

## COMMITTEE OF ADJUSTMENT

Council Chambers  
Thursday, November 27, 2008  
7:00 P.M.

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

Staff: Stone, Davidson, Pomponi, Beacock

Absent:

Art Lefebvre in the Chair.

### MINUTES

Moved by – Walt Steed  
Seconded by – Willem Bouma

That the Committee of Adjustment minutes of October 23, 2008, be approved as circulated.

.Carried

Declaration of Pecuniary Interest – Chair Lefebvre – Item #5 – Bow Park Farm B40/08/MD

### PUBLIC HEARINGS

#### **1. A12/08/SS 6 MAPLE AVENUE NORTH, BURFORD**

**IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Syed A. Qadri, agent for Muslim Girls School, with respect to lands described as Lots 98 & 99, Plan 727, County of Brant (geographic Township of Burford) and located at 6 Maple Ave. North. The applicant is requesting a variance to allow a private elementary school at this location, where By-law No. 110-01 only permits a public elementary school. Please note that the structural/physical aspects of the building and the property remain unchanged.**

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, Building Division, and Community Services. Letter of Concern included in Addendum.

Syed A. Qadri, agent for the Muslim Girls School, briefly outlined the application explaining that the age of the girls and boys attending the school would be from six to fourteen years of age.

During Committee discussion it was noted that there were no plans for the students to stay in residence for now. The school has been incorporated since 1993. Approximately 100 students will be bussed from the Brantford and Cambridge area to the school. Staff stated that the applicants had discussions with the Building and Fire Department and no conditions were required.

**Public Questions**

Roslyn Robinson resides in Tillsonburg, but considers Burford her community, had septic concerns.

Mike Robinet, 10 Maple Ave., was concerned with changes to the surrounding area, such as a fence being constructed.

Graham Miller, who lives across the road from the school, had concerns with future plans for an addition to the school or buildings on the grounds.

Dale Weatherbee, resident for many years, had concerns of a future residence being constructed on the property for housing students who would stay overnight.

In discussion, the Agent stated that there were no plans for any changes to the school or buildings on the grounds, explaining that the current building can accommodate their needs. The Agent also stated that a fence would not be constructed, unless required for security reasons.

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

That A12/08/SS from Syed A. Qadri, agent for the Muslim Girls School, for lands described as Lots 98 & 99, Plan 727, County of Brant (geographic Township of Burford), and located at 6 Maple Avenue North, wherein relief is being sought to allow a private elementary school at this location where By-law 110-01 only permits a public elementary school 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. B35/08 - B37/08/SS HIGHWAY NO. 53, BURFORD**

**IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from Snodgrass Consulting, agent for Ed & Dwyne Szombati, with respect to lands described as Parts 6 to 9, RP 2R-6509, Lot 5, Part of Park, Plan 53, geographic Township of Burford, County of Brant, and located on Highway 53. The applicant is proposing to create three residential lots on their landholding located between the Sixth Concession Road and Highway 53. Lot 1 (B35/08) and Lot 2 (B36/08) will each have a frontage of 64.6 metres on the north side of Highway 53 and contain an area of 0.32 hectares. Lot 3 (B37/08) will have a frontage of 73.1 metres on the south side of Sixth Concession Road and contain an area of 0.33 hectares. The retained lot will have a frontage of 75.8 metres on the south side of Sixth Concession Road and contain an area of 0.42 hectares, which is also a vacant building lot.**

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 Department. Letter of submission received from Snodgrass Consulting.

Howard Snodgrass, Agent, was present and briefly outlined the application for Committee. The Agent stated that he agrees with the list of conditions.

**Public Questions - None**

Moved by – Joe Kloepfer  
Seconded by – Walt Steed

That Consent B35/08/SS – B37/08/SS from Snodgrass Consulting, agent for Ed & Dwyne Szombati, owners of Parts 6 to 9, RP 2R-6509, Lot 5, Part of Park, Plan 53, being on the north side of Highway No. 53, (geographic Township of Burford) in the County of Brant, BE APPROVED, subject to conditions. The application is in keeping with the Official Plan.

.Carried

**3. B38/08/SS 266 & 284 HIGHWAY #5, SOUTH DUMFRIES**

**IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from J. H. Cohoon Engineering Limited, agent for Don Plant, and Ivan Plant, with respect to lands described as Part 2, RP 2R-6186, Part Lot 10, and Part Lot 11, Concession 2, geographic Township of South Dumfries, County of Brant, and located at 266 & 284 Highway #5. The applicant is proposing to sever a residential parcel from the farm holding. The proposed lot to be severed will have a frontage of 47.84 metres along the south side of Highway #5, and contain an area of 0.53 hectares. The retained lands will contain an area of 37.46 hectares.**

The Agent requested that the application be deferred to give them time to resolve various matters with the new owner.

**4. B39/08/MD 213 COCKSHUTT ROAD, BRANTFORD**

**IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from Plansmith Consulting, agent for John Derus, with respect to lands described as Part Lot 46, Burtch Tract, geographic Township of Brantford, County of Brant, and located at 213 Cockshutt Road. The application is to provide for creation of an easement over an existing private water line connection affecting consent applications B50/07 and B51/07. The easement contains a total area of 0.29 hectares, and will be used for access across the provisionally severed lot (B51/07) and the retained lands.**

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, and Building Department. Letter of submission received from Plansmith Consulting.

The Planner stated that Staff was not aware of the easement of a private water line at the time of the original application, and is of the opinion that the applicant had the option to either extend the water line or create an easement. Staff is recommending that a refund of this application not be approved.

Brian Smith, Agent, was present and briefly outlined the application, stating that he supports Staff's recommendation, but does have a concern about the fee. The Agent explained that at the time of the original application, they did not know about the water line, and it was handled by a condition of consent to satisfy requirements of Public Works Department, and had no knowledge that another application would be required. If they had known, it would have been packaged together with consents, and not separately, and therefore asked Committee for consideration to refund the application fee.

Committee discussed similar applications where two applications and two fees were required. Committee also discussed the time frame in which to meet conditions of the original application, and agreed that the consent expiry date for applications B39/08 and B50/07 and B51/07 be one year from the date of this meeting. Committee did not approve a refund of the application fee.

**Public Present**

Henry Stolp, 11 Grand River Street North, agreed that an expiry date of one year from tonight's meeting would allow time to fulfill the conditions of consent.

Moved by – Walt Steed

Seconded by – Willem Bouma

That Application No. B39/08/MD from Plansmith Consulting, agent for John Derus, owner of Part of Lot 46, Burtch Tract, geographic Township of Brantford, County of Brant, located at 213 Cockshutt Road, for the creation of a right-of-way over an existing private water line connection BE APPROVED, subject to conditions. The application is in keeping with the Official Plan and Zoning By-laws.

.Carried

**5. B40/08/MD 101 OXBOW ROAD, BRANTFORD**

**IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from Andy & Joyce Smith for Bow Park Farm Inc., with respect to lands described as Part Lots 2, 3, 4, 5 & 7, geographic Township of Brantford, County of Brant, and located at 101 Oxbow Road. The applicant is proposing to sever a parcel of land as a lot line adjustment. The proposed lot to be severed consists of a frontage of 30.48 metres and an area of approximately 4410 square metres, and will be conveyed and consolidated with adjacent lands to the north owned by Andy & Joyce Smith. The retained lands will contain an area of 108.4 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, and Building Department. Letter of submission received from Andy & Joyce Smith.

The Chair declared a conflict of interest stating that his brother has had dealings with the property, and stepped down from the table. Vice-Chair Steed took over as Acting-Chair for this application.

Andy & Joyce Smith, Agent, were present and briefly outlined the application for Committee, explaining that they simply want care and control of the property. The Agent confirmed that he understood and agreed with the conditions.

**Public Questions - None**

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

That Consent B40/08/MD from Andy and Joyce Smith for Bow Park Farm Inc., owner of Oxbow Tract Lot 6, Part Lots 2, 3, 4, 5 & 7, located at 101 Oxbow Road, (geographic Township of Brantford) in the County of Brant, for a lot line adjustment, BE APPROVED, subject to conditions. The application is in keeping with the Official Plan and does not take any agricultural land out of production.

Carried

**6. B41/08/MD 286 BURFORD-DELHI TOWNLINE ROAD**

**IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from Snodgrass Consulting, agent for the applicant, Kate & Brian Hamilton, with respect to lands described as Part Lots 14 & 15, Concession 14, geographic Township of Burford, County of Brant, and located at 286 Burford-Delhi Townline Road. The applicant is proposing to sever a parcel of land as a lot line adjustment. The proposed lot to be severed consists of a frontage of 15 metres and an area of approximately 0.7 hectares, and will be added to the adjoining property that is owned by Kate & Brian Hamilton. The Van de Heuval lands to be retained will contain an area of 130 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, and the Building Department. Letter of submission received from Snodgrass Consulting.

Howard Snodgrass, Agent, and Kate & Brian Hamilton, Applicant, were present. The Agent briefly outlined the application. The Agent reviewed the conditions and had no comment.

**Public Questions – None**

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

That Consent B41/08/MD from Snodgrass Consulting, agent for Kate and Brian Hamilton (authorized by Gerrit Van DeHeuval), owner of Concession 14, Part Lots 14 and 15, located at 286 Burford-Delhi Townline Road, (geographic Township of Burford) in the County of Brant, for a lot line adjustment, BE APPROVED, subject to conditions. The application is in keeping with the intent of the Official Plan.

.Carried

**7. B42/08/MD 241 LANGFORD CHURCH ROAD, ONONDAGA**

**IN THE MATTER OF AN Application to the Committee of Adjustment for severance received from Snodgrass Consulting, agent for Veronika Romvari-Pop, with respect to lands described as Part 1, Plan 2R-6365, Part Lot 7, EFC, Concession 2, geographic Township of Onondaga, County of Brant, and located at 241 Langford Church Road. The applicant is proposing to sever a lot at the intersection of Langford Church Road and McBay Road for estate residential purposes. The proposed lot will have a frontage of 122 metres along Langford Church Road, and contain an area of 1.1 hectares. The retained lands will have a frontage of 111 metres along Langford Church Road, and contain an area of 2.1 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, and Building Department. Letter of submission received from Snodgrass Consulting. Staff recommended an additional condition relating to adequate water supply.

Committee discussed the potential for another severance on the property. Staff explained that MDS requirements would create difficulties for another lot.

**Public Present - None**

Moved by – Willem Bouma  
Seconded by – Walt Steed

That Application No. B42/08/MD from Snodgrass Consulting, agent for Veronika Romvari-Pop, owner of Part 1, Plan 2R-6365, Part Lot 7, EFC, Concession 2, geographic Township of Onondaga, County of Brant, located at 241 Langford Church Road, to create an Estate Residential lot for a single detached dwelling BE APPROVED, subject to conditions, and as modified by adding a condition relating to water supply. The application is in keeping with the Official Plan.

.Carried

**OTHER BUSINESS:**

**NEXT MEETING**

The meeting adjourned at 8:00 p.m., to meet again on Thursday, January 22, 2009, 7:00 p.m., at the County Council Chambers.

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Chair

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Secretary-Treasurer