

COMMITTEE OF ADJUSTMENT

Council Chambers
Thursday, October 23, 2008
7:00 P.M.

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

Staff: Stone, Davidson, Pomponi, Beacock

Absent: N/A

Art Lefebvre in the Chair.

MINUTES

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

That the Committee of Adjustment minutes of September 25, 2008, be approved as circulated.

.Carried

Declaration of Pecuniary Interest – M. J. Brown – Item #4 – B32/08/MD - R. Eddy

PUBLIC HEARINGS

1. A11/08/SS 212 JERSEYVILLE ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Zavarella Construction Ltd., agent for Thomas Spector, for lands described as Part Lots 53 & A, Concession 3, and Part 3, Plan 2R-6930, County of Brant (geographic Township of Brantford) and located at 212 Jerseyville Road. The applicant is requesting a variance to allow for construction of an oversized accessory building that will exceed the maximum lot coverage and height requirement. The applicant is proposing an area of 105 square metres for all accessory structures, and a height of 6.5 metres, where By-law 110-01 permits a maximum area of 93.0 square metres and a maximum height of 4.5 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.

Dominic Zavarella, Agent, was present and briefly outlined the application. Committee were given the opportunity to look at drawings of the proposed dwelling and garage. The accessory building is to be located in proximity to the dwelling and is architecturally similar.

Public Questions – None

Moved by – Walt Steed
Seconded by – Joe Kloepfer

That A11/08/SS from Zavarella Construction Ltd., agent for Thomas Spector, for lands described as Part Lots 53 & A, Concession 3, and Part 3, Plan 2R-6930, County of Brant (geographic Township of Brantford), and located at 212 Jerseyville Road, wherein relief is being sought for the area of 105 square metres for all accessory structures, and a height of 6.5 metres, where By-law 110-01, permits a maximum area of 93.0 square metres and a maximum height of 4.5 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. B33/08 & B34/08/SS 364 MCLEAN SCHOOL ROAD, SOUTH DUMFRIES

IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from J. H. Cohoon Engineering Limited, agent for the Estate of Richard D. Buchanan, with respect to lands described as Part Lot 14, Concession 4, geographic Township of South Dumfries, County of Brant, and located at 364 McLean School Road. The applicant is proposing a severance and creation of rights-of-way and easement to allow the existing CKPC transmission tower located on McLean School Road to be separated from the balance of the property. (B33/08) The lot to be severed will contain an area of 0.903 hectares upon which the radio transmission tower and support structures are located and strips of land over which is located the support guy wires for the tower. The retained parcel, which contains the existing dwelling, will be an area of 18.95 hectares. (B34/08) The applicant proposes to create a 6.0 metre right-of-way and utility service easement over the retained lands in favour of the severed lands for vehicular and utility access to the transmission facility, and a 6.0 metre right-of-way over the severed lot in favour of the retained parcel to ensure access for residents to lands south of the tower.

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, Ministry of Transportation. Letter of Submission from Cohoon Engineering.

J. Hitchon, Agent, was present and briefly outlined the application for Committee, explaining that they are dealing with an existing situation where the home and transmission tower are located on property owned by the Estate of Richard Buchanan. They are now in the process of separating assets between the radio station and personal assets.

During Committee discussions about the size and shape of the severed lands, and concerns of setting a precedent for future severances, Staff advised that further redevelopment of the retained lands will not be permissible as these lands are situated in an Agricultural, Wetlands and Woodlands designation.

Public Questions – None

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

That Consent B33/08/SS – ER Lot, from J. H. Cohoon Engineering Limited, agent for the Estate of Richard D. Buchanan, with respect to lands described as Part Lot 14, Concession 4, geographic Township of South Dumfries, County of Brant, and located at 364 McLean School Road, BE APPROVED, subject to and including a modification to the conditions, to add a requirement for a 0.3 metre reserve across the entire frontage of the severed lot.

-AND-

That Consent B34/08/SS – Easement, from J. H. Cohoon Engineering Limited, agent for the Estate of Richard D. Buchanan, with respect to lands described as Part Lot 14, Concession 4, geographic Township of South Dumfries, County of Brant, and located at 364 McLean School 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

3. 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, with respect to lands described as Part of Lot 53 and Part of Lot A, Concession 3, geographic Township of Brantford, County of Brant, 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 to 7 are previous severances of B59-62/05, and B28-30/07. (Concurrent zoning application - ZBA19/08).

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, Fire Department, Zoning Administrator, Grand River Conservation Authority, Six Nations Council, Parks and Recreation Department, Union Gas Ltd..

Staff recommended a modification of the application which should read that the proposed lots should be approximately 1.0 hectare in size. Staff are concerned that the proposed lot sizes unnecessarily take agricultural land out of production. Staff has discussed this modification with the applicant's agent and believe that they are in support of the modification. Staff advised that a rezoning application was approved at the August Planning Advisory Committee to permit the creation of lots with a minimum frontage of 50 metres. The proposed lots would meet this approved standard.

James Hitchon, Agent, was present and briefly outlined the application for Committee, stating that these are the last two lots on this property for severance. The Agent agreed with the Planner's report and conditions.

Public Questions – None

Moved by – Walt Steed
Seconded by – Joe Kloepfer

That the application be amended to reduce the lot size to approximately 1.0 hectares for both lots.

.Carried

Moved by - Joe Kloepfer
Seconded by – Willem Bouma

That Application File No. B17 and 18/08/MD by A. & Z. Szekszello, owners of Part Lot A & 53, Concession 3, 194 Jerseyville Road, former Township of Brantford, to create two lots for single detached dwellings, **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. B32/08/MD 71 KITCHEN SCHOOL ROAD, SOUTH DUMFRIES

IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from R. E. F. & Janice Eddy, with respect to lands described as Parts 1 & 2, RP 2R-1426, Part Lots 21 & 22, Concession 1, geographic Township of South Dumfries, County of Brant, and located at 71 Kitchen School Road. The applicant is proposing to sever a parcel of vacant agricultural land having an area of 55.1 hectares. The retained lands will have a frontage of 300 metres along Kitchen School Road, and consist of an area of 4.3 hectares, an existing residence and three accessory structures related to agricultural use.

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 Union Gas Ltd..

Gary Hunter, Agent, was present and briefly outlined the application for Committee. The Agent advised that MDS calculations have not yet been completed, but do not expect any issues. The Agent agreed with the conditions.

In Committee discussion, it was clarified that the applicant proposes to sever a vacant agricultural piece of land from the existing farm holding, and not to sever a surplus dwelling lot. Staff noted this application is similar to what was done on the Young application by severing off the farm buildings.

Public Present - None

Moved by – Willem Bouma
Seconded by – Walt Steed

That Application No. B32/08/MD from R.E.F. and Janice Eddy, owners of Concession 1, Part Lot 21, RP 2R-1426, Parts 1 & 2, 71 Kitchen School Road, geographic Township of South Dumfries, to sever a vacant agricultural piece of land from the existing farm holding 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.
2. The application complies with the intent of the Provincial Policy Statement.

.Carried

OTHER BUSINESS:

- a) Correspondence from Susan Wakely re: Moyer Consent B6-10/08/MD

Moved by - Willem Bouma
Seconded by – Walt Steed

That the Minutes of the May 22, 2008 Committee of Adjustment meeting be amended as follows:

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.

.Carried

NEXT MEETING

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

Chair

Secretary-Treasurer