

COMMITTEE OF ADJUSTMENT

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

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

Staff: Stone, Pomponi, Beacock

Absent:

Art Lefebvre in the Chair.

MINUTES

Moved by – Willem Bouma
Seconded by – Walt Steed

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

.Carried

Declaration of Pecuniary Interest – None

PUBLIC HEARINGS

1. A9/08/MD 11 MILL STREET, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Norma Cronkwright, agent for Mt. Pleasant United Church, owner of Part of Lot 3, Concession 4, County of Brant, geographic Township of Brantford, and located at 11 Mill Street. The applicant is requesting a variance of the interior side yard of 6.0 metres, where Section 32(3)(d) of the By-law requires 10.0 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 and Building Division.

Norma Cronkwright, Applicant, and Richard Verity, Trustee for the Congregation, were present and briefly outlined the application for Committee. Mr. Verity gave Committee the historical background of the Church. Norma Cronkwright explained the history of the property to Committee, noting the setbacks were not in compliance with County regulations. The property will be disposed of by conveying the cemetery owned by the United Church to the County of Brant. The property that contains the church will be conveyed to the Burford Co-op Preschool organization.

In Committee discussion it was noted that the United Church will convey the cemetery portion of lands to the County, and the County does not need to go through the severance process, as it can be done through registration of deeds.

Public Questions – None

Moved by – Willem Bouma
Seconded by – Joe Kloepfer

That A9/08/MD from Norma Cronkwright, agent for the Mount Pleasant United Church, owner of Part Lot 3, Concession 4, County of Brant (geographic Township of Brantford), located at 11 Mill Street, to permit a variance of the interior side yard setback from the required 10.0 metres to 6.0 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. B85/06/MD 31 BURTON AVENUE, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Limited, agent for Raymond & Jeannette Borsuk, owners of Part of Lot 8, EMP, Range 1, County of Brant, geographic Township of Brantford, and located at 31 Burton Avenue. The applicant is proposing to create one new residential lot on the east side of Mt. Pleasant Road. Lot 1 will have an area of 0.21 hectares. The retained lands will contain an area of approximately 17 hectares. (Concurrent severance application B86/06 for Lot 2 continues to be deferred for further discussion.)

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. Letter of submission from Cohoon Engineering.

Rob VanPoorten, Agent, was present and briefly outlined the application for Committee. The Agent explained that applications were submitted for two lots in October 2006. Lot 2 continues to be deferred and will be brought forward in the near future. The Agent had a concern with condition #3 regarding parkland dedication, as the application was submitted in October 2006, new fees were applied after that date, and is requesting that the earlier parkland fee at the time the application was submitted be implemented. The Agent confirmed that all other conditions are satisfactory.

Committee discussed the number of applications that have been submitted by severance and not by plan of subdivision. Staff explained that this should be clarified through the new Official Plan process.

Public Questions - None

Moved by – Walt Steed
Seconded by – Willem Bouma

That Application File No. B85/06/MP from J. H. Cohoon Engineering Limited, for Raymond Borsuk, owner of Part Lot 8, EMPR, Range 1, 31 Burton Avenue, former Township of Brantford, to create a lot for a single detached dwelling BE APPROVED subject to conditions, as amended, by revising the parkland dedication fee in condition #3 to \$3,400.00, which was the fee that applied at the time the application was submitted.

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

3. B22/08 & A8/08/SS 22 TYSONS WAY, OAKLAND

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Limited, agent for Judy DeLottenville, owner of lands on Part of Lot 6, Concession 1, County of Brant, geographic Township of Oakland, and municipally known as 22 Tysons Way. The applicant is proposing to create a residential lot with a frontage of 44.47 metres along Tysons Way. The lot being severed will have an area of 7,333 m². The retained lands will contain an existing residence and an area of 18,422 m². The applicant is requesting a variance of the lot frontage on the retained lands of 33.72 metres, where Section 11 Estate Residential Type 1 or ER1 of the By-law requires 40.0 metres.

-and-

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from J. H. Cohoon Engineering Limited, agent for Judy DeLottenville, owner of lands on Part of Lot 6, Concession 1, County of Brant, geographic Township of Oakland, and municipally known as 22 Tysons Way. The applicant is requesting a variance of the lot frontage on the retained lands of 33.72 metres, where Section 11 Estate Residential Type 1 or ER1 of the By-law requires 40.0 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, Building Department, GRCA, and County Forestry Officer. Letter of submission received from Cohoon Engineering. Letter of Objection received from Bill and Lois Meade.

Rob VanPoorten, Agent, and Mr. & Mrs. Delottenville, Applicant, were present and briefly outlined the application for Committee. The Agent read and agreed with the conditions, including the recommendation to amend the severance line requested by GRCA.

The Agent discussed the concerns of the neighbour, and believe those concerns are largely satisfied by the amendment to the lot lines.

Public Questions

Bill Meade lives beside the Applicant's property, and is concerned with changes to the environmentally sensitive lands, privacy, and loss of trees. The Agent responded that a reforestation plan is presently being prepared and will be submitted as soon as it is complete. The Agent agreed that the environmentally sensitive area should remain with the current landowner who is obligated to complete the reforestation plan.

Moved by – Willem Bouma
Seconded by – Walt Steed

That application B22/08/SS is amended to change the size of the proposed severance so that the corridor from the severed lot back to the Mill Pond is removed, and the proposed severed lot zoned OS-9 will remain with the retained parcel.

.Carried

Moved by – Joe Kloepfer
Seconded by – Willem Bouma

That File No. B22/08 & A8/08/SS from J. H. Cohoon Engineering Limited for Judy DeLottenville, owner of Part Lot 9, Concession 1, County of Brant, geographic Township of Oakland, and located at 22 Tysons Way, BE APPROVED, subject to conditions, and the following modification:

- i. Exclusion of the provincially significant wetland, the forested, valley slope and an allowance adjacent to the top of slope, from the severed parcel. This would prevent the fragmentation of these features by ownership and reduce the risk of negative impacts on the natural heritage features (see GRCA comments of August 15, 2008).

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

-and-

Moved by – Walt Steed
Seconded by - Joe Kloepfer

THAT A8/08/MD from J. H. Cohoon Engineering Limited, agent for Judy DeLottenville, owner of lands on Part of Lot 6, Concession 1, County of Brant, geographic Township of Oakland, and municipally known as 22 Tysons Way, to permit a variance of the lot frontage on the retained lands of 33.72 metres, where Section 11 Estate Residential Type 1 or ER1 of the By-law requires 40.0 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

4. B25/08/SS 84 MCBAY ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Limited, agent for J. M. Bennett and Tina Maycock, owners of land on Part Lot 13 & 14, SHR, Range 1, and Part 5, RP 2R-6407, County of Brant, geographic Township of Brantford, and municipally known as 84 McBay Road. The applicant is proposing to sever the existing dwelling and outbuilding from the farm holding. The severed lot will have a frontage of 8 metres along McBay Road, and an area of 2.415 hectares. The retained lands will continue to be used for agricultural purposes and will have an area of 41.14 hectares.

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. Letter of Submission received from Cohoon Engineering. Letter of Concern received from Richard Archer.

Rob VanPoorten, Agent, and J. M. Bennett and Tina Maycock, Applicant, were present and briefly outlined the application for Committee. The Agent read conditions and expressed concern with condition #5, asking that the last paragraph be deleted. The Agent explained that the barn is not set up as a livestock barn, and if the barn is too close to the newly created residential property line, it can be dealt with under condition #7, by a zoning change. The Agent agreed with all the other conditions.

Staff agreed with the amendment to condition #5, stating that the livestock barn can be dealt with under condition #7 to eliminate the use as a livestock structure.

In discussion, Committee talked about the size of the property and the useable frontage on the property. Staff explained that the minimum distance of 150 metres back from the road is acceptable, and there is no more useable frontage on this property. The Agent showed Committee an aerial photo to alleviate concerns about the size of the property.

Also in discussion, Committee questioned whether the original lot was severed off as a retirement lot. Staff believed it was an Estate Residential lot that was severed off, within the context of the Official Plan.

Public Present

Richard Archer, who lives next door, expressed his concern about the existing farmhouse and implement building not being situated within the Estate Residential designated boundary area, and the loss of existing designated Prime Agricultural farmland. Mr. Archer confirmed that the barn had been designed only for dry storage.

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

That File No. B25/08/SS from Cohoon Engineering Limited, agent for J. M. Bennett and Tina Maycock, owners of land on Part Lot 13 & 14, SHR, Range 1, and Part 5, RP 2R-6407, County of Brant, geographic Township of Brantford, and municipally known as 84 McBay Road, BE APPROVED, subject to conditions as amended, by deleting the last paragraph of condition #5 relating to the use of the barn.

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

5. B23/08 & B24/08/SS 3 WILLIAMS ROAD, BURFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting, agent for Jepma Farms Inc. c/o Randy Jepma, owner of Part of Lot 15, Concession 11, County of Brant, geographic Township of Burford, and located at 3 Williams Road. (B23/08) The applicant is proposing to sever Parcel A which will contain an existing residence and an area of 0.67 hectares. (B24/08) The application is for severance of Parcel B for a lot line adjustment, and will have an area of 2609 m² to be consolidated with an adjoining residential lot that is owned by the Patterson family. The retained lands will have an area of 18.6 hectares, and will remain vacant as a result of rezoning.

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 Parks and Recreation Department.

Howard Snodgrass, Agent, and Mr. Jepma, Applicant, were present and briefly outlined the application for Committee. The Agent asked Committee to consider deleting condition #2, as Public Works had no objections.

Staff confirmed that Public Works had no objections to the proposed severances and as such; do not require a condition of Committee for these severances.

Public Present – None

Moved by – Walt Steed
Seconded by – Joe Kloepfer

That Consent File No. B23/08 & B24/08/SS from Snodgrass Consulting, agent for Jepma Farms Inc. c/o Randy Jepma, owner of Part of Lot 15, Concession 11, County of Brant, geographic Township of Burford, and located at 3 Williams Road, BE APPROVED, subject to conditions, as amended, by deleting condition #2 on both applications relating to requirements of Public Works Department.

.Carried

OTHER BUSINESS:

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

The meeting was called to hear an appeal to an Order to remedy violation standards of maintenance which was served on April 23, 2008, to Mrs. Nancy Fluker, the owner of 31 Grand River Street South.

Chair Lefebvre introduced the issue and asked Kathy Noble, Property Standards Officer, to outline the appeal. Ms. Noble spoke about the complaints received against the property, and 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.

Mrs. Fluker was present and noted other properties in the area that were in a similar state, and asked why they had not received an Order to clean up their properties.

Ms. Noble advised Committee that a visit was conducted because of numerous complaints received regarding the debris and state of the property, and a Property Standards Order was issued.

The Chair summarized for Mrs. Fluker the alternatives the Committee has in deciding the outcome of the appeal against the order by Ms. Noble, 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 **October 1, 2008**, to give the Owner time to clean up the property according to Schedule 'A' attached to the Order.

.Carried

Committee explained to Mrs. Fluker that if such violations are not remedied by October 1, 2008, the Municipality will order someone to come in and clean up the property at the expense of the Owner.

NEXT MEETING

The meeting adjourned at 8:55 p.m., to meet again on Thursday, September 25, 2008, at 7:00 p.m., in the County Council Chambers.

Chair

Secretary-Treasurer