

## COMMITTEE OF ADJUSTMENT

Council Chambers  
Thursday, May 22, 2008  
7:00 P.M.

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

Staff: Davidson, Stone, Pomponi, and Beacock

Absent: Chair Lefebvre

Walt Steed in the Chair.

### MINUTES

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

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

.Carried

Declaration of Pecuniary Interest – None

### PUBLIC HEARINGS

#### **1. A4/08/CB ROBERT FOWLER, 29 AUSTIN CRESCENT, S. DUMFRIES**

THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Robert Fowler for lands on Lot 71, Plan 1551, in the Village of St. George, County of Brant (geographic Township of South Dumfries), and municipally known as 29 Austin Crescent. The applicant is requesting a variance for reduction of the side yard setback to allow the construction of a carport. The applicant is proposing a side yard of 0.5 metres, where Section 8.(3)(d) of the By-law requires 1.5 metres.

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, Zoning Administrator, Community Services, and Union Gas.

Robert Fowler, Applicant, was present and briefly outlined the application for Committee.

#### **Public Questions**

Councillor John Wheat was present in support of Mr. Fowler's application.

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

That A4/08/CB from Robert Fowler, owner of Lot 71, Plan 1551, in the Village of St. George, County of Brant (geographic Township of South Dumfries), located at 29 Austin Crescent, to permit the construction of an attached carport by allowing relief from the Zoning By-law to permit a 0.5 metre side yard setback where Section 8.(3)(d) of the By-law requires 1.5 metres BE APPROVED, based on 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. A5/08/CB 211 OLD ONONDAGA ROAD EAST, ONONDAGA**

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Jerry Benjamins for lands on Part Lot 9, West of Fairchild's Creek, Concession 2, County of Brant (geographic Township of Onondaga) and municipally known as 211 Old Onondaga Road East. The applicant proposes to remove and replace the existing attached garage and is requesting a variance for reduction of the side yard setback to allow the construction of a new garage and side entrance. The applicant is proposing a side yard of 1.5 metres, where Section 12.(3)(d) of the By-law requires 4.0 metres.

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, Zoning Administrator, Community Services, and Union Gas.

Jerry Benjamins, Applicant, was present and briefly outlined the application for Committee.

**Public Questions**

Brent Featherston who has a farm beside the applicant had a concern that the garage would be located closer to his property line, and advised Committee that as a farmer he wants to protect his farmland.

Moved by – Joe Kloepfer

Seconded by – Willem Bouma

That File No. A5/08/CB from Jerry Benjamins, owner of Lot 9, Concession 2, WFC, Reference Plan 2R-539, Part 1, County of Brant (geographic Township of Onondaga), located at 211 Onondaga Road East, to permit the removal and construction of a new garage and side entrance by allowing relief from Zoning By-law to permit a 1.5 m side yard setback where Section 12.(3)(d) of the By-law requires 4.0 m BE APPROVED, based on 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

**3. A6/08/CB 272 BURFORD-DELHI TOWNLINER ROAD, BURFORD**

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Rick Boyce, agent for Eva R. Boyce, owner of lands on Part Lot 14, Concession 14, County of Brant (geographic Township of Burford) and municipally known as 272 Burford-Delhi Townline Road. The application is for a variance to the front yard setback and an extension of the legal non-conforming use for a proposed addition to the existing house. The applicant is proposing a front yard setback of 7.9 metres where Section 3.(16)(b) of the By-law requires 10 metres, therefore requesting a variance of 2.1 metres.

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, Zoning Administrator, Community Services, and Union Gas.

Rick Boyce, Agent, was present and briefly outlined the application for Committee.

In discussion with Committee, staff explained that an extension of a nonconforming use is needed in order to comply with the zoning bylaw.

**Public Questions - None**

Moved by – Willem Bouma  
Seconded by – Joe Kloepfer

That A6/08/CB from Rick Boyce, agent for Eva R. Boyce, owner of lands on Part Lot 14, Concession 14, County of Brant (geographic Township of Burford), located at 272 Burford-Delhi Townline Road, is requesting an extension to an existing non-conforming front yard setback of 7.9 m where Section 5(3)(i)(i) of the By-law requires 10 m BE APPROVED, based on 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

**4. B11/08/MD 243 OAKHILL DRIVE, BRANTFORD**

IN THE MATTER OF AN APPLICATION to the Committee of Adjustment for severance from Snodgrass Consulting, agent for John Young & Sheila Jacobs, owners of Part Lots 20 & 21, Part of Kerr Tract, Concession 4, County of Brant, geographic Township of Brantford, municipally known as 243 Oakhill Drive. The applicant is proposing to sever a lot with an existing residence. The proposed lot to be severed has a frontage of 6.7 metres along Oakhill Drive, and a lot area of 2 hectares. The balance of the landholding would have a frontage of 207 metres on Robinson Road and an area of 23.5 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, Zoning Administrator, and Building Department.

Howard Snodgrass, Agent, and John Young, Applicant, were present and briefly outlined the application for Committee. The Agent confirmed that conditions were satisfactory.

In Committee discussion it was noted that no change is being proposed for the property configuration, and access will be from the existing entrance off Oakhill Drive. It was also noted that the remnant parcel is to be rezoned to an Agricultural Restrictive zone with a special exception to prohibit a dwelling unit.

**Public Questions -None**

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

That File No. B11/08/MD from Snodgrass Consulting, agent for John Young and Sheila Jacobs, owner of Part of Lots 20 and 21, Part of Kerr Tract, Concession 4, located at 243 Oakhill Drive, County of Brant (geographic Township of Brantford), to sever a lot with an existing residence, BE APPROVED, subject to the attached 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

**5. B6/08–B10/08/MD PT LOT 10 CON 2, OLD ONONDAGA RD E, ONONDAGA**

IN THE MATTER OF AN APPLICATION to the Committee of Adjustment for severance from J. H. Cohoon Engineering Limited, agent for 2063519 Ontario Inc., c/o George Moyer, owner of Part Lot 10, WFC, Concession 2, County of Brant, geographic Township of Onondaga, located on Old Onondaga Road East. The applicant is proposing to create five estate residential lots on the north side of Old Onondaga Road East. Lots 4, 5, 6, 7 and 8 will each have a frontage of 60 metres and an area of 6000 square metres.

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, Zoning Administrator, and Building Department. Staff explained that two additional well records have been received for Lots 4 & 6. Staff advised that he will review the documents, but will keep the requirement of well records as a condition of consent.

Rob Van Poorten, J. H. Cohoon Engineering Ltd., Agent, and George Moyer, Applicant, were present and briefly outlined the application for Committee. The Agent explained that these are the last remaining lots of the ten lots to be created from this parcel. The Agent stated that he agrees with all the conditions.

Committee discussion took place regarding water reports, and the possibility of another severance in the area from the retained parcel that would have a frontage of approximately 60 metres. Staff stated that a severance with a smaller frontage of 40 metres could be proposed so as not to land lock the parcel.

#### **Public Questions**

Susan Wakely, Old Onondaga Road East had concerns with quantity of water, and how the wells were tested. Mrs. Wakeley explained that she did not have an abundance of water. She ran out of water and her pump cut out when a neighbour in the new development sprung a leak. She asked that Staff mail her the water records for the lots.

Staff stated there is a condition on the two lots that well records are to be provided to the satisfaction of the County. The water reports on the previous three lots showed adequate water supply.

Mary Lou Payne, 260 Old Onondaga Road East, stated that she also ran out of water on November 27, 2007, which has not happened in all the years that she has lived there, and it happened right after the leak.

Emily Richter, 272 Old Onondaga Road East, located on the same side and two homes down from where the houses are being built, had to truck in water all summer as their well ran dry. She also stated she was concerned about a future subdivision being built. The Chair explained that the County is going through Official Plan changes, and suggested looking into the process. Staff confirmed that the lands behind these lots would have to go through Official Plan and Zoning processes. Ms. Richter wants assurance that these new lots will not affect their water supply.

In Committee discussion it was noted that Naylor & Associates were hired to do water testing for the new wells, as well as the previous wells. A well contractor was present who had worked on Old Onondaga Road East last summer, and explained to Committee how they performed a pump test. The Agent clarified that Naylor & Associates will be updating their original hydrogeological report, and stated that the depth of the two new wells is between 80 & 90 feet.

Committee agreed that there is a condition already in place regarding this matter.

Staff explained that the standards used to satisfy the County of Brant were in consultation with Lotowater, and follow MOE guidelines.

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

That File No. B6/08-B10/08/MD from Cohoon Engineering, agent for George Moyer, for Part Lot 10, Concession 2, WFC, located on Old Onondaga Road, County of Brant (geographic Township of Onondaga), to create five lots for single detached dwellings, BE APPROVED, subject to the attached conditions.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

1. The application complies with the policies of the County of Brant Official Plan.
2. The application complies with the intent of the provisions of the County of Brant Zoning Bylaw.

.Carried

**6. B16/08/MD 560 PARIS ROAD, BRANTFORD**

**IN THE MATTER OF AN Application to the Committee of Adjustment for severance from John Forsyth for lands located on Part of Lot 17, Concession 1, Part of Augustus Jones Tract, municipally known as 560 Paris Road and 750 Governor's Road East, in the County of Brant, geographic Township of Brantford. The applicant is proposing to sever a lot with an existing residence. The proposed lot to be severed has a frontage of 51.54 metres along Paris Road, and a lot area of 0.4 hectares. The balance of the landholding will have an area of 38 hectares, and will continue to be used for agricultural purposes.**

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, Zoning Administrator, and Building Department.

Wayne Forsyth, Agent, was present and briefly outlined the application for Committee. He explained the history of the property, and that the property has merged. They now want to get back the original severance, the only difference being the lot is a little bigger to accommodate a bigger septic system which is still located in the same area.

**Public Questions -None**

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

That File No. B16/08/MD from Wayne Forsyth, Agent for John Forsyth, Owner of Part of Lot 17, Concession 1, County of Brant (geographic Township of Brantford), located at 560 Paris Road and 750 Governor's Road East, to sever a lot with an existing residence, BE APPROVED, subject to the attached 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

**7. B12/08/SS 49 CATHERINE STREET, PARIS**

IN THE MATTER OF AN APPLICATION to the Committee of Adjustment for severance from J. H. Cohoon Engineering Ltd., agent for Paul Barber, for lands located on Lot 1, Plan 317, County of Brant, geographic Town of Paris, municipally known as 49 Catherine Street. The applicant is proposing to create a residential building lot. The proposed lot to be severed (Parcel A) has a frontage of 18.5 metres, and a lot area of 465.2 square metres. The retained lot (Parcel B) contains an existing residence and will have a frontage of 20.93 metres and an area of 526.28 square metres.

Steve Stone, 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, Zoning Administrator, and Building Department.

Rob Van Porten, J. H. Cohoon Engineering Ltd., Agent, and Paul Barber, Applicant, were present and briefly outlined the application for Committee. The Agent explained that a request for exemption from the Paris Interim Water Servicing Policy has been submitted for the June 9<sup>th</sup> meeting of the Corporate Development Committee, and will come back to this Committee shortly thereafter. The Agent agrees to table the matter based on the concerns of the Public Works Department, and asks that Committee discuss the application, and ask anyone present for any further concerns.

In Committee discussion, Staff explained that it is a matter of practice to hold applications in abeyance until the Applicant receives exemption from Council for servicing. These requirements are to ensure that future lots have service capabilities.

The Applicant asked Staff that if no allocation of water is available, what is the timeline as to when water can be found. Staff responded that there are upgrades being made to our water system, and we should have a report about water accessibility generated by the summer.

**Public Questions**

Dave Thomson, St. George, asked how many exemptions have been asked for, and the Agent said just for one lot.

Committee agreed to table the application until the Applicant is ready to bring it back to Committee.

Moved by – Willem Bouma

Seconded by – M. J. Brown

That File No. B12/08/SS from Cohoon Engineering, agent for Paul Barber, owner of Lot 1, Plan 317, being 49 Catherine Street, County of Brant (geographic Town of Paris), BE TABLED, until such time as the Public Works Department confirms that there is reserve capacity in the Paris Water System and Council rescinds Paris Interim Water Servicing Policy (PWE-2005-02).

.Carried

**8. B13/08 & B14/08/SS 991 WATTS POND ROAD, SOUTH DUMFRIES**

IN THE MATTER OF AN APPLICATION to the Committee of Adjustment for severance from Edward Webber for lands located on Part of Lot 37, Concession 3, County of Brant, geographic Township of South Dumfries, municipally known as 991 Watts Pond Road. **(B13/08)** The application is for severance of a 40-hectare parcel of land owned by Edward and Davina Webber. The retained lands will consist of a surplus farm dwelling and an area of 1.2 hectares. **(B14/08)** Concurrently, the applicant is proposing to sever the balance of the farmland for two lot additions to be conveyed and consolidated with the adjacent lands to the north. Parcel A will have an area of 19.04 hectares and will be added to lands owned by Spruce Avenue Farms Ltd. c/o Dean Sayles. Parcel B will have an area of 20.24 hectares and will be added to lands owned by E. J. Scott & Sons Farms Ltd. c/o David Scott.

Steve Stone, 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, Zoning Administrator, and Building Department.

Edward Webber, Applicant, was present and briefly outlined the application for Committee. The Applicant explained that he is retired and has rented out his lands for the last few years. His neighbours are interested in buying the property, if the Webbers can retain their home and property of 1.2 ha. The Applicant confirmed that he agrees with the conditions.

**Public Questions – None**

Moved by – Willem Bouma

Seconded by – Joe Kloepfer

That Consent File No. B13/08 & B14/08/SS, from Edward Webber, owner of Part of Lot 37, Concession 3, County of Brant, geographic Township of South Dumfries, municipally known as 991 Watts Pond Road, BE APPROVED, subject to conditions.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

1. The application complies with the policies of the County of Brant Official Plan.

.Carried

**9. B4/07, B5/07 & B15/08/SS 54 BEVERLY ST E & 22 TOLHURST AVE.**

IN THE MATTER OF Applications to the Committee of Adjustment for severance from J. H. Cohoon Engineering Ltd., agent for the applicant Glenwood Homes (Dico Spadafora), and Norma Duncan, owner of Pt Lot 12 & 13, Blk D, Plan 81, located at 54 Beverly Street East, and Tracey Hoover, owner of Pt Lot 11, Lot 1, Blk D, Plan 81, located at 22 Tolhurst Avenue in the County of Brant, geographic Township of South Dumfries.

**Consent B4/07** – This application will create and sever a parcel having an area of 1.03 ha. This parcel will be assembled with other lands and may be used for future residential uses. The retained parcel contains a dwelling and has a frontage on Beverly Street East of 29 m and an overall area of 0.20 ha. The retained parcel will also continue to provide a vehicular right-of-way to the landlocked property at 52A Beverly Street East.

**Consent B5/07** - This application will create an easement for the provision and transmission of underground services for future residential uses and will ensure that future deeds associated with its creation are not restrictive to the provision of water service only. This proposed easement will be concurrent with the existing right-of-way already registered on title of the retained parcel.

**Consent B15/08** – This application will create and sever a parcel having a frontage of 10.04 m on Tolhurst Avenue and an overall area of 0.3081 ha. It will be amalgamated with the severed parcel created via Consent B4/07 thus creating a parcel of 1.338 ha that may be developed for future residential uses. The retained parcel, which contains a dwelling, will have 15.0 m frontage on Tolhurst Avenue and an overall area of 507m<sup>2</sup>.

**Note:** The sum of these applications, when finalized, will result in an assemblage of land in order to further develop the area for future low or medium density residential uses. A concept of a possible medium density residential townhouse development has been provided for information purposes only. Implementation of such a concept may require additional Planning Act applications such as Official Plan Amendment, Zoning By-law Amendment and Plan of Condominium or Subdivision.

Steve Stone, 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, Zoning Administrator, and Building Department.

Staff referred to the Addendum package which included revised page 6 of the Planner's Report, revised list of conditions for B15/08, Correspondence received from Crissy Munro-Leeson on behalf of Margaret Tolhurst, dated May 9, 2008, and from Holly Ford, dated May 22, 2008.

Bob Phillips, Cohoon Engineering, Agent, was present and briefly outlined the application for Committee. He explained that this is a continuation of an application about 15 months ago. The application for 54 Beverly Street has not changed. The right-of-way is now no longer part of this application, and will continue to be an unopened right-of-way owned by the County. This is to assemble lands into one parcel. The Agent stated that he supports the conditions on all three applications, except road widening across the retained lands. As part of the application, a concept plan was prepared for a townhouse development on the newly created parcel of land, and will be subject to more planning applications in the future. The Agent stated that they will take into account the neighbours' concerns prior to future applications and there will be a possibility of public meetings.

Committee discussed the condition relating to road widening across Beverly Street, stating that it is Committee's practice to ask for road widening on severed lands only, not across retained lands. Staff explained that road widening is a necessity as it has a direct impact on the road system. Committee was of the opinion that as the road does not front on Beverly Street, there is no cause and effect to require the owner to give up land to the County, and asked that the condition be removed. Committee had no objections to road widening on Tolhurst Ave., as they are on the developed lands. The Agent explained that they object to the proposed road widening because potential front yard setback would be reduced.

Committee suggested that condition #2 for application B15/08 be amended by adding road widening on the severed parcel only.

### **Public Questions**

Celina Copping, 18 Tolhurst Ave., is concerned with road widening on Tolhurst, future development encroaching on her property, loss of privacy and enjoyment of her property, increased traffic, and loss of old trees.

Jeff Quadland, 16 Tolhurst Ave., describes his land as a long narrow piece that borders on lands subject to application B15/08. He pointed out to Committee that there is a ravine that starts at 14 Tolhurst and extends onto his property at 16 Tolhurst, and right down unopened High Street road allowance that acts as a dam. The culvert that drains into the ravine under the road allowance is starting to rust, and would have to be addressed if dwelling units were to be built. He further explained that the grade slopes down southerly, and 16 Tolhurst drains fine because of the ravine, but if the ravine changes, that changes his drainage. He is concerned with future development and how it would affect his property. He would like to meet with a representative for the development for a solution agreeable to everyone.

Kim Crawford, 52 Beverly Street, had concerns with the easement not being restricted to water service only for B5/07. The Agent said that the condition was worded that way because of possible gas, cable and hydro that might come through the easement.

Doug Burt, 239 Burt Road, asked for a copy of the staff report.

The residents were advised that they will have more input as the development continues.

Dave Thomson, St. George Citizens Group had concerns with road widening, no sidewalks, high density development, long term design for the ravine, changing landscape that is a part of their heritage, old trees, and serious objections to filling in the ravine.

Moved by – Joe Kloepfer

Seconded by – Willem Bouma

That Consents B4/07, B5/07 & B15/08/SS for severance from J. H. Cohoon Engineering Ltd., agent for the applicant Glenwood Homes (Dico Spadafora) and Norma Duncan, owner of 54 Beverly St E, and Tracey Hoover, owner of 22 Tolhurst Ave., County of Brant (geographic Township of South Dumfries), BE APPROVED, subject to the attached conditions, with exception for road widening on the severed property only.

THAT APPROVAL GRANTED HEREIN is based upon the following reasons:

1. The applications comply with the policies of the County of Brant Official Plan.

.Carried

### **NEXT MEETING**

The meeting adjourned at 9:10 p.m., to meet again on Thursday, June 26, 2008, 7:00 p.m., at the County Council Chambers.

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Chair

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Secretary-Treasurer