



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: A29/2022
Related File Numbers: N/A
Address: 56 Anastasia Crescent
Roll Number: 29060030019411360000
Applicant: Jim Pitre, Lifestyle Sunrooms Inc.
Owner: Merilee Cook

**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 56 Anastasia Crescent. The applicant is proposing a 26.76 m² unheated sunroom addition to the back of the existing single detached dwelling. The sunroom addition will result in a lot coverage of 43.25%. In conversation with the applicant on August 24, 2022, Staff has agreed to support a lot coverage of up to 44%. Accordingly, the applicant is seeking relief from Section 7.5.2.1.3 of Zoning By-law 160-90 to permit lot coverage of 44%, whereas a maximum of 40% lot coverage is permitted.

DECISION: APPROVED

DATE: September 7, 2022

THAT Application A29/2022 requesting relief from Section 7.5.2.1.3 of the City of Brantford Zoning By-law 160-90 to permit a lot coverage of 44% for a proposed sunroom, whereas a maximum of 40% is permitted, 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 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. 2022-603.”

Electronically signed by D. Namisniak,
Chair

Electronically signed by M. Bodnar,
Member

Electronically signed by K. Brooks,
Member

Electronically signed by T. Gaskin,
Member

Electronically signed by G. Kempa,
Member

Electronically 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 Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, shague@brantford.ca or Holly Stemberger, Deputy Secretary-Treasurer, (519)759-4150 ext. 5125, hstemberger@brantford.ca

APPEALS

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Notice of Changes

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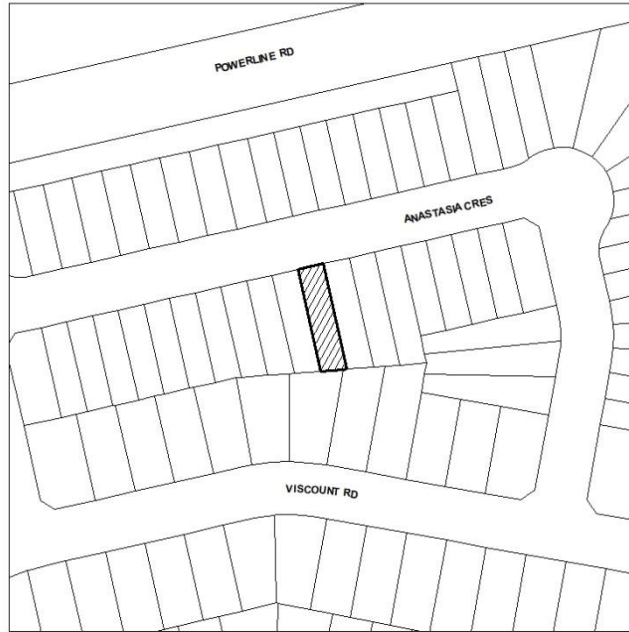
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is September 27, 2022

END OF DECISION

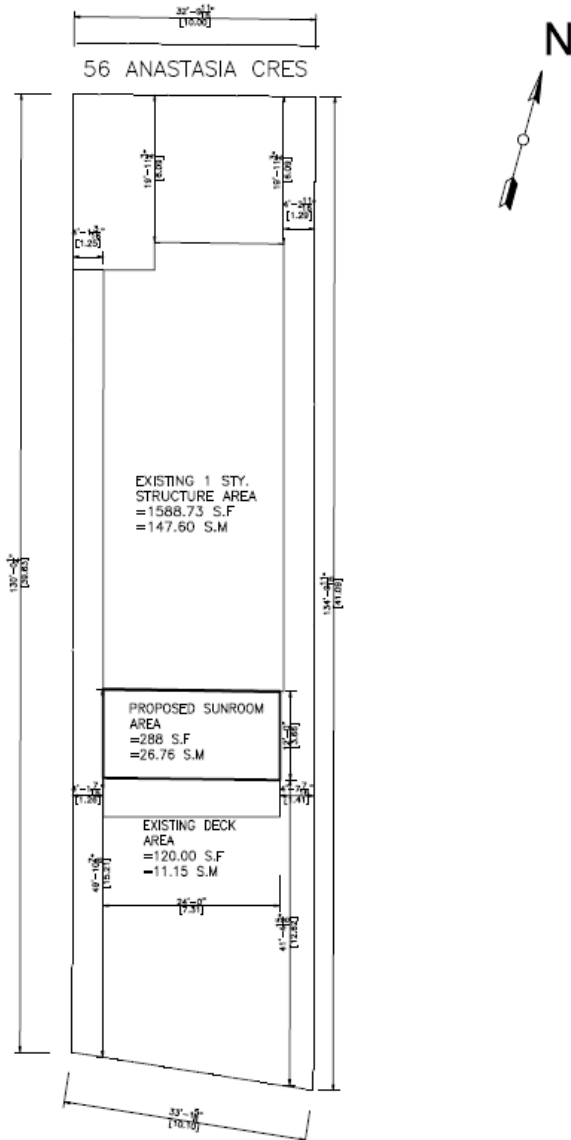
LOCATION MAP

Application: A29/2022
56 Anastasia Crescent



Legend

 SUBJECT LAND



THIS SITE PLAN IS
DRAWN PER THE OWNER
INFORMATION

SITE PLAN
SCALE = 1:200



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: A30/2022
Related File Numbers: N/A
Address: 11 Conklin Crescent
Roll Number: 2906020013213000000
Applicant: Diane Lloyd
Owners: Diane & Robin Lloyd

**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 property municipally addressed as 11 Conklin Crescent. The applicant proposes to construct a fence in the front yard of the subject property that is 2.0 m in height. The fence is proposed to be located 0.024 m from the front lot line abutting Magnolia Street. The proposed fence will replace the existing fence on the property. The proposed location and increased height will provide additional space around the existing pool, and will contribute to additional privacy from the abutting municipal sidewalk. No other physical changes are proposed as part of this application.

To facilitate the development, the applicant has requested the following relief from the City of Brantford Municipal Code:

- Section 438.4.1 to permit a fence within a front yard that is 2.0 m in height, whereas the maximum permitted height of a fence within the front yard is 1.0 m; and
- Section 438.4.2 to permit a fence height of 2.0 m where the area of daylight visible through the fence is 0% and where in the opinion of the Engineer such fence will not result in a visibility problem to vehicular and pedestrian traffic, whereas the Municipal Code allows for a fence within the minimum front yard to be erected to a maximum height of 1.5 m if the area of daylight visible through the fence is at least 50% of the surface area of the fence, and where in the opinion of the Engineer such fence will not result in a visibility problem to vehicular and pedestrian traffic.

DECISION: APPROVED

DATE: September 7, 2022

THAT Application A30/2022 requesting relief from Section 438.4.1 of the Brantford Municipal Code to permit a fence in a front yard to have a height of 2.0 m, whereas the maximum permitted height of a fence in the front yard is 1.0 m, and from Section 438.4.2 to permit a fence with a height of 2.0 m with 0% daylight visibility through the fence (where in the opinion of the Engineer such fence will not result in a visibility problem to vehicular and pedestrian traffic), BE APPROVED;

THAT the reason(s) for approval are as follows: the proposed variances are in keeping with the general intent of the Official Plan, Zoning By-law 160-90, and the Brantford Municipal Code; and the reliefs requested are considered minor in nature and the application complies with criteria set out in Section 45(1) of the Planning Act; 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. 2022-602.”

Electronically signed by D. Namisniak,
Chair

Electronically signed by M. Bodnar,
Member

Electronically signed by K. Brooks,
Member

Electronically signed by T. Gaskin,
Member

Electronically signed by G. Kempa,
Member

Electronically 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 Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, shague@brantford.ca or Holly Stemberger, Deputy Secretary-Treasurer, (519)759-4150 ext. 5125, hstemberger@brantford.ca

APPEALS

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

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END OF DECISION

LOCATION MAP

Application: A30/2022
11 Conklin Crescent

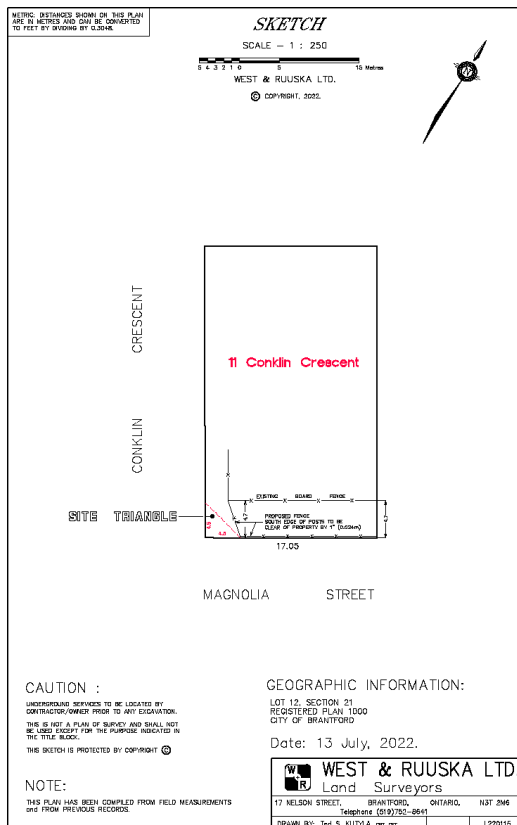


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 SUBJECT LAND



Sketch





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: A33/2022
Related File Numbers: B372022
Address: 40 Niagara Street
Roll Number: 2906020007037000000
Applicant/Owner: Benikaid Inc. c/o Jeff Tang-Kong
Agent: MHBC c/o Nick Bogaert

**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 40 Niagara Street. The applicant is proposing to sever the existing property into two lots for the purposes of developing a two-storey single detached dwelling on the severed lot. The existing single detached dwelling will remain on the retained lot (Lot A) and the existing accessory structure on the severed lot (Lot B) is proposed to be removed.

To facilitate the consent application, two (2) minor variances are required:

- To permit a reduced rear yard of 6.0 metres on Lot A (retained), whereas Section 7.8.2.1.6 of Zoning By-law 160-90 requires a rear yard of 7.5 metres, and,
- To permit a reduced lot area of 250 m² on Lot B (severed), whereas Section 7.8.2.1.1.1 of Zoning By-law 160-90 requires a lot area of 270 m².

DECISION: **APPROVED**

DATE: September 7, 2022

THAT Application A33/2022 requesting relief from Section 7.8.2.1.6 of the City Of Brantford Zoning By-law 160-90 to permit a reduced rear yard of 6.0 metres for the retained lot (Lot A), whereas a minimum rear yard of 7.5 metres is required, and Section 7.8.2.1.1.1 to permit a reduced lot area of 250 m² for the severed lot (Lot B), whereas a minimum lot area of 270 m² is required, BE APPROVED;

THAT the reason(s) for approval are as follows: the proposed variances are 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 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. 2022-591”.

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

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

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

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

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

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

CERTIFICATION

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



Secretary-Treasurer

ADDITIONAL INFORMATION

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58 Dalhousie Street
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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 27, 2022

END OF DECISION

LOCATION MAP
 Application: B37 & A33/2022
 40 Niagara Street

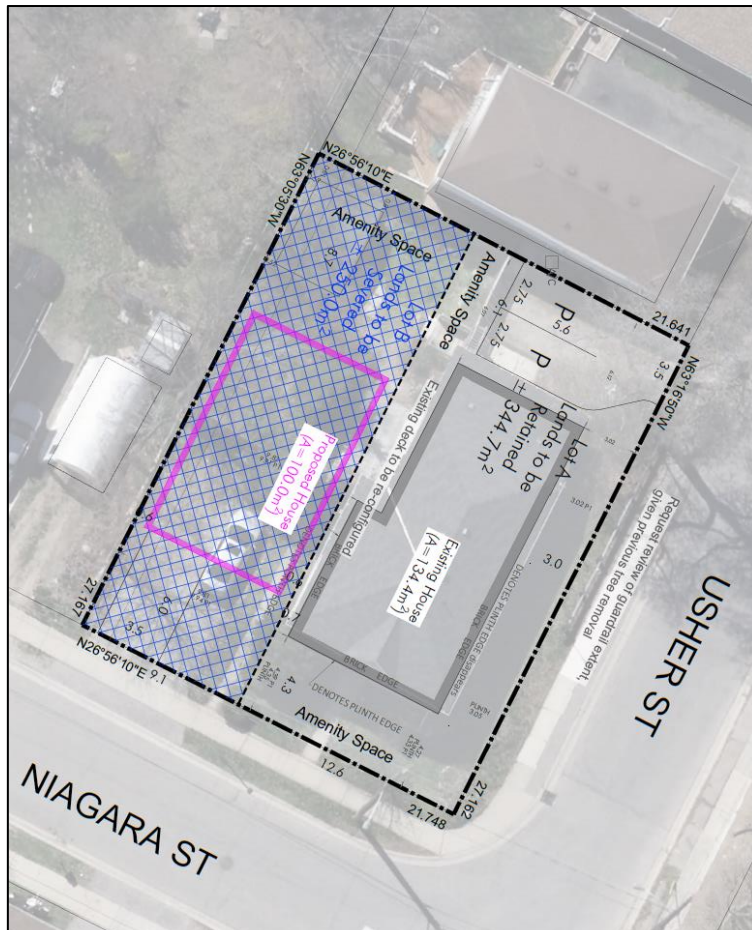


Legend

 SUBJECT LAND



Survey Sketch





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: B37/2022
Related File Numbers: A33/2022
Address: 40 Niagara Street
Roll Number: 2906020007037000000
Applicant/Owner: Benikaid Inc. c/o Jeff Tang-Kong
Agent: MHBC c/o Nick Bogaert

**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 40 Niagara Street. The applicant is proposing to sever the existing property into two lots for the purposes of developing a two-storey single detached dwelling on the severed lot. A portion of the existing deck will need to be removed in order to facilitate the severance. The existing single detached dwelling will remain on the retained lot (Lot A) and the existing accessory structure on the severed lot (Lot B) is proposed to be removed.

The proposed lot dimensions are as follows:

	<i>Lands to be Retained (Lot A)</i>	<i>Lands to be Severed (Lot B)</i>
<i>Lot Width</i>	12.6 m	9.1m
<i>Lot Depth</i>	27.2 m	27.17 m
<i>Lot Area</i>	344.7 m ²	250 m ²

DECISION: PROVISIONAL APPROVAL

DATE: September 7, 2022

THAT Application B37/2022 to sever a parcel of land from the southern portion of the lands municipally addressed as 40 Niagara Street, having a lot area of 250 m² and retain a parcel of land having a lot area of 344.7 m², BE APPROVED, subject to the following conditions:

1. Receipt of confirmation that Application A33/2022 receives final and binding approval and is in full force and effect.
2. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
3. Receipt of payment to the City for cash-in-lieu of the 5% contribution of land for public purposes;
4. Receipt of confirmation that all taxes are paid up to date;

5. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
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. 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.
8. 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 have been independently serviced with a sanitary and storm sewer connection and that these services do not cross the proposed severance line and are connected directly to City infrastructure.
9. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
10. 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.
11. The Owner shall enter into an Agreement with CN Rail stipulating how CN Rail's concerns will be resolved, and will pay CN's reasonable costs in preparing and negotiating the agreement.
12. That the above conditions be fulfilled and the Certificate of Consent be issued on or before September 8, 2024, 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 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 is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and the 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:

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Electronically signed by D. Namisniak,
Chair

Electronically signed by M. Bodnar,
Member

Electronically signed by K. Brooks,
Member

Electronically signed by T. Gaskin,
Member

Electronically signed by G. Kempa,
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Electronically signed by V. Kershaw,
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CERTIFICATION

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Secretary-Treasurer

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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is September 28, 2022

END OF DECISION

LOCATION MAP
 Application: B37 & A33/2022
 40 Niagara Street



Legend
 SUBJECT LAND



Survey Sketch

