

## COMMITTEE OF ADJUSTMENT

Council Chambers  
Thursday, September 25, 2008  
7:00 P.M.

Present: Chair Lefebvre, and Members Bouma, Brown, Kloepfer

Staff: Stone, Davidson, Baycetch, Pomponi, Beacock

Absent: Vice-Chair Steed

Art Lefebvre in the Chair.

### MINUTES

Moved by – Willem Bouma  
Seconded by – Joe Kloepfer

That the Committee of Adjustment minutes of August 28, 2008, be approved as circulated.

.Carried

Declaration of Pecuniary Interest – None

### PUBLIC HEARINGS

#### **1. A10/08/CB 249 ST. GEORGE ROAD, SOUTH DUMFRIES**

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from J. H. Cohoon Engineering Limited for Starlite Homes, owner of lands on Block 137, Plan 1804, County of Brant (geographic Township of South Dumfries) and municipally known as 249 St. George Road. The site is zoned Agricultural Restrictive (AR). The applicant is requesting a variance to allow a storage building as an extension of the legal non-conforming use, and for a variance to the side yard setback of 9.05 metres where Section (6)(3)(d) of the By-law requires 15 metres, therefore requesting a variance of 5.95 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, Community Services, Fire Department and Imperial Oil. Letter of submission received from Agent.

The Planner advised that the proposed building use is for the storage of farm equipment, a permitted use in the Agricultural Restrictive Zone, thus the request for extension/expansion of the non-conforming use is not applicable and therefore is asking the Applicant to remove this request from the application.

The Planner noted that there has been one concern raised by the landowner to the north in regard to the applicant accessing the subject lands via the cemetery laneway. Discussions have taken place with the Cemetery Division of Community Services who has addressed this issue by asking the trucking company to stop using this access.

Joe Cohoon, Agent for Starlite Homes, Applicant, was present and briefly outlined the application for Committee. The Agent asked Committee to modify the application and only ask for a reduction in the side yard to allow construction of an accessory structure.

**Public Questions**

Mark Newell, resident at 253 St. George Road, had concerns with the Applicant using the cemetery access to get to his farm. The Agent stated that he would advise the Applicant about this issue.

John Searle, resident at 104 Lindsay Drive, is concerned about what the Applicant is planning for future use of the property, and also the dumping of fill onto the greenspace. The Agent explained that these lands are part of an area study being conducted in St. George for residential uses. The lands west of Margaret Street are part of a previous development.

Shelton Mosiondz, 100 Winsdor Drive, had concerns with an easement. Committee explained that the application is not for an easement, but for a side yard lot line.

Moved by – Willem Bouma  
Seconded by – Joe Kloepfer

That the application be amended to remove the request for expansion of a nonconforming use, and deal only with variation in distance from lot line.

.Carried

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

That A10/08/MD from J. H. Cohoon Engineering, agent for Starlite Homes, owner of Block 137, Plan 1804, County of Brant (geographic Township of South Dumfries), located at 249 St. George Road, to provide relief from the required side yard setback from 15 metres to 9.05 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. B26/08/MD 239 MILE HILL ROAD, PARIS**

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Limited, agent for Harold John Edgar, owner of land described as Part Lots 11 & 12, Concession 1, County of Brant (geographic Township of Brantford), and located at 239 Mile Hill Road. The applicant is proposing to sever the existing dwelling from the farm holding and demolish the existing barn. The severed lot will have a frontage of 119.3 metres along Mile Hill Road, and an area of 0.538 hectares. The retained lands will have an area of 21.7 hectares and will continue to be used for agricultural purposes until such time as a plan of subdivision is submitted and approved in the future.

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, Building Department, Fire Department, and GRCA. Letter of Submission received from Cohoon Engineering.

Staff suggested the removal of Condition 3, because this is an existing house and parkland dedication does not apply.

Joe Cohoon, Agent, for Harold John Edgar, distributed a new plan and briefly outlined the application for Committee, noting that the Applicant has submitted an application for plan of subdivision to the County. The Agent stated that he would contact the GRCA regarding condition 6, to resolve concerns relating to Section 3.1.6 of the Provincial Policy Statement 2005.

**Public Questions - None**

Moved by – Joe Kloepfer  
Seconded by – Willem Bouma

That Application File No. B26/08/MD from J. H. Cohoon Engineering Limited, agent for Harold John Edgar, owner of Concession 1, Part Lots 11 and 12, 239 Mile Hill Road, geographic Town of Paris, to sever the exiting dwelling from the farm holding BE APPROVED subject to conditions, and the following modification to delete condition 3 regarding parkland fees.

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. B27/08/SS – B30/08/SS 165 MAPLE AVENUE SOUTH, BURFORD**

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting, agent for Prolific Estates Ltd. c/o Brian Slaman, owner of lands on Part Lot 4, Concession 11, County of Brant, geographic Township of Burford, and municipally known as 165 Maple Avenue South. The applicant is proposing to sever four parcels of land to create three new residential building lots and a lot line adjustment. Parcel 1 (B27/08) and Parcel 2 (B28/08) each have a frontage of 35 metres and an area of 3,066 square metres. Parcel 3 (B29/08) has a frontage of 38 metres and contains an area of 3,344 square metres. Parcel 4 (B30/08) contains an area of 706 square metres and will be conveyed as a lot line adjustment to the abutting Fairfield United Church. The retained lands will have an area of 39 hectares and will continue to be used for farm related purposes.

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, Fire Department, Building Department and the GRCA. Letter of submission from Snodgrass Consulting.

Howard Snodgrass, Agent, and Brian Slaman, Applicant, were present and briefly outlined the application for Committee. The Agent stated his agreement with the list of conditions.

Committee asked if there would be any more lots created, and the Agent stated that based on discussions with staff, the current Official Plan would not permit any more lots.

**Public Questions – None**

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

That Consents File No. B27/08/SS to B30/08/SS from Snodgrass Consulting for Prolific Estates Ltd. c/o Brian Slaman, owner of lands on Part Lot 4, Concession 11, County of Brant, geographic Township of Burford, and municipally known as 165 Maple Avenue South, 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

**4. B31/08/SS 293 COCKSHUTT ROAD, BRANTFORD**

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering, agent for Alexandra & Piotr Gdyczynski, owners of land on Part Lots 7 & 8, Range 2, EMP, and Part 3, RP 2R-6908, County of Brant, geographic Township of Brantford, and municipally known as 293 Cockshutt Road. The applicant is proposing to create an estate residential lot with a frontage of 40 metres along Cockshutt Road, and an area of 0.4 hectares. The retained lands will have a frontage of 103.5 metres and an area of 2.34 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, Fire Department and the Building Department. Letter of submission received from Cohoon Engineering. Staff noted a revision to condition 4 to delete reference to road widening, and a request to amend the application to extend the property line.

Joe Cohoon Agent, was present and briefly outlined the application for Committee, and agreed to the proposed amendment to the application to extend the severed lot the full width of the lot.

Committee discussed conditions and agreed to modify condition 4, to delete reference to road widening; and to modify condition 6, by asking for a survey on the severed lot only.

**Public Present – None**

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

That the depth of severed lot is to be extended to the full extent of the westerly limits of the property in order that the lot area and lot pattern of the severed lot are consistent with the Consents previously created along Campbell Road.

.Carried

-and-

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

That File No. B31/08/SS from Cohoon Engineering Limited, agent for Alexandra & Piotr Gdyczynski, owners of land on Part Lots 7 & 8, Range 2, EMP, and Part 3, RP 2R-6908, County of Brant, geographic Township of Brantford, and located at 293 Cockshutt Road, BE APPROVED, subject to conditions and the following modifications to condition 4, to delete road widening and condition 6, to delete reference to the retained lot.

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

**NEXT MEETING**

The meeting adjourned at 8 p.m., to meet again on Thursday, October 23, 2008, 7:00 p.m., at the County Council Chambers.

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Chair

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Secretary-Treasurer