

COMMITTEE OF ADJUSTMENT

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

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

Staff: Baycetch, Davidson, Pomponi, Beacock

Absent: N/A

Art Lefebvre in the Chair.

MINUTES

Moved by – Walt Steed
Seconded by – Joe Kloepfer

That the Committee of Adjustment minutes of May 22, 2008 and June 26, 2008, be approved as circulated.

.Carried

Declaration of Pecuniary Interest – None

PUBLIC HEARINGS

1. A7/08/CB 102 COURT DRIVE, PARIS

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Darryl Bedard, agent for George & Sandra Sinnicks, owners of land on Block 82, Lot 47, Plan 2M-1867, County of Brant (geographic Town of Paris) and municipally known as 102 Court Drive. The application is for a variance to the rear yard setback for a proposed sunroom as an addition to the existing house. The applicant is proposing a rear yard setback of 4.6 metres where Section 7(3)(f) of the By-law requires 6.0 metres, therefore requesting a variance of 1.4 metres.

Cynthia Baycetch, 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 Division.

Darryl Bedard, Applicant, was present and briefly outlined the application for Committee.

Public Questions – None

Moved by – Walt Steed
Seconded by – Willem Bouma

That A7/08/CB from Darryl Bedard on behalf of George and Sandra Sinnicks, owners of Block 82, Lot 47, Plan 2M-1867, in the Town of Paris, County of Brant (geographic Town of Paris), located at 102 Court Drive, to permit the construction of an attached sunroom by allowing relief from Zoning By-law to permit a 4.6m rear yard setback where Section 7.(3)(f) of the By-law requires 6.0 m BE APPROVED.

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. B17/08 & B18/08/MD 194 JERSEYVILLE ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Waterous, Holden, Amey, Hitchon LLP – James A. Hitchon, agent for Antoli (Tony) & Zofia Szeksztello, owners of Part of Lots 53 and A, Concession 3, County of Brant, geographic Township of Brantford, and located at 194 Jerseyville Road. The applicant is proposing to create two estate residential lots with frontages of 40 metres along Jerseyville Road. (B17/08) Lot 8 will have an area of 1.213 hectares. (B18/07) Lot 9 will have an area of 1.125 hectares. (Lots 1, 2, 3 & 4 are previous severances of B59-62/05, and Lots 5, 6 & 7 are previous severances of B28-30/07).

Marcus Davidson, Senior Planner, recommended in his presentation to Committee, that these applications be deferred until Planning Advisory Committee deals with the issue of zoning for the subject lands. The Planner stated that James Hitchen, Agent, was in agreement with the recommendation to defer the applications, and therefore did not attend the meeting.

Moved by – M.J. Brown

Seconded by – Willem Bouma

That Application File No. B17/08 & B18/08/MD by A. & Z. Szeksztello, owners of Part Lot A & 53, Concession 3, 194 Jerseyville Road, geographic Township of Brantford, to create two lots for single detached dwellings BE DEFERRED until Planning Advisory Committee deals with the issue of zoning for the subject lands.

.Carried

3. B19/08 & B20/08/MD 149 COCKSHUTT ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting, agent for Doris MacNeil, owner of Part of Lefferty Tract, County of Brant, geographic Township of Brantford, and located at 148 Cockshutt Road. The applicant is proposing to create two estate residential lots with frontage on the south side of River Road. (B19/08) Parcel No. 4 will have a frontage of 40 metres and contain an area of 0.7 hectares. (B20/08) Parcel No. 5 will have a frontage of 66 metres and an area of 0.4 hectares. (Parcels 1, 2 & 3 are previous severances of B35-37/06.) The retained lands will have frontage of 62 metres on the east side of Cockshutt Road and contain an area of 0.5 hectares to be used for residential/hobby farm 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 Grand River Conservation Authority.

The Planner asked Committee to add a condition for the Building Division to confirm no objections to lot layout and location of existing well and septic system on the retained lot.

Howard Snodgrass, Agent, and Doris MacNeil, Applicant, were present and briefly outlined the application for Committee. The Agent asked Committee to comment on a condition that would deal with the accessory structure for flexibility purposes, either by approval of a minor variance to deal with the size of the structure, or demolish the existing structure, or make modification to the structure so that it would comply with the provisions of the zoning by-law.

The Agent stated they had no objections to the added condition relating to the Building Division. He asked that Condition 6 (Parcel 5) be modified by allowing the applicant to submit documentation to the satisfaction of the County, rather than from an Ontario Land Surveyor. The Agent also asked for a modification to Condition 6 (Parcel 4) and to Condition 7 (Parcel 5), to allow the applicant to submit documentation from a qualified hydrogeologist. Staff agreed with the modifications.

Public Questions – None

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

That File No. B19/08 & B20/08/MD from Snodgrass Consulting, agent for Doris MacNeil, owners of Part of the Lefferty Tract, 148 Cockshutt Road, County of Brant, geographic Township of Brantford, to create two lots for single detached dwellings, **BE APPROVED**, subject to conditions as amended, to add Condition 4 on both parcels relating to Building Division, to modify Condition 6 (Parcel 5) relating to setbacks, to modify Condition 6 (Parcel 4) & Condition 7 (Parcel 5) regarding water supply, and to delete Condition 9 (Parcel 5) that is the same as Condition 6.

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

4. B21/08/SS 17 SIXTH CONCESSION ROAD, BURFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting, agent for Joe & Sylvia Miller, owners of Part of Lots 1 & 2, Concession 6, County of Brant, geographic Township of Burford, and located at 17 Sixth Concession Road. The applicant is proposing to sever the existing farm residence and accessory building from the balance of the farm landholding. The lot being severed will have a frontage of 56 metres on the south side of the Sixth Concession Road, and contain an area of 0.5 hectares, and will continue to be used for residential purposes. The retained lands will have an area of approximately 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, Zoning Administrator, and Parks and Recreation Department.

Howard Snodgrass, Agent, and Joe & Sylvia Miller, Applicant, were present and briefly outlined the application for Committee. The Agent asked Committee to consider a reduction in the size of the lot to be severed to 0.4 hectares, by maintaining the width at 56 metres, and reducing the depth to 72 metres. The Agent stated the reason for the request is for a preliminary agreement of sale and purchase that the Applicant has with prospective purchaser which states that the severed parcel should be one acre in size.

In discussion, it was noted that the pack barn is on the retained lands, and it is the existing farm building located on the severed parcel that is to be removed, as modified in Condition 5. After some discussion, Committee agreed to modify Condition 7 by deleting the last sentence dealing with rezoning, subject to a Holding 'h' provision. Staff stated that rezoning to Village Residential with an 'h' zone on farmland is a change from the historical practice of the County. Staff agreed with modifications to Condition 5 and 7.

Moved by – Walt Steed
Seconded by – Joe Kloepfer

That the application be amended to comply with a request by the Applicant for a reduction in the lot size to 0.4 hectares (56m x 72m).

.Carried

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

That File No. B21/08/SS from Snodgrass Consulting, agent 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, **BE APPROVED**, subject to conditions, as amended to modify Condition 5 to remove the existing farm building on the severed parcel, to delete the last sentence of Condition 7 relating to zone change, and for reduction in lot size to 0.4 hectares.

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

OTHER BUSINESS:

- a) Property Standards Committee – 31 Grand River Street South, Paris

This Appeal was adjourned as the parties were not in attendance at the meeting.

- b) Appointment of Interim Secretary-Treasurer to the Committee of Adjustment

Moved by - Willem Bouma
Seconded by - Walt Steed

That the Committee of Adjustment appoint the Chief Planning Official and two Senior Planners as alternate Secretary-Treasurers to the Committee of Adjustment to exercise the powers of the Secretary-Treasurer in their absence.

.Carried

NEXT MEETING

The meeting adjourned at 8:20 p.m., to meet again on Thursday, August 28, 2008, 7:00 p.m., at the County Council Chambers.

Chair

Secretary-Treasurer