

## COMMITTEE OF ADJUSTMENT

Council Chambers  
Thursday, February 28, 2008  
7:00 P.M.

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

Staff: Davidson, Pomponi and Beacock

Art Lefebvre in the Chair.

### MINUTES

Moved by - Walt Steed  
Seconded by – Willem Bouma

That the Committee of Adjustment minutes of January 24, 2008, be approved as circulated.

.Carried

Declaration of Pecuniary Interest – None

### PUBLIC HEARINGS

#### **1. B1/08/MD GRAND RIVER ST. N., PARIS**

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Ltd., agent for 943994 Ontario Limited, owner of Part Lot 30, Concession 2, County of Brant, geographic Town of Paris, and located on Grand River Street North. The applicant is proposing the creation of a right-of-way over the adjacent lands (Tim Horton Site) for the purposes of a drive-thru entrance. The proposed right-of-way is irregularly shaped and will have a width of 30.83 metres by a depth of 72.83 metres. (Concurrent minor variance application (A1/08/MD)).

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 Building Division, Public Works Department and Zoning Administrator. Mr. Davidson stated that there is an ongoing site plan application.

Bob Phillips, J. H. Cohoon Engineering Ltd., Agent, and Rick Bowler, Applicant, were present and briefly outlined the application for Committee. The Agent explained that the Applicant controls both Tim Horton's and the separate commercial property, and is proposing to create a separate entrance for the drive-thru to solve existing problems with access off Grand River Street North. The Tim Horton's store and the new commercial business would share parking. The Agent stated that they are in agreement with the recommendations in the staff report.

**Public Questions**

Joe Jeles, Jeles Design and Construction, was present to represent Ron Broomfield, owner of Advance Printing, which is located adjacent to the Applicant's property. Mr. Jeles stated concerns with traffic congestion, people parking their vehicles on Advance Printing lot, vehicles crossing the property in order to get back out onto the road, and large trucks parking on the road and blocking access to Advance Printing.

The Agent stated that in 1993 the original plan was to share the entrance and exit to alleviate parking congestion off Grand River Street North. He also stated that the development would be more suited to the third parcel of land also owned by the Applicant that could be used to alleviate parking congestion.

Mr. Broomfield is asking the Applicant to provide for more parking and better traffic flow. He would like a buffer such as a chain link fence to control garbage that blows over to Advance Printing. Mr. Broomfield is not against development of the site, but would like to see the comprehensive development in consultation with Advance Printing, and requests tabling of the applications, until these concerns can be satisfied.

The Agent explained that the third parcel of land owned by the Applicant is located in behind Tim Horton's and is a proposed commercial site, zoned Industrial, which was created in 1993. The future use is unknown. Grand River Street North was then controlled by the Ministry of Transportation and only one entrance was allowed at this location. They are aware of traffic problems and believe that this proposal will alleviate problems. The proposal is for an entrance not an exit.

The Agent advised Committee that they do not want to table the applications. They agree that Mr. Broomfield has legitimate concerns that can be addressed through the ongoing site plan process. They do not object to installing a chain link fence between the properties, and suggest that Mr. Jeles and Mr. Broomfield meet with the Agent and Applicant to address the boundary issues.

In discussion, Committee noted that parking will be shared on site, and the two properties will operate as one. The site plan is on hold until the issue of the right-of-way is resolved, and can be adjusted. The Applicant cannot speculate on what will go in the additional commercial spaces in the strip mall. With this proposal, the entrance will be located down a little further from the entrance to the Home Hardware and MacDonald's Restaurant, with signage to direct people to go in that route.

The Planner advised Committee that it was important to note that the design meets the minimum parking standards.

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

That File No. B1/08/MD from Cohoon Engineering, agent for 943994 Ontario Limited, owner of Part of Lot 30, Concession 2, County of Brant, (geographic Town of Paris), located on Grand River Street North, for the creation of a right-of-way over the subject lands to the benefit of the adjacent land holding to the south, known municipally as 304 Grand River Street North, BE APPROVED, subject to conditions, as amended, with addition of condition #6 relating to a fence.

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-**

That File No. A1/08/MD from Cohoon Engineering, agent for 943994 Ontario Limited, owner of Part of Lot 30, Concession 2, County of Brant, (geographic Town of Paris), located on Grand River Street North, for a variance to the side yard setback from 7.0 metres to 5.8 metres for a proposed commercial structure, BE APPROVED, for the following reasons:

1. Approval of this application is both minor and reasonable in nature.
2. Approval of this application is desirable for the appropriate development or use of the land, building or structure.
3. The general intent of the Zoning By-law is maintained.
4. The general intent of the Official Plan is maintained.

.Carried

## **2. B2/08/MD PAJOR, 79 OAKLAND ROAD**

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from John & Jennie Pajor, Pajor Farms Limited, owners of Part Lot 8, Concession 1, County of Brant, geographic Township of Oakland, located at 79 Oakland Road. The application is to merge an existing lot on title with the farm and sever to create a new parcel for residential use, having a frontage of 45.72 metres (150 ft.) and an area of 0.40 hectares (1 ac.). The buildings that were on the retained lot were destroyed by fire. The owner wishes to rebuild a new house on the lot to be severed, and the existing lot is to be merged back on title with the farm. (Previous Application B22/02 never finalized).

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 Building Division, Fire Department, Public Works Department, Legal Department and Zoning Administrator. Letter of submission received from agent.

Richard Van Severn, Agent, and Mr. Pajor, Applicant, were present and briefly outlined the application for Committee. The Agent explained that they are exchanging one lot for another, after fire destroyed the dwelling on the original lot, and for a better location. The only real concern was the consent lapsing and more consideration should be given to waiving the application fees, and payment of parkland fees again.

Committee agreed to amend the condition for parkland dedication to include the words “if applicable”. The Agent agreed that the fee for fire fighting purposes is a new issue, and they cannot avoid payment of those fees. The Chair explained that the County does not look favourably on waiving fees when a consent lapses. The Planner explained that the application had lapsed in 2003, and Planning Advisory Committee has refused the request to refund application fees.

The Planner advised Committee that a condition has been imposed to ensure that the smaller lot where the house burned down will merge back with the farm.

**Public Questions – None**

Moved by – M.J. Brown  
Seconded by – Joe Kloepfer

That B2/08/MD, from John and Jennie Pajor, owner of Part of Lot 8, Concession 1, County of Brant, (geographic Township of Oakland), located at 79 Oakland Road, to allow the merging of an existing lot of record with the original farm and relocating the lot to the east of its current location, BE APPROVED, subject to conditions, as amended, that condition #3 be amended to include the “if applicable” relating to parkland fees.

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

**OTHER BUSINESS:**

**a) Property Standards Committee – 47 King St. South, Oakland**

The meeting was called to hear an appeal to an Order to remedy violation standards of maintenance which was served on December 20, 2007, to Ray Wanzo, the owner of 47 King Street South.

Rens Dekker was present to outline the appeal. Mr. Dekker spoke about the complaints received against the property. He outlined the history of the case in terms of violation against the property standards by-law.

Committee members were given the opportunity to review photographs on the condition of the property.

Mr. & Mrs. Wanzo were present and explained to Committee that they are replacing a garage that burned down, and the majority of the material outside is for construction of the garage. Mr. Wanzo stated that he is trying to clean up the property, while dealing with winter weather.

Mr. Dekker advised Committee that Mr. Wanzo cleaned up his yard satisfactorily last time, but because of the number of complaints received from neighbours, he issued a Property Standards Order.

Gerry Kempers, a neighbour at 18 Cummings Street, provided Committee with a written submission and photographs, and expressed his concerns about outside storage of debris and materials. He stated that a site plan agreement was drawn up between the former Township of Oakland and Mr. Wanzo for construction of an accessory building.

Committee had a discussion about the “no outside storage” provision in the site plan agreement and whether it relates to the commercial business. Committee also discussed the C1-11 zoning for Mr. Wanzo’s property.

The Chair summarized for Mr. Kemper the alternatives the Committee has in deciding the outcome of the appeal against the order by Mr. Dekker, dealing with the Property Standards By-law.

Moved by – Walt Steed  
Seconded by –Willem Bouma

That to enforce the Property Standards Order, Committee grants the appeal with an extension of time to **April 28, 2008**, to give the Owner another 60 days to clean up the property.  
.Carried

**NEXT MEETING**

The meeting adjourned at 8:20 p.m., to meet again on Thursday, March 27, 2008, 7:00 p.m., at the County Council Chambers.

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Chair

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Secretary-Treasurer