



November 4, 2021

THE CORPORATION OF THE CITY OF BRANTFORD  
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2  
TELEPHONE 519-759-4150

## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

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**File Number:** A38/2021  
**Related File Number:** N/A  
**Address:** 18 Stirton Avenue  
**Roll Number:** 2906010009044000000  
**Applicant:** Andrew Neill Construction Inc.  
**Owner:** Corporation of the City of Brantford

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### 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 18 Stirton Avenue. A Site Plan Control application SPC-01-221 was approved on August 17, 2021 for a semi-detached dwelling. The Applicant is proposing to convert the semi-detached dwelling into a converted dwelling by adding 2 units to the proposed 1-storey dwelling. This permission is allowed through the Zoning By-law. To facilitate the proposed conversion, the applicant is seeking 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 m<sup>2</sup>, whereas 55.0 m<sup>2</sup> is required.

#### **DECISION: APPROVED**

**DATE:** November 3, 2021

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 m<sup>2</sup>/unit, whereas 55.0 m<sup>2</sup>/unit 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, 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. 2021-687”.*

Original signed by D. Namisniak,  
Chair

Original signed by M. Bodnar,  
Member

Original signed by K. Brooks,  
Member

Original signed by T. Gaskin,  
Member

Original signed by G. Kempa,  
Member

Original signed by V. Kershaw,  
Member

#### **CERTIFICATION**

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



Secretary-Treasurer

#### **ADDITIONAL INFORMATION**

If you require additional information regarding the application, please contact Alexandra Mathers, Secretary-Treasurer, (519)759-4150 ext. 5440, [amathers@brantford.ca](mailto:amathers@brantford.ca) or, Sarah Hague, Deputy Secretary-Treasurer, (519)759-4150 ext. 5169, [shague@brantford.ca](mailto:shague@brantford.ca).

#### **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 Ontario Land Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Ontario Land 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 Ontario Land 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.

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

Secretary-Treasurer  
Committee of Adjustment  
58 Dalhousie St,  
Brantford, Ontario  
N3T 2J2

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

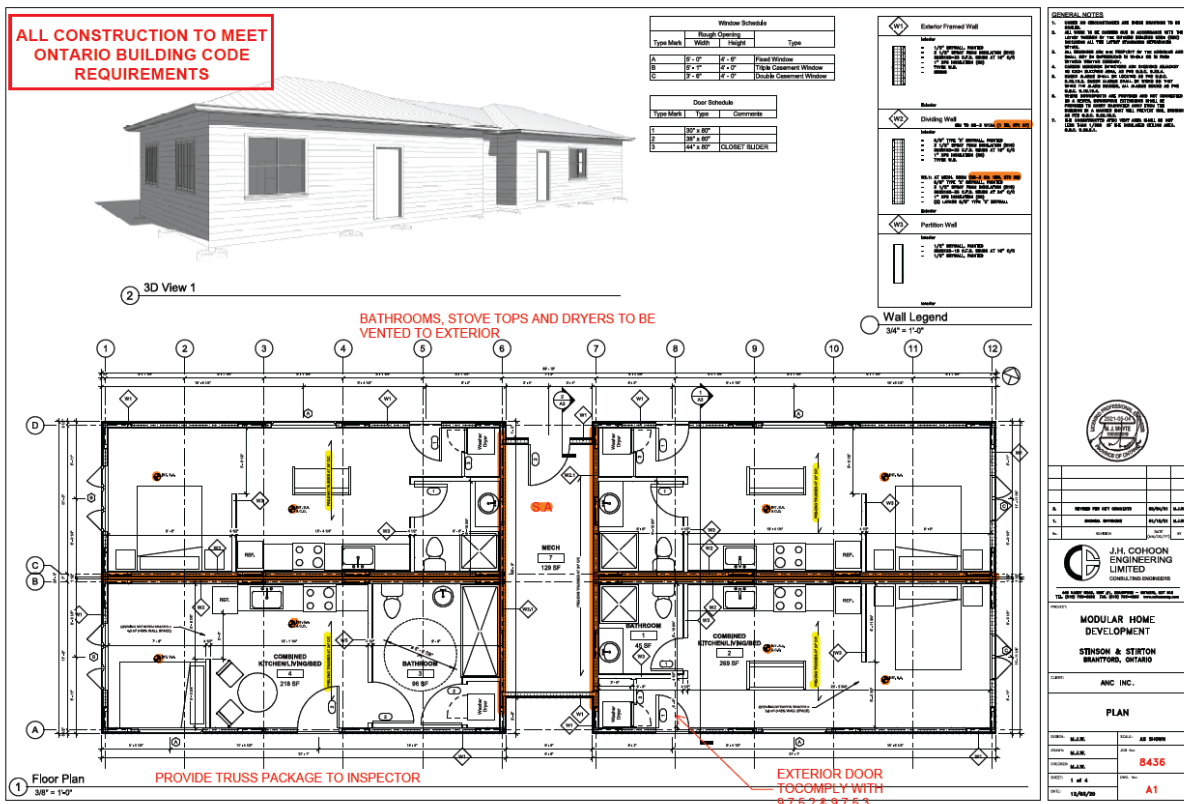
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

**The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 3, 2021**

**END OF DECISION**

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Application: A38/2021  
18 Stirton Avenue

 SUBJECT LAND



November 4, 2021

THE CORPORATION OF THE CITY OF BRANTFORD  
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2  
TELEPHONE 519-759-4150

## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

**File Number:** A40/2021  
**Related File Numbers:** B23/2021, B24/2021 & A41/2021  
**Address:** 106 Oak Street  
**Roll Number:** 2906010008246000000  
**Agent:** J.H. Cohoon Engineering Ltd.  
**Applicant/Owner:** Dan Brown

**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 106 Oak Street. The applicant is proposing to sever the subject lands to create two additional residential lots for the purposes of constructing a single detached dwelling on each proposed lot. The existing single detached dwelling on the retained lot will remain. Application A40/2021 seeks to facilitate consent application B23/2021 and the future development of the lands created through that application by providing relief from the following sections of Zoning By-law 160-90:

#### B23/2021 - Severed Lot

- Section 7.8.2.1.1.1 to permit a lot area of 222 m<sup>2</sup> for the severed lot, whereas 270 m<sup>2</sup> 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.

#### B23/2021 - Retained Lot

- Section 7.8.2.1.6 to permit a reduced rear yard of 0.4 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.

**DECISION:           PROVISIONAL APPROVAL**

**DATE:**               November 3, 2021

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 m<sup>2</sup> for the severed lot, whereas

270 m<sup>2</sup> 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.

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,

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. 2021-680.”*

**Original signed by D. Namisniak,  
Chair**

**Original signed by M. Bodnar,  
Member**

**Original signed by K. Brooks,  
Member**

**Original signed by T. Gaskin,  
Member**

**Original signed by G. Kempa,  
Member**

**Original signed by V. Kershaw,  
Member**

#### **CERTIFICATION**

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



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Secretary-Treasurer

#### **ADDITIONAL INFORMATION**

If you require additional information regarding the application, please contact Alexandra Mathers, Secretary-Treasurer, (519)759-4150 ext. 5440, [amathers@brantford.ca](mailto:amathers@brantford.ca) or Sarah Hague, Deputy Secretary-Treasurer, (519)759-4150 ext.5160, [shague@brantford.ca](mailto:shague@brantford.ca).

#### **APPEALS**

Any person or public body may, not later than 20 days after the giving of notice of a decision under Section 53(17) or (24) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land 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 Ontario Land 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.

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

Secretary-Treasurer  
Committee of Adjustment  
58 Dalhousie St,  
Brantford, Ontario  
N3T 2J2

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

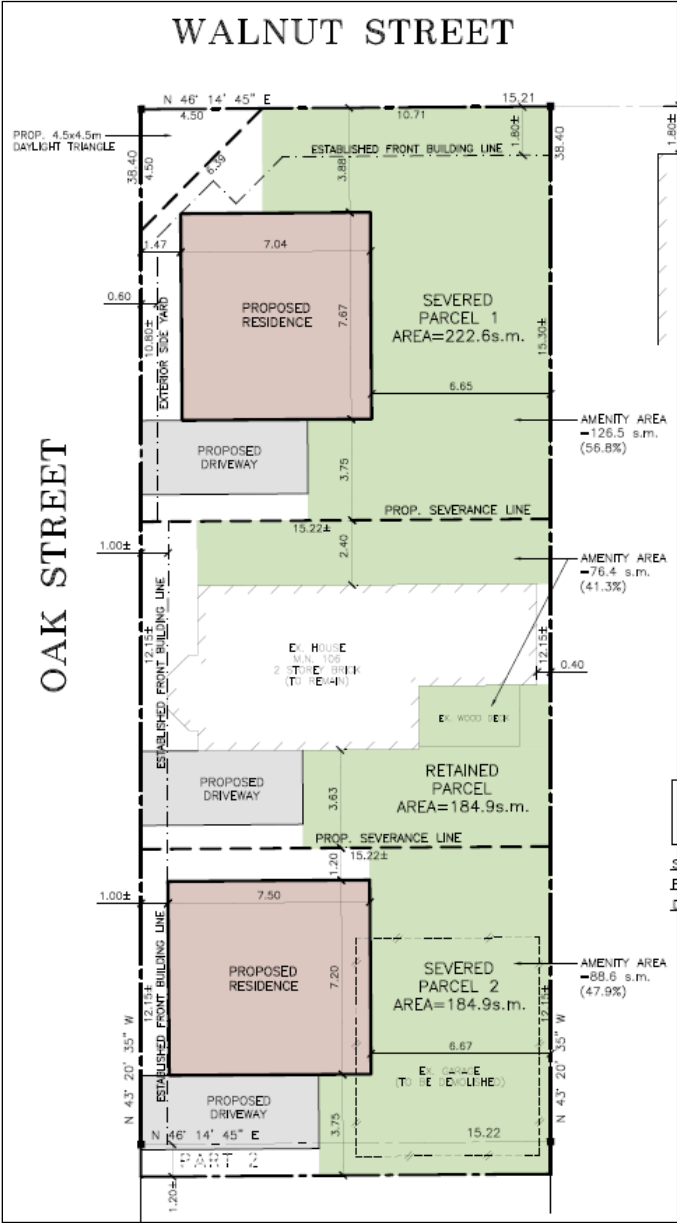
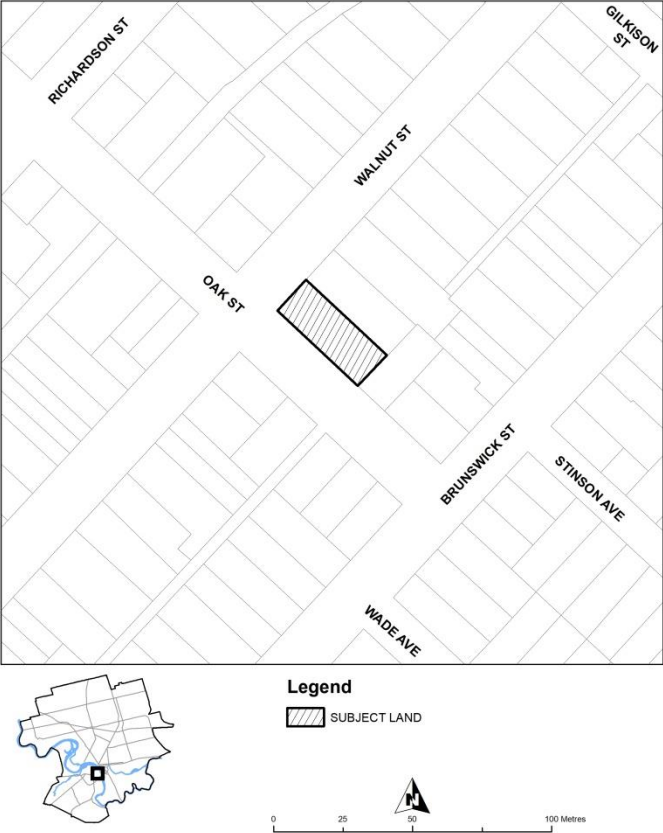
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

**The last date for filing a notice of appeal to the Ontario Land Tribunal of this  
Decision is November 23, 2021**

**END OF DECISION**

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LOCATION MAP  
Application: B23/2021, B24/2021, A40/2021 & A41/2021  
106 Oak Street







November 4, 2021

THE CORPORATION OF THE CITY OF BRANTFORD  
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2  
TELEPHONE 519-759-4150

## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

**File Number:** A41/2021  
**Related File Numbers:** B23/2021, B24/2021 & A40/2021  
**Address:** 106 Oak Street  
**Roll Number:** 2906010008246000000  
**Agent:** J.H. Cohoon Engineering Ltd.  
**Applicant/Owner:** Dan Brown

**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 106 Oak Street. The applicant is proposing to sever the subject lands to create two additional residential lots for the purposes of constructing a single detached dwelling on each proposed lot. The existing single detached dwelling on the retained lot will remain. Application A41/2021 seeks to facilitate consent application B24/2021 and the future development of the lands created through that application by providing relief from the following sections of Zoning By-law 160-90:

#### B24/2021 - Severed Lot

- Section 7.8.2.1.1.1 to permit a lot area of 184 m<sup>2</sup> for the severed lot, whereas 270 m<sup>2</sup> 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 m<sup>2</sup> for the retained lot, whereas 270 m<sup>2</sup> is required.

**DECISION:           PROVISIONAL APPROVAL**

**DATE:**               November 3, 2021

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 m<sup>2</sup> for the severed lot, whereas 270 m<sup>2</sup> 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 m<sup>2</sup> for the retained lot, whereas 270 m<sup>2</sup> is required.

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,

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. 2021-680.”*

**Original signed by D. Namisniak,  
Chair**

**Original signed by M. Bodnar,  
Member**

**Original signed by K. Brooks,  
Member**

**Original signed by T. Gaskin,  
Member**

**Original signed by G. Kempa,  
Member**

**Original signed by V. Kershaw,  
Member**

#### **CERTIFICATION**

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



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Secretary-Treasurer

#### **ADDITIONAL INFORMATION**

If you require additional information regarding the application, please contact Alexandra Mathers, Secretary-Treasurer, (519)759-4150 ext. 5440, [amathers@brantford.ca](mailto:amathers@brantford.ca) or Sarah Hague, Deputy Secretary-Treasurer, (519)759-4150 ext.5160, [shague@brantford.ca](mailto:shague@brantford.ca).

#### **APPEALS**

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Committee of Adjustment  
58 Dalhousie St,  
Brantford, Ontario  
N3T 2J2

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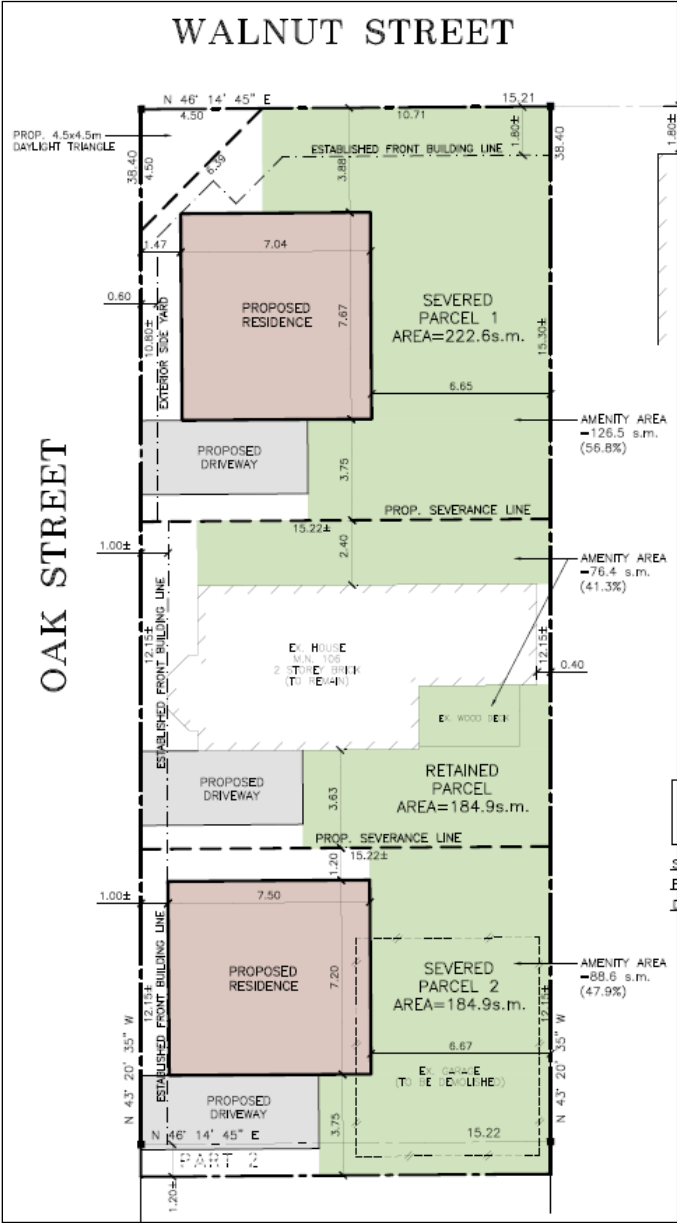
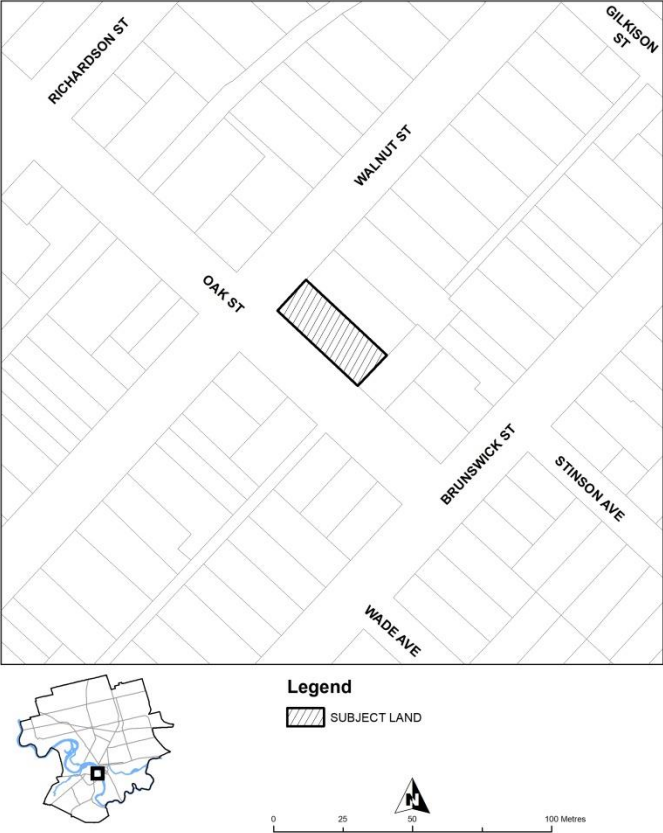
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

**The last date for filing a notice of appeal to the Ontario Land Tribunal of this  
Decision is November 23, 2021**

**END OF DECISION**

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LOCATION MAP  
Application: B23/2021, B24/2021, A40/2021 & A41/2021  
106 Oak Street





November 4, 2021

THE CORPORATION OF THE CITY OF BRANTFORD  
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2  
TELEPHONE 519-759-4150

## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

**File Number:** B23/2021  
**Related File Numbers:** A40/2021, B24/2021 & A41/2021  
**Address:** 106 Oak Street  
**Roll Number:** 2906010008246000000  
**Agent:** J.H. Cohoon Engineering Ltd.  
**Applicant/Owner:** Dan Brown

**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 106 Oak Street. The applicant is proposing to sever the subject lands to create two additional residential lots for the purposes of constructing a single detached dwelling on each proposed lot. The existing single detached dwelling on the retained lot will remain. Application B23/2021 seeks to create one of these lots on the north west portion of the property. The proposed lot dimensions are as follows:

	<i><b>Severed</b></i>	<i><b>Retained</b></i>
Lot Frontage	10.71 m	24.30 m
Lot Area	222.60 m <sup>2</sup>	370 m <sup>2</sup>

**DECISION:           PROVISIONAL APPROVAL**

**DATE:               November 3, 2021**

THAT Application B23/2021 to sever a 222 m<sup>2</sup> parcel of land from 106 Oak Street and retain a parcel of land having a lot area of 370 m<sup>2</sup> BE APPROVED, subject to the following conditions:

1. Receipt of confirmation that Application A40/2021 has been approved and is final and binding
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).
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 and the appropriate fee has been paid.

6. 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.
7. That the Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate, indicating that the severed and retained parcels can have their own independent sanitary sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner/applicant will be required to relocate or construct new services from the city sewers at his/her own costs.
8. That the Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario or Ontario Land Surveyor.
9. That the applicant shall submit an archaeological assessment and letter of clearance from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The archaeological assessment will need to start with a Stage 1 Archaeological Assessment and include any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time.
10. Receipt of confirmation that the 4.5 m daylight triangle on the northeast corner of the Oak Street and Walnut Street intersection, as required by the Engineering Department, has been conveyed to the City, at no cost to the municipality and free and clear of any encumbrances, with any costs regarding the transfer being borne by the Applicant(s).
11. 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).
12. That the above conditions be fulfilled and the Certificate of Consent be issued on or before November 4, 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, 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. 2021-680.”*

Original signed by D. Namisniak,  
Chair

Original signed by M. Bodnar,  
Member

Original signed by K. Brooks,  
Member

Original signed by T. Gaskin,  
Member

Original signed by G. Kempa,  
Member

Original signed by V. Kershaw,  
Member

CERTIFICATION

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



Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Alexandra Mathers, Secretary-Treasurer, (519)759-4150 ext. 5440, [amathers@brantford.ca](mailto:amathers@brantford.ca) or Sarah Hague, Deputy Secretary-Treasurer, (519)759-4150 ext.5160, [shague@brantford.ca](mailto:shague@brantford.ca).

APPEALS

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Notice of Changes

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Secretary-Treasurer  
Committee of Adjustment  
58 Dalhousie St,  
Brantford, Ontario  
N3T 2J2

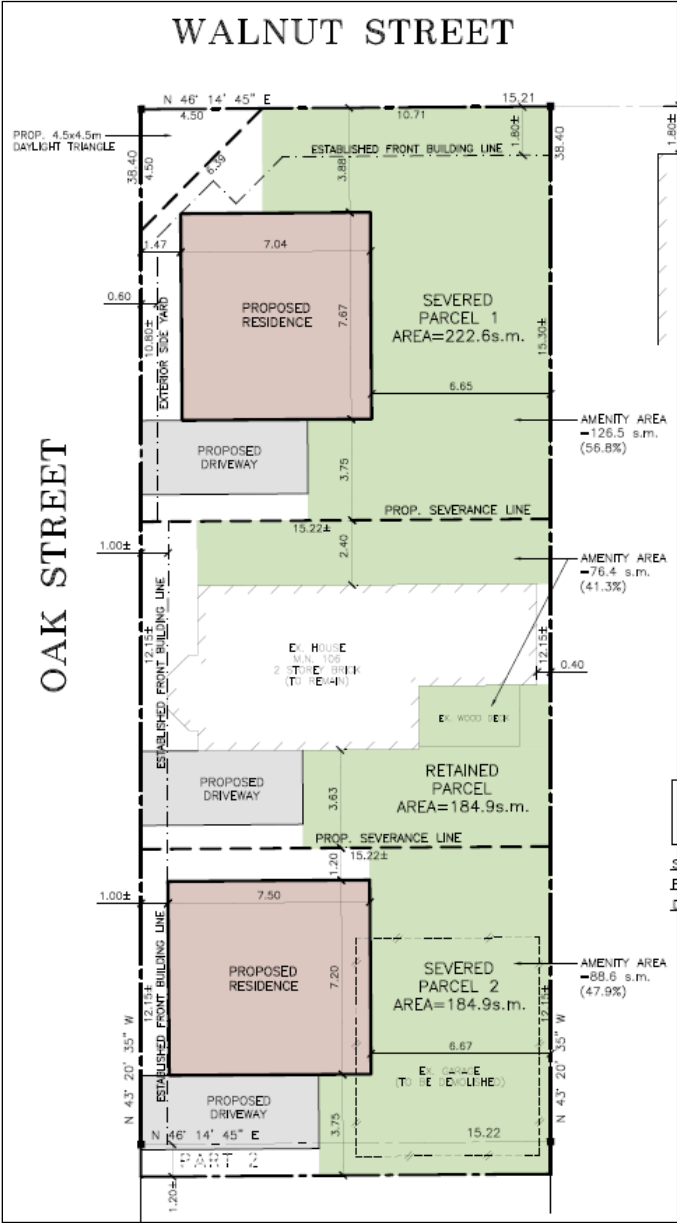
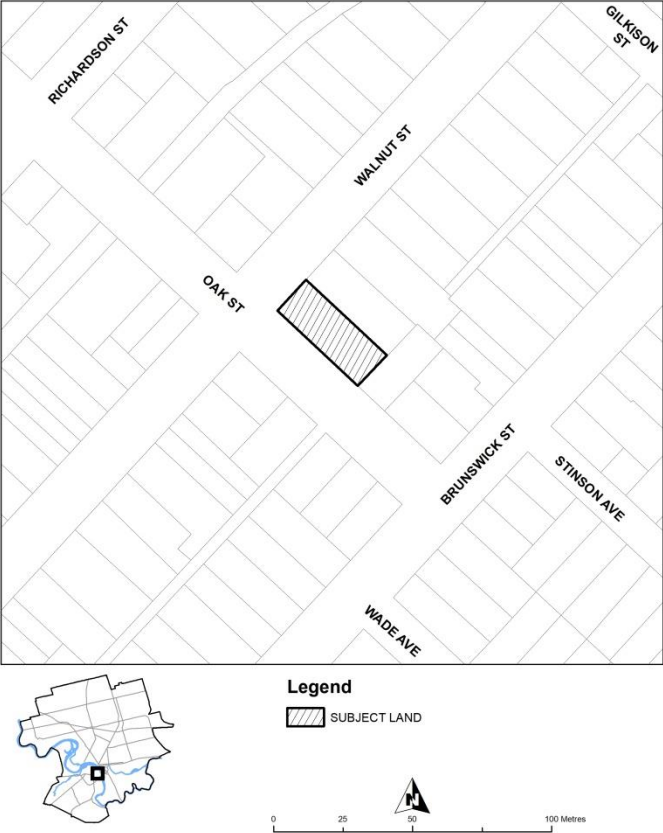
If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 24, 2021

END OF DECISION

LOCATION MAP  
Application: B23/2021, B24/2021, A40/2021 & A41/2021  
106 Oak Street







November 4, 2021

THE CORPORATION OF THE CITY OF BRANTFORD  
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2  
TELEPHONE 519-759-4150

## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

**File Number:** B24/2021  
**Related File Numbers:** A40/2021, B23/2021 & A41/2021  
**Address:** 106 Oak Street  
**Roll Number:** 2906010008246000000  
**Agent:** J.H. Cohoon Engineering Ltd.  
**Applicant/Owner:** Dan Brown

**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 106 Oak Street. The applicant is proposing to sever the subject lands to create two additional residential lots for the purposes of constructing a single detached dwelling on each proposed lot. The existing single detached dwelling on the retained lot will remain. Application B24/2021 seeks to create one of these lots on the southeast portion of the property. The proposed lot dimensions are as follows:

	<i><b>Severed</b></i>	<i><b>Retained</b></i>
Lot Frontage	12.15 m	12.15 m
Lot Area	184.90 m <sup>2</sup>	184.90 m <sup>2</sup>

**DECISION:           PROVISIONAL APPROVAL**

**DATE:                 November 3, 2021**

THAT Application B24/2021 to sever a 185 m<sup>2</sup> parcel of land from the retained lands of application B23/2021 at 106 Oak Street and retain a parcel of land having a lot area of 185 m<sup>2</sup> BE APPROVED, subject to the following conditions:

1. Receipt of confirmation that Application A41/2021 has been approved and is final and binding
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).
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 and the appropriate fee has been paid.

6. 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.
7. That the Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate, indicating that the severed and retained parcels can have their own independent sanitary sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner/applicant will be required to relocate or construct new services from the city sewers at his/her own costs.
8. That the Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario or Ontario Land Surveyor.
9. That the applicant shall submit an archaeological assessment and letter of clearance from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The archaeological assessment will need to start with a Stage 1 Archaeological Assessment and include any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time.
10. Receipt of confirmation that the 4.5 m daylight triangle on the northeast corner of the Oak Street and Walnut Street intersection, as required by the Engineering Department, has been conveyed to the City, at no cost to the municipality and free and clear of any encumbrances, with any costs regarding the transfer being borne by the Applicant(s).
11. 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).
12. Receipt of confirmation that the detached accessory structure on the severed lands has been demolished or otherwise removed through the appropriate permits from the Building Department to the satisfaction of the Chief Building Official.
13. That the above conditions be fulfilled and the Certificate of Consent be issued on or before November 4, 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, 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. 2021-680.”*

Original signed by D. Namisniak,  
Chair

Original signed by M. Bodnar,  
Member

Original signed by K. Brooks,  
Member

Original signed by T. Gaskin,  
Member

Original signed by G. Kempa,  
Member

Original signed by V. Kershaw,  
Member

#### CERTIFICATION

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



Secretary-Treasurer

#### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Alexandra Mathers, Secretary-Treasurer, (519)759-4150 ext. 5440, [amathers@brantford.ca](mailto:amathers@brantford.ca) or Sarah Hague, Deputy Secretary-Treasurer, (519)759-4150 ext.5160, [shague@brantford.ca](mailto:shague@brantford.ca).

#### APPEALS

Any person or public body may, not later than 20 days after the giving of notice of a decision under Section 53(17) or (24) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land 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 Ontario Land 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.

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

Secretary-Treasurer  
Committee of Adjustment  
58 Dalhousie St,  
Brantford, Ontario  
N3T 2J2

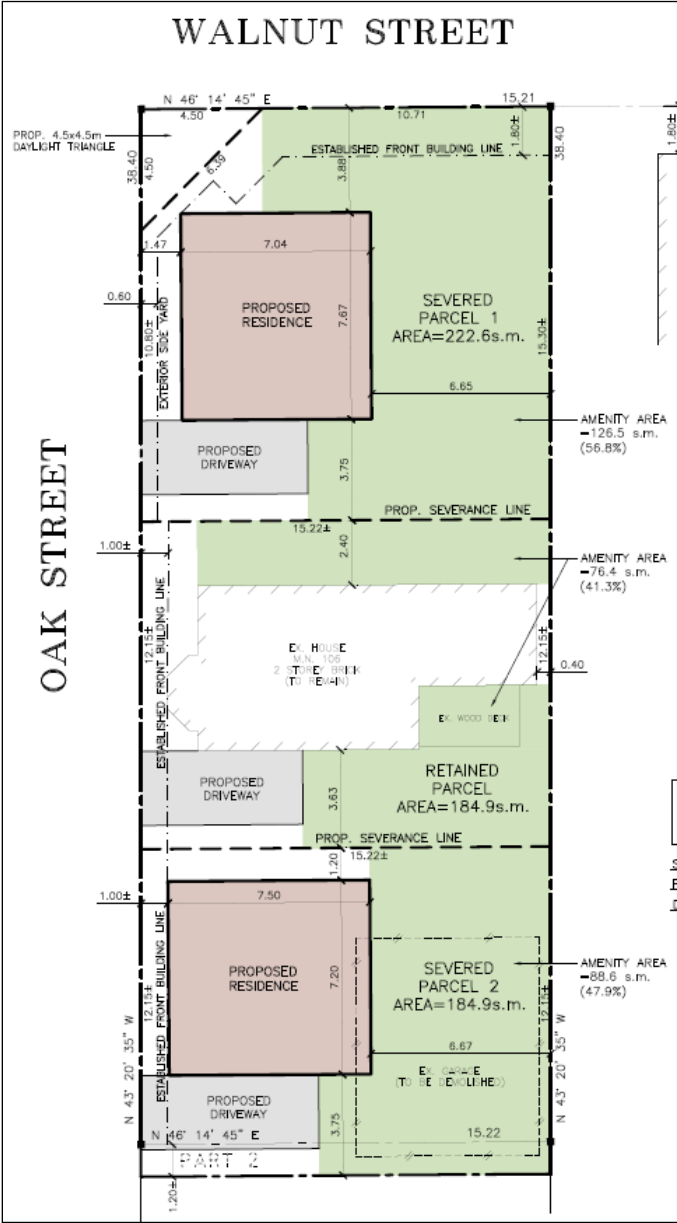
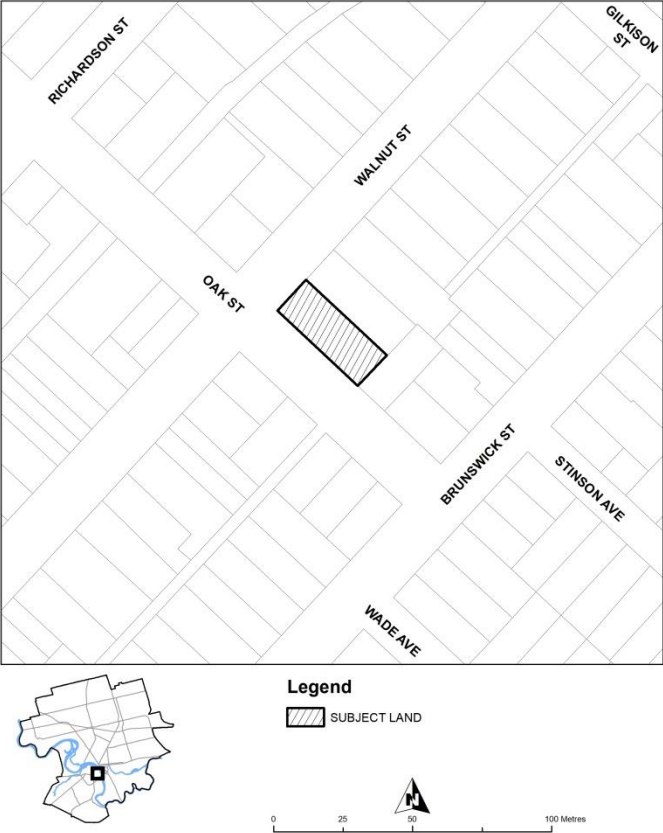
If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

**The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 24, 2021**

**END OF DECISION**

LOCATION MAP  
Application: B23/2021, B24/2021, A40/2021 & A41/2021  
106 Oak Street





November 4, 2021

THE CORPORATION OF THE CITY OF BRANTFORD  
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2  
TELEPHONE 519-759-4150

## **COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE**

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**File Number:** A39/2021  
**Related File Number:** N/A  
**Address:** 139-141 Charing Cross Street  
**Roll Number:** 2906030011004000000  
**Applicant:** Om India Food Centre  
**Agent:** MHBC Planning (Trevor Hawkins)  
**Owner:** Long Holdings Inc.

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**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 139-141 Charing Cross Street. The applicant is proposing a Specialty Grocery Store within an existing commercial unit with an area of 390 m<sup>2</sup>. The applicant has advised that Specialty Grocery Store does not fall within any specific use within Zoning By-law 160-90, but the use is similar to uses permitted in the "General Commercial (C8) Zone", specifically "meat store", "neighbourhood convenience store", "fresh produce outlet", and "bakery". Therefore the applicant has applied for relief under Section 45(2)(b) of the Planning Act, which permits Committee of Adjustments to allow uses that are similar to permitted uses.

**DECISION:           APPROVED**

**DATE:                 November 3, 2021**

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,

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,

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"

Original signed by D. Namisniak,  
Chair

Original signed by M. Bodnar,  
Member

Original signed by K. Brooks,  
Member

Original signed by T. Gaskin,  
Member

Original signed by G. Kempa,  
Member

Original signed by V. Kershaw,  
Member

#### CERTIFICATION

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



Secretary-Treasurer

#### ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Alexandra Mathers, Secretary-Treasurer, (519)759-4150 ext. 5440, [amathers@brantford.ca](mailto:amathers@brantford.ca) or, Sarah Hague, Deputy Secretary-Treasurer, (519)759-4150 ext. 5169, [shague@brantford.ca](mailto:shague@brantford.ca).

#### 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 Ontario Land Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Ontario Land 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 Ontario Land 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.

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

Secretary-Treasurer  
Committee of Adjustment  
58 Dalhousie St,  
Brantford, Ontario  
N3T 2J2

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

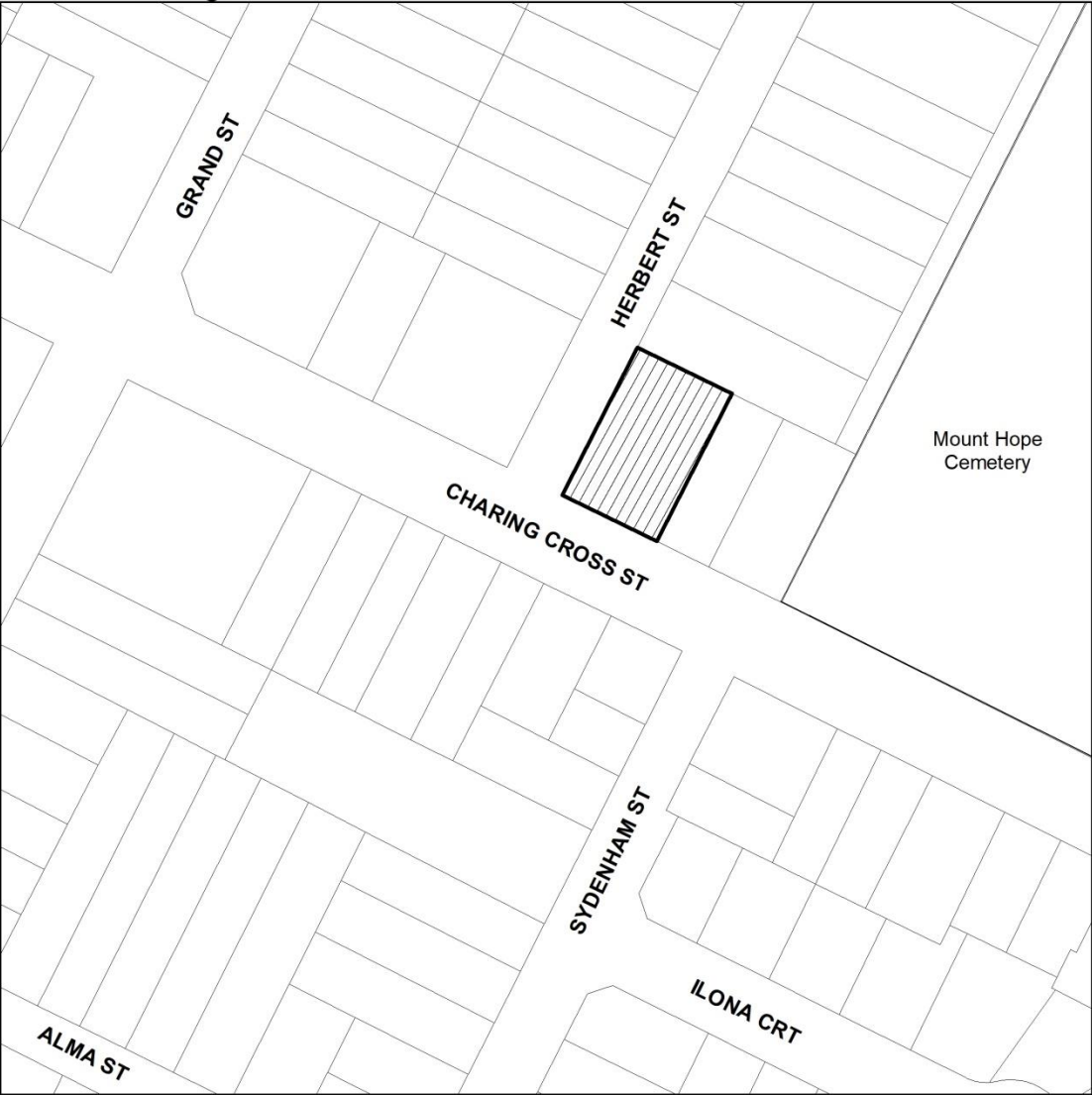
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

**The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 3, 2021**

**END OF DECISION**



LOCATION MAP  
Application: A39/2021  
139-141 Charing Cross Street



Legend  
SUBJECT LAND

