



September 2, 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: A29/2021

Related File Number: B18/2021

Address: 11 Milton Street

Roll Number: 2906010009342000000

Applicants: Ken Benson, Lynn Benson, Ryan Benson & Danielle Benson

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 11 Milton Street. To facilitate the consent application, minor variances are required to provide relief from Zoning 160-90 for the following Sections:

- Section 7.3.2.1.1 to permit a lot area of 365 m² for the severed lot, and 416 m² for the retained lot, whereas 450 m² is required;
- Section 7.3.2.1.5 to permit a minimum front yard of 5.7 m for the severed lot, whereas 6.0 m or the Established Front Building Line, whichever is lesser is required; and,
- Section 7.3.2.1.6 to permit a rear yard of 3.0 m for the severed lot, and 6.5 m for the retained lot, whereas 7.5 m is required.

DECISION: **APPROVED**

DATE: September 1, 2021

THAT Application A29/2021 seeking relief from the following Sections of Zoning By-law 160-90: Section 7.3.2.1.1 to permit a lot area of 365 m² (severed) and 416 m² (retained), whereas 450 m² is required; Section 7.3.2.1.5 to permit a minimum front yard of 5.7 m for the severed lot, whereas 6 m or the established front building line, whichever is lesser is required; and Section 7.3.2.1.6 to permit a rear yard of 6.5 m (retained) and 3.0 m (severed) provided that a minimum 6.5 m side yard is maintained for one of the side yards of the severed lot, whereas a rear yard of 7.5 m is required BE APPROVED;

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 53(17) – (18.2) and 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. 2021-485.”

Original signed by D. Namisniak,
Chair

Original signed by M. Bodnar,
Member

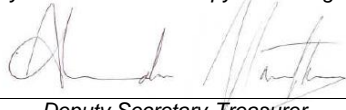
Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by V. Kershaw,
Member

CERTIFICATION

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



Deputy Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, shouse@brantford.ca or, Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext. 5440, amathers@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 Street
Brantford ON
N3T 2J2

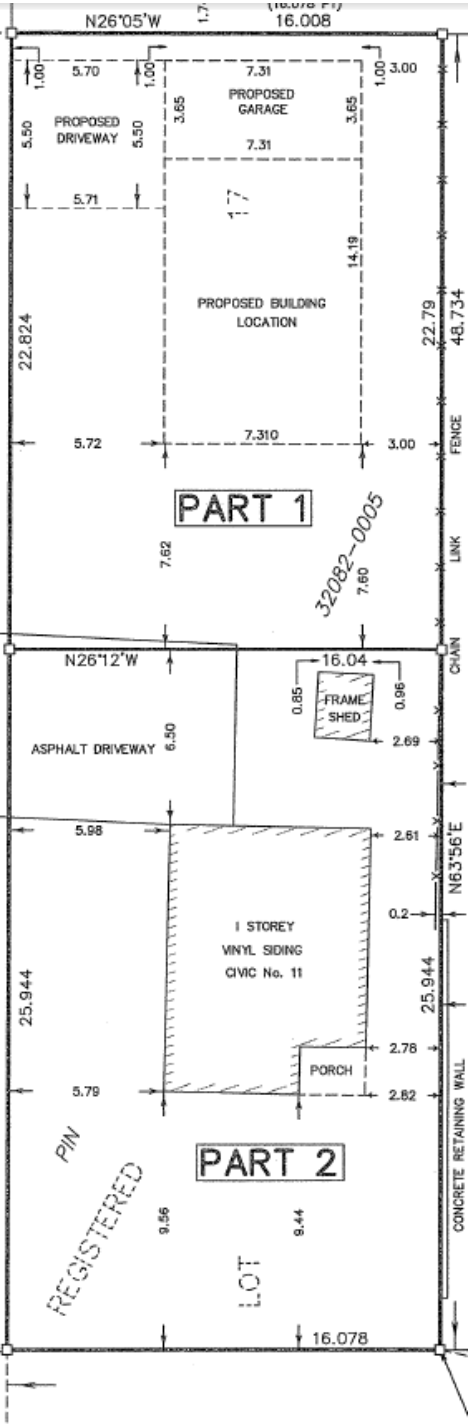
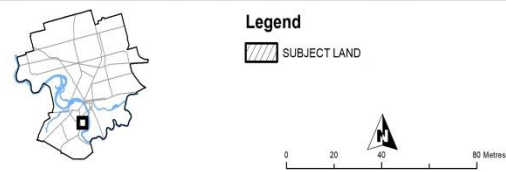
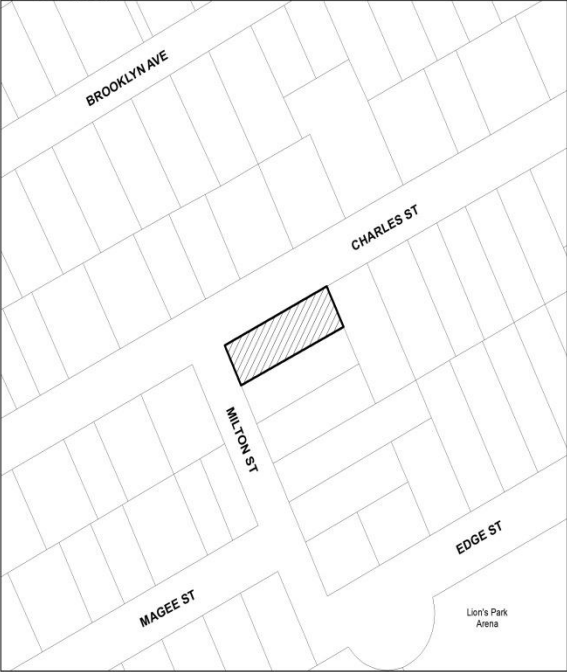
If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

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 September 21, 2021

END OF DECISION

LOCATION MAP
Application: B18/2021 & A29/2021
11 Milton Street





September 2, 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: A31/2021

Related File Number: SPC-36-2019

Address: 59 Roy Boulevard

Roll Number: 290603001919000000

Agent: Glen Schnarr and Associates Inc. - Patrick Pearson

Applicant/Owner: 2618909 Ontario Ltd. - Roman Rockcliff

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 59 Roy Boulevard. The existing two (2) storey industrial building has been operating as a Cannabis Production and Processing Facility for a number of years and applied for building permits and Site Plan Control in 2019 for a proposed four (4) storey addition. The addition will be used in conjunction with the existing 2-storey building for the purpose of providing additional production capacity on the subject lands.

In August 2020, Staff prepared a City-initiated Zoning By-law Amendment. Council approved By-law No. 122-2020 to amend Zoning By-law 160-90 which introduced new regulations for Cannabis Production and Processing Facility uses within the City of Brantford, and the expansion lands formerly in the County of Brant. Specifically, the amendment applied a 400 metre required separation distance between a Cannabis Production and Processing Facility and lands which are residentially zoned. This By-law is not in full force and effect as it is currently under appeal and before the Ontario Land Tribunal (OLT). The owners of the subject lands are party to the appeal of By-law No. 122-2020. Staff is of the understanding that the Committee of Adjustment can grant a minor variance to a by-law that is under appeal, provided that there is a caveat in the decision that the variance is only granted upon such time as the implementing By-law is in full force and effect.

The subject property is located approximately 390 metres from lands which are residential zoned and located north of the subject lands, when measured from the nearest portion of the subject property to the nearest adjacent residential lot line. An area with an approximate 8.0 metre radius from the northeast corner of the subject property is located within the separation distance buffer.

The approval of By-law No. 122-2020 would not impact the existing land use permissions for the Cannabis Production and Processing Facility in operation on the subject lands, as this use would be considered a legal non-conforming use. However, it would impact any additions or expansions of the existing use, including the current proposed four-storey addition. Until the OLT makes a decision on the active appeal, any planning application(s) need to be in conformity with both the existing Zoning By-law 160-90 as well as the amending By-law 122-2020.

There is an active Site Plan Application (SPC-36-2019) on the subject lands which proposes to expand the existing Cannabis Production and Processing Facility operation. This application does meet the standards of the Zoning By-law 160-90 currently in effect, however would not conform to the amending By-law No. 122-2020. As such, the applicant is unable to move forward with finalization of the Site Plan Control application until such time as the appeal has been resolved, and/or a minor variance has been granted. Accordingly, the applicant is seeking a minor variance to permit a reduction in the required 400 metre buffer between a Cannabis Production and Processing Facility and lands which are subject to residentially zoned lands to 390 metres. If approved, this minor variance will allow the applicant to proceed with their Site Plan Control application and obtain building permits for the proposed addition.

DECISION: APPROVED

DATE: September 1, 2021

THAT Application A31/2021 requesting relief from By-Law No. 122-2020 to permit a separation distance of 390 m between a Cannabis Production and Processing Facility from residentially zoned lands, whereas a separation distance of 400 m is required, BE APPROVED, contingent on By-law No. 122-2020 coming into force and effect; 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. 2021-572.”

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

Original signed by L. Rynar,
Member

CERTIFICATION

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



Deputy Secretary-Treasurer

ADDITIONAL INFORMATION

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

What Is Required	Regular Mail/Canada Post	Couriers/Direct Deliveries/Parcels
Name	Secretary-Treasurer	Secretary-Treasurer
Department	Committee of Adjustment	Committee of Adjustment
Civic Address		58 Dalhousie Street
PO Box	PO Box 818	
City/Postal Code	Brantford, ON N3T 5R7	Brantford, ON N3T 2J2

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

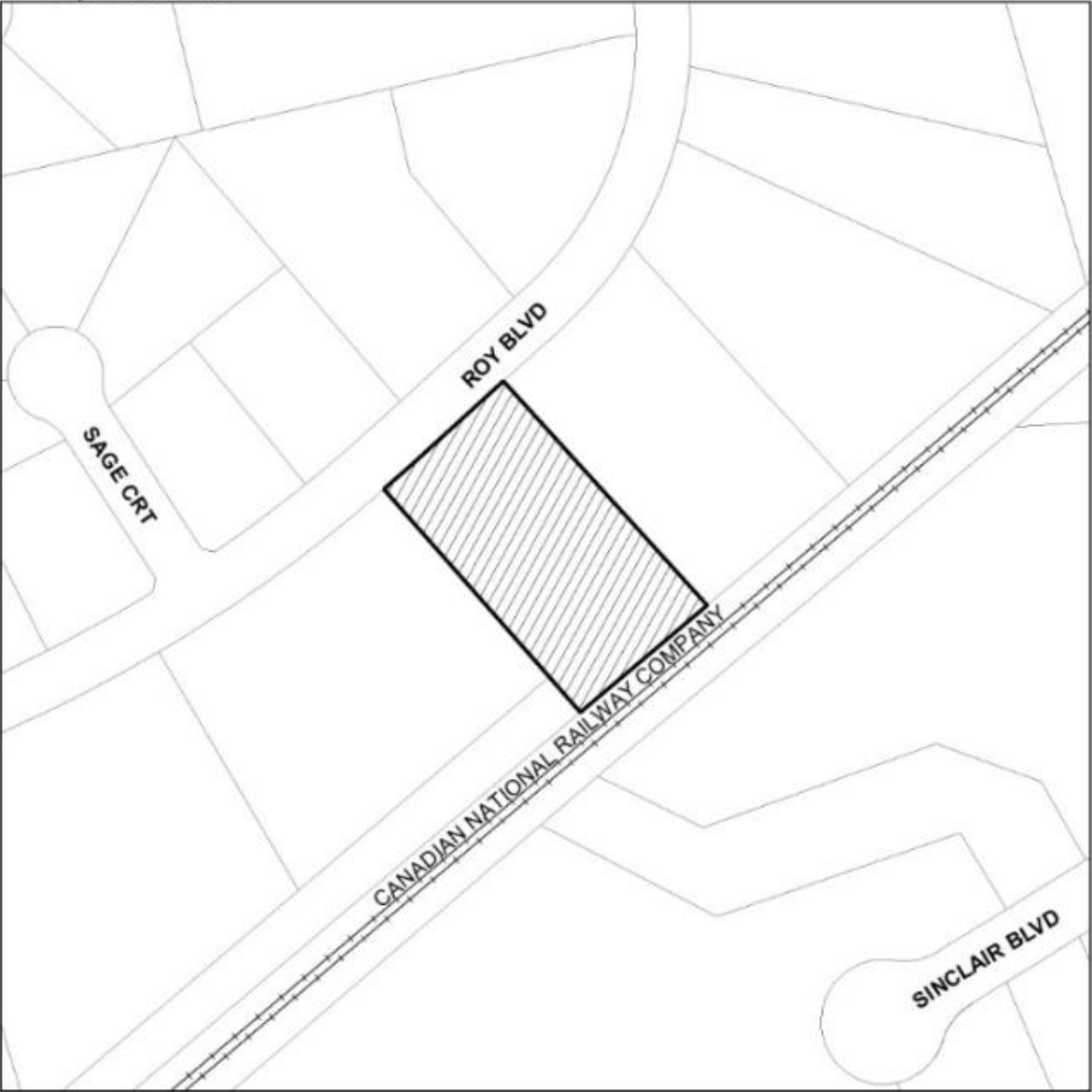
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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is September 21, 2021

END OF DECISION

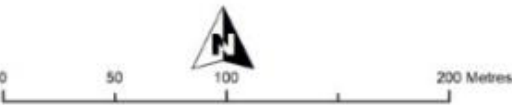
LOCATION MAP

Application: A31/2021
59 Roy Boulevard



Legend

 SUBJECT LAND





September 2, 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: A32/2021

Related File Number: N/A

Address: 87 Stauffer Road

Roll Number:

Applicant: TCA LIV Hardy Road Inc.

Agent: MHBC Planning

Owner: Telephone City Aggregates, James Dick Construction Ltd., and 2006002 Ontario Inc.

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 87 Stauffer Road. The lot was created through the recently registered Plan of Subdivision 2M-1961 (Block 197). The applicant has constructed the pumping station which will service the surrounding residential and industrial subdivisions, and will eventually be owned and operated by City of Brantford. The utility service equipment (a transformer), is required to service the subject lands for the pumping station. In order to facilitate the development as proposed, the applicant is seeking relief from the following Sections of the Zoning By-law 160-90:

- Section 6.19.6.1 to permit utility service equipment (transformer) to be constructed without an opaque fence and/or wall, whereas an opaque fence and/or wall of a minimum height equal to the height of the utility service equipment to a maximum of 4.0 m or a buffer approved pursuant to the Site Plan Control provisions of the *Planning Act* is required; and
- Section 6.19.6.2 to permit utility service equipment (transformer) to be located 2.2 m from either a lot in a residential zone or a lot line abutting a street, whereas 6.0 m from either a lot in a residential zone or a lot line abutting a street is required.

DECISION: APPROVED

DATE: September 1, 2021

THAT Application A32/2021 requesting relief from Section 6.19.6.1 of Zoning By-law 160-90 to permit utility service equipment (electrical transformer) to not be screened on all sides by an opaque fence and/or wall of a minimum height equal to the height of the utility service equipment to a maximum of 4.0 m, or a buffer approved pursuant to the Site Plan Control provisions of the *Planning Act*, whereas when utility service equipment is located on a lot and not enclosed, and is greater than 1.4 m in height, such equipment shall be screened on all sides by an opaque fence and/or wall of

a minimum height equal to the height of the utility service equipment to a maximum of 4.0 m, or a buffer approved pursuant to the Site Plan Control provisions of the *Planning Act* is required, BE APPROVED;

THAT Application A32/2021 requesting relief from Section 6.19.6.2 of Zoning By-law 160-90 to permit utility service equipment (electrical transformer) to be located 2.2 m from either a lot in a Residential Zone or a lot line abutting a street, whereas when a utility service equipment is located on a lot and not enclosed and is greater than 1.4 m in height, such equipment shall not be permitted within 6.0 m of either a lot in a Residential Zone or a lot line abutting a street is required, BE APPROVED;

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 1900 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 2021-564.”

Original signed by D. Namisniak,
Chair

Original signed by M. Bodnar,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

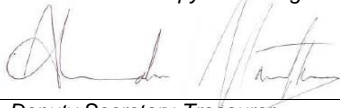
Original signed by G. Kempa,
Member

Original signed by V. Kershaw,
Member

Original signed by L. Rynar,
Member

CERTIFICATION

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



Deputy Secretary-Treasurer

APPEALS

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ADDITIONAL INFORMATION

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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 Street
Brantford ON
N3T 2J2

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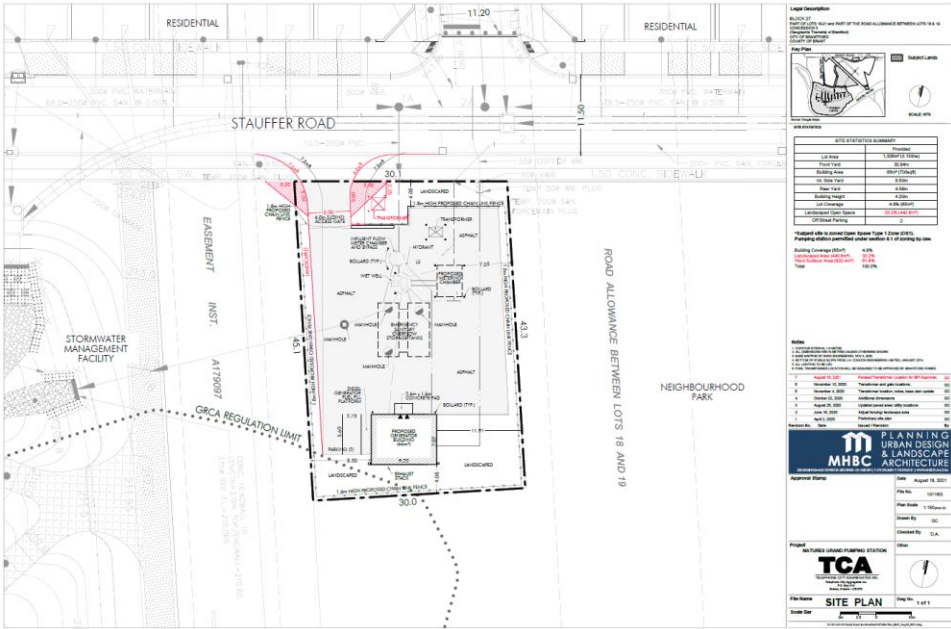
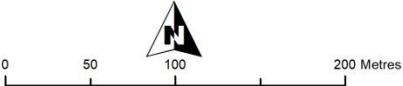
The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is September 21, 2021

END OF DECISION

LOCATION MAP
Application: A32/2020
87 Stauffer Road



Legend
SUBJECT LAND





September 2, 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: B18/2021
Related File Number: A29/2021
Address: 11 Milton Street
Roll Number: 2906010009342000000
Applicants: Ken Benson, Lynn Benson, Ryan Benson, Danielle Benson

**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 11 Milton Street. The applicant is proposing to sever the existing property into two lots for the purposes of developing a single detached dwelling on the severed lands. The existing single detached dwelling on the retained lands will remain. The proposed lot dimensions are as follows:

	<i>Lands to be Severed</i>	<i>Lands to be Retained</i>
<i>Lot Width</i>	<i>22.8 m</i>	<i>16 m</i>
<i>Lot Depth</i>	<i>16 m</i>	<i>25.9 m</i>
<i>Lot Area</i>	<i>365 m²</i>	<i>416 m²</i>

DECISION: APPROVED

DATE: September 1, 2021

THAT Application B18/2021 to sever a parcel of land from the east portion the lands municipally addressed as 11 Milton Street, having a lot area of 365 m² and retain a parcel of land having a lot area of 416 m², BE APPROVED subject to the following conditions:

1. Receipt of confirmation that Application A29/2021 receives final and binding approval and is in full force and effect.
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 that the daylight triangle, 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).
7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the Owner/Applicant has completed and submitted locates that locate, trace inspect and document the location of the sewer and water laterals for the existing building on the retained parcel.
8. Receipt of confirmation from the Manager of Development Engineering or his/her designate, that the Owner/Applicant has completed the relocation of any portion of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
9. 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).
10. Receipt of confirmation that the portion of the retained lot's driveway has been removed from the severed lands.
11. That the above conditions be fulfilled and the Certificate of Consent be issued on or before September 2, 2022, after which time the consent will lapse.

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. The applications are in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90, specifically Section 18.9 of the Official Plan respecting consent applications with the City of Brantford and consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement;

THAT pursuant to Section 53(17) – (18.2) and 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. 2021-485.”

Original signed by D. Namisniak,
Chair

Original signed by M. Bodnar,
Member

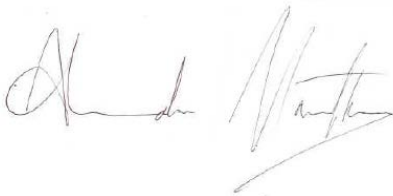
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Member

Original signed by T. Gaskin,
Member

Original signed by V. Kershaw,
Member

CERTIFICATION

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



Deputy Secretary-Treasurer

ADDITIONAL INFORMATION

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

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

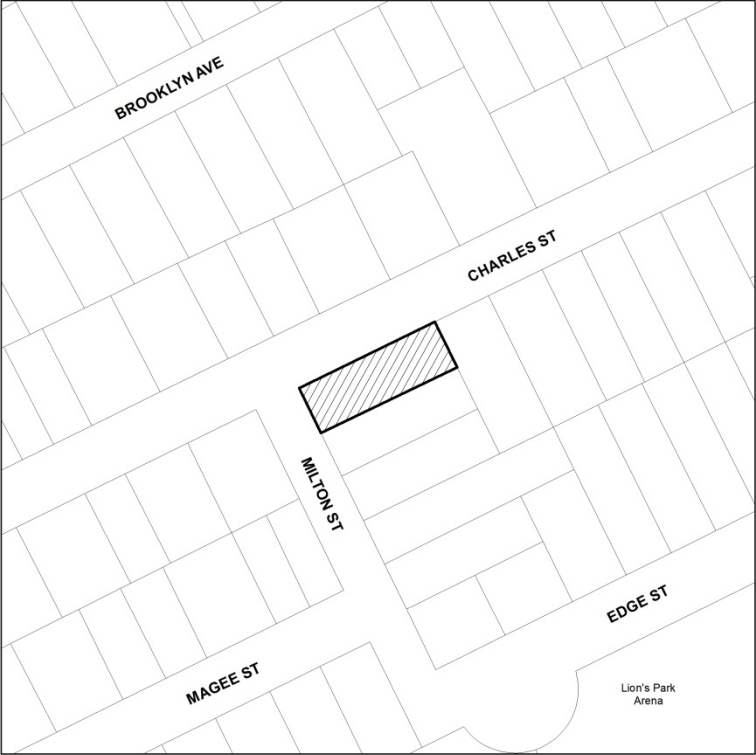
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**The last date for filing a notice of appeal to the Ontario Land Tribunal of this
Decision is September 22, 2021**

END OF DECISION

LOCATION MAP
Application: B18/2021 & A29/2021
11 Milton Street



Legend
[Hatched Box] SUBJECT LAND

