

COMMITTEE OF ADJUSTMENT

Council Chambers
Thursday, January 24, 2008
7:00 P.M.

Present: Chair Lefebvre, Vice-Chair Steed, and Members Bouma and Brown

Staff: Davidson, Pomponi, and Beacock

Absent: Kloepfer

Art Lefebvre in the Chair.

MINUTES

Moved by - M. J. Brown
Seconded by – Willem Bouma

That the Committee of Adjustment minutes of November 22, 2007, be approved as circulated.

.Carried

Declaration of Pecuniary Interest – Willem Bouma - Item #4 B53/07 Providence Free Reformed Church

PUBLIC HEARINGS

1. B50/07 & B51/07/MD COCKSHUTT ROAD, BRANTFORD

IN THE MATTER OF TWO Applications to the Committee of Adjustment for severance from Brian Smith, Plansmith, agent for John Derus, owner of Part Lot 46, Burtch Tract, County of Brant, geographic Township of Brantford, and located at 213 & 219 Cockshutt Road. The applicant proposes the severance of two lots from his landholding. (B50/07) Proposed Lot 1 will contain a gasoline service station and repair shop and will have an area of 0.33 hectares. (B51/07) Proposed Lot 2 will contain two storage buildings for automotive use, and will have an area of 4.23 hectares. The retained agricultural lands will consist of approximately 11.27 hectares.

Marcus Davidson, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works Department and Hydro One. Letter of Submission received from Agent.

Brian Smith, Agent, was present and briefly outlined the application for Committee, stating that the severance of the one parcel when lands were purchased inadvertently merged. The second property is being severed along zoning boundaries. Mr. Smith confirmed that the applications are in compliance with the Official Plan and are technical severances. The conditions were reviewed and accepted.

Public Questions – None

Moved by – Willem Bouma
Seconded by – Walt Steed

That File Nos. B50/07/MD and B51/07/MD, from Brian Smith, Plansmith, agent for John Derus, owner of Part of Lot 46, Burtch Tract, located at 213 and 219 Cockshutt Road, geographic Township of Brantford, County of Brant, to sever a gasoline service station and repair shop (B50/07/MD), and two (2) storage buildings for automotive use (B51/07/MD), BE APPROVED, subject to conditions.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

- i) The application complies with the policies of the County of Brant Official Plan & Zoning By-law.

.Carried

2. B52/07/MD PLEASANT RIDGE ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting, agent for James Buday, owner of Part of Lots 4 & 5, Range 2, WMPR, County of Brant, geographic Township of Brantford, and located at 341 Pleasant Ridge Road. The applicant proposes to sever the residence located at 341 Pleasant Ridge Road from the balance of the landholding, and keep the farm buildings with the farm property. The proposed residence and buildings to be severed will have frontage of 125 metres on the west side of Pleasant Ridge Road and an area of approximately 1.7 hectares, and will continue to be used for residential purposes. The retained lands will contain the farm residence and buildings and will have an area of 64 hectares.

Marcus Davidson, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works Department. Letter of Submission received from Agent.

Howard Snodgrass, Agent, was present and briefly outlined the application for Committee. The applicant owns two farm parcels that were registered in the same name and merged. Mr. Snodgrass reviewed and agreed with the condition asking the applicant to provide proof that the properties have merged. Mr. Snodgrass stated that he will provide staff with both deeds at time of stamping of deeds.

Public Questions – None

Moved by – M.J. Brown
Seconded by – Willem Bouma

That File No. B52/07/MD, from Jim Buday, owner of Part of Lots 4 and 5, Range 2, WMPR, located at 341 Pleasant Ridge Road, geographic Township of Brantford, County of Brant, to sever a surplus dwelling unit, BE APPROVED, subject to conditions.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

- i) The application complies with the policies of the County of Brant Official Plan.

.Carried

3. B55/07/MD BRANT MILL ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting agent for the applicant Richard Bonham, and the Estate of Edith Bonham, owner of Part of Lot 9 & 10, Concession 1, County of Brant, geographic Township of Oakland, and located on Brant Mill Road. The applicant is proposing to sever a parcel of land for a lot line adjustment. The proposed lot to be severed consists of an area of 4,719 square metres, and will be conveyed and consolidated with lands located to the north owned by Richard Bonham, and will be used for residential purposes. The retained lands will have an area of approximately 26 hectares.

Marcus Davidson, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works Department. Letter of Submission received from Agent.

Howard Snodgrass, Agent, was present and briefly outlined the application for Committee, stating that the application involves a lot line adjustment to recombine the residence and barn. Mr. Snodgrass explained that an addition is to be built on the house, and additional land area is needed. With the land area and new addition, the applicant still has consolidated land under two acres in size. Mr. Snodgrass reviewed and agreed with the conditions.

Committee discussed the land area, layout of buildings, and layout of road and corner. Mr. Snodgrass talked about the request by Public Works for road widening, stating that once he had a draft survey, then they could deal with the matter of where road widening would be located.

Public Questions – None

Moved by – Walt Steed
Seconded by – Willem Bouma

That File No. B55/07/MD, from Richard Bonham for the Estate of Edith Bonham, owner of Part of Lots 9 and 10, Concession 1, located on Brant Mill Road, geographic Township of Oakland, County of Brant, for a lot line adjustment, BE APPROVED, subject to conditions.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

- i) The application complies with the policies of the County of Brant Official Plan and PPS.

.Carried

4. B53/07/SS HOWELL ROAD, SOUTH DUMFRIES

Willem Bouma stepped down from the table.

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Waterous, Holden, Amey, Hitchon, agent for Providence Free Reformed Church c/o Bill Janssen, of Part of Lot 7, Concession 3, County of Brant, geographic Township of South Dumfries, and located at 170 Howell Road. The applicant proposes to sever a lot from lands owned by James & Janice Rosebrugh, for the development of a church. The proposed lot to be severed will contain an area of 1.6 hectares. The retained lands will consist of 17.4 hectares. (Previous applications are Consent B5-96 and Zoning ZB6-96).

Marcus Davidson, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works Department. Letter of Submission received from Agent.

Bill Janssen, Agent, for Providence Free Reformed Church and Mike and James Neven, were present and briefly outlined the application for Committee. Mr. Janssen read a discussion paper that he handed out to Committee.

Committee questioned the need for four acres. Mr. Janssen responded by showing Committee a full-size site plan and stating that 2 ½ acres is not enough for their needs. He explained that the depth of the proposed lot will be in a straight line with the abutting cemetery, and the church will seat 450 people.

Committee discussed condition #4 with respect to zoning. Mr. Janssen stated that there is a discrepancy where the settlement area lies, and he is hoping that the new Official Plan will clear it up. The Planner stated that the zoning would be from Agricultural Restrictive to Institutional. Committee asked about steps taken to rezone the rest of the property, and Mr. Janssen responded that he would like to make the severance conditional on zoning.

Committee noted the Planner's recommendation to reduce the acreage to 2 1/2 acres from 4 acres. Committee made a suggestion that the applicant table the application so that it could go back to Planning Advisory Committee to find out where the settlement area is, rezone the property, and then come back to Committee of Adjustment.

The applicant asked Committee to table the application until a time when they are ready to bring it back.

Public Questions - The Chair announced to members of the public that they will have an opportunity to speak at a future meeting, and to add their name and mailing address to the sign-in sheet asking for further notice.

Moved by – Walt Steed
Seconded by – M.J. Brown

That Consent B53/07/SS from Waterous, Holden, Amey, Hitchon, agent for Providence Free Reformed Church c/o Bill Janssen, of Part Lot 7, Concession 3, County of Brant, geographic Township of South Dumfries, and located at 170 Howell Road, BE TABLED until such time as the matter of the adjustment of the St. George Settlement Area and associated rezoning of the Agricultural Restrictive (AR) zoned portion has been vetted through by County Council.

.Carried

5. B54/07/SS ELLIOTT ROAD, OAKLAND

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting agent for 2123756 Ontario Inc., c/o Jang Panag, owner of Part of Lots 7 & 8, Concession 2, County of Brant, geographic Township of Oakland, and located at 91 Elliott Road. The applicant is proposing to retain a lot with the existing residence and accessory buildings, and to sever the balance of the farmland for a lot addition. The proposed lands to be severed consist of an area of 33.6 hectares, to be conveyed and consolidated with lands located to the south, for agricultural purposes. The retained lands will have an area of 1.2 hectares.

Marcus Davidson, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works Department. Letter of Submission received from Agent.

Howard Snodgrass, Agent, was present and briefly outlined the application for Committee. Mr. Snodgrass confirmed that no lands would be removed from agricultural use, and was in agreement with conditions.

Public Questions

Rick Sroka, 94 Elliott Road, asked what was going to happen to the retained lot. Mr. Snodgrass responded that the zoning is Agricultural and there have been potential purchasers, but right now the lot will be used for residential purposes. The only use permitted in an agricultural zone is residential or agricultural, that would work on two or more acres. Under the zoning bylaw you could operate a small business in a portion of the pack barn, but it is fairly restrictive, i.e. home occupation use. Mr. Snodgrass noted that surplus dwellings are closely monitored by the County about the use of a property to make sure it is operating legally. There are no prospective buyers at this point.

Moved by – Willem Bouma
Seconded by – Walt Steed

That Consent File No. B54/07/SS, from Snodgrass Consulting, agent for 2123756 Ontario Inc., c/o Jang Panag, owner of Part of Lots 7 & 8, Concession 2, County of Brant, geographic Township of Oakland, and located at 91 Elliott Road, BE APPROVED, subject to conditions.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

- i) The application complies with the policies of the County of Brant Official Plan.

.Carried

6. B53/06 & B54/06/SS SIXTH CONCESSION ROAD, BURFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting for Joe & Sylvia Miller, owners of Part Lots 1 & 2, Concession 6, County of Brant, geographic Township of Burford, and located at 17 Sixth Concession Road. The applicants are proposing to sever two lots from the north-westerly corner of their existing farm landholding. The two lots will have a frontage of 32.5 metres and contain an area of 3,000 square metres to be used for residential purposes. The retained lands will contain an area of 23 hectares.

Marcus Davidson, Senior Planner, described the application and declared that it had been circulated to concerned agencies and by first class mail to all assessed owners within 60 metres of the site, and posting of notice on site. Comments received from Public Works Department. Letter of Submission received from Agent.

Howard Snodgrass, Agent, and Joe Miller, Applicant, were present and briefly outlined the application for Committee. Mr. Snodgrass explained that the location can be either agricultural or residential designation to ensure development is on a small scale basis, and that retained lands can be properly developed at a later date e.g. services. Mr. Snodgrass stated that he did provide documentation to County as to services to prove that two severances will not adversely affect development of the retained lands. Mr. Snodgrass states that the creation of two lots meets the purpose and intent of the Official Plan. It was noted that the applicant reviewed the conditions and accepted them.

In discussion with Committee it was noted that this is the same proposal and same conditions that Committee tabled in October 2006. The Planner advised Committee that Staff is now satisfied that only two lots will be created, and that the Applicant is not interested in developing a subdivision.

Committee recommended a modification be made to condition #2 for parkland fees to be charged at the applicable rate at the time the application was submitted.

Also in discussion it was noted that the applications comply with the Provincial Policy Statement and the Official Plan for a new development of 5 or less lots where municipal services are not provided and where site conditions are suitable for the long-term. The site is designated Agricultural (future growth area) within the Burford Settlement Area. Section 3.7.1 states that only minor infilling will be allowed to proceed without a plan of subdivision. The Agent advised Committee that this could apply to a half-dozen more properties in the County.

Public Questions – None

Moved by – Walt Steed

Seconded by – Willem Bouma

That File No. B53/06 & B54/06/SS, from Snodgrass Consulting for Joe & Sylvia Miller, owners of Part Lots 1 & 2, Concession 6, geographic Township of Brantford, County of Brant, and located at 17 Sixth Concession Road, BE APPROVED, subject to conditions, and the modification of condition #2 that parkland fees would be applicable at the time the application was submitted.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

- i) The application complies with the policies of the County of Brant Official Plan and PPS.

.Carried

NEXT MEETING

The meeting adjourned at 8:10 p.m., to meet again on Thursday, February 28, 2008, 7:00 p.m., at the County Council Chambers.

Chair

Secretary-Treasurer