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B07/2021 Related File Number: B08/2021 Address: 179 Garden Avenue Roll Number: 290603001927000000 Applicant: 2725125 Ontario Inc. Agent: MHBC Planning

### IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

## **PROPOSAL:**

Two consent applications have been received for the lands municipally addressed as 179 Garden Avenue. The applications intend to sever the subject lands into three industrial lots, with each lot containing an industrial building and accessory office space. The proposed lot dimensions will be as follows:

	B07/2021 Land to be Severed (Lot A)	Lands to be Retained (Lot B)	B08/2021 Lands to be Severed (Lot C)
Lot Frontage	40.43 m	61.10 m	81.59 m
Lot Area	11,840 m <sup>2</sup>	9,962 m <sup>2</sup>	18,225 m <sup>2</sup>

## DECISION: PROVISIONAL APPROVAL

DATE: March 4, 2021

THAT Application B07/2021 to sever a parcel of land from the northern portion of the lands municipally addressed as 179 Garden Avenue, having a lot area of 11,840 m<sup>2</sup> (Lot A) and retain a parcel of land having an area of 28,187 m<sup>2</sup>, BE APPROVED subject to the following conditions:

- 1. Receipt of a registered reference plan showing the severed and retained lands.
- 2. Receipt of confirmation that all taxes are paid up to date.
- Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be

provided to the City).

- Receipt of payment for cash in lieu of parkland (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018).
- 5. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
- 6. That the above conditions be fulfilled and the Certificate of Consent be issued on or before March 5, 2022, after which time the consent will lapse.

THAT reasons for approval are as follows: having regard for matters under Section 51(24) of the *Planning Act*, Staff is 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 of the policies of the Official Plan and Zoning By-law, specifically Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford, conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement; and,

THAT pursuant to Section 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 Decisions:

"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. 2021-145."

Original signed by V. Kershaw, Member

Original signed by G. Kempa, Member Original signed by M. Bodnar, Member

Original signed by K. Brooks, Member

Original signed by L. Rynar, Member

CERTIFICATION

I hereby certify that this is a true copy of the original document

Secon House

Secretary-Treasurer

#### APPEALS

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### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, <u>shouse@brantford.ca</u> or Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext.5440, <u>amathers@brantford.ca</u>.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer Committee of Adjustment 100 Wellington Square Brantford ON N3T 2M3

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#### Notice of Changes

You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent

# The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is <u>March 25, 2021</u>

#### END OF DECISION







## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B08/2021 Related File Number: B07/2021 Address: 179 Garden Avenue Roll Number: 290603001927000000 Applicant: 2725125 Ontario Inc. Agent: MHBC Planning

### IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

## **PROPOSAL:**

Two consent applications have been received for the lands municipally addressed as 179 Garden Avenue. The applications intend to sever the subject lands into three industrial lots, with each lot containing an industrial building and accessory office space. The proposed lot dimensions will be as follows:

	B07/2021 Land to be Severed (Lot A)	Lands to be Retained (Lot B)	B08/2021 Lands to be Severed (Lot C)
Lot Frontage	40.43 m	61.10 m	81.59 m
Lot Area	11,840 m <sup>2</sup>	9,962 m <sup>2</sup>	18,225 m <sup>2</sup>

## DECISION: PROVISIONAL APPROVAL

## DATE: March 4, 2021

THAT Application B08/2021 to sever a parcel of land from the retained lands of application B07/2021, municipally addressed as 179 Garden Avenue, having a lot area of 18,225 m<sup>2</sup> (Lot C) and retain a parcel of land having an area of 9,962 m<sup>2</sup> (Lot B), BE APPROVED subject to the following conditions:

- 1. Receipt of confirmation that Application B07/2021 has been approved
- 2. Receipt of a registered reference plan showing the severed and retained lands.
- 3. Receipt of confirmation that all taxes are paid up to date.

- 4. Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be provided to the City).
- Receipt of payment for cash in lieu of parkland (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018).
- 6. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
- 7. That the above conditions be fulfilled and the Certificate of Consent be issued on or before March 5, 2022, after which time the consent will lapse.

THAT reasons for approval are as follows: having regard for matters under Section 51(24) of the *Planning Act*, Staff is 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 of the policies of the Official Plan and Zoning By-law, specifically Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford, conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement; and,

THAT pursuant to Section 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 Decisions:

"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. 2021-145."

Original signed by V. Kershaw, Member

Original signed by L. Rynar, Member Original signed by M. Bodnar, Member

Original signed by K. Brooks, Member

Original signed by G. Kempa, Member

#### CERTIFICATION

I hereby certify that this is a true copy of the original document

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Secretary-Treasurer

#### APPEALS

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## The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is <u>March 25, 2021</u>

#### END OF DECISION

#### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, <a href="mailto:shouse@brantford.ca">shouse@brantford.ca</a> or Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext.5440, <a href="mailto:amathers@brantford.ca">amathers@brantford.ca</a>.

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