

COMMITTEE OF ADJUSTMENT

Council Chambers
Thursday, January 22, 2009
7:00 P.M.

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

Staff: Stone, Davidson, and Beacock

Absent:

Art Lefebvre in the Chair.

MINUTES

Moved by – Willem Bouma
Seconded by – Walt Steed

That the Committee of Adjustment minutes of November 27, 2008, be approved as circulated.

.Carried

Declaration of Pecuniary Interest – Willem Bouma declared a conflict stating that the Agent for the Applicant is a patient (B43/08 – Item #5).

PUBLIC HEARINGS

1. B86/06/DMD 31 BURTON AVE., 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 2 will have an area of 0.21 hectares. The retained lands will contain an area of approximately 17 hectares. (Concurrent severance application B85/06 for Lot 1 was given provisional approval on Aug. 28, 2008.)

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 Division. Letter of Submission received from the Agent. The Planner requested a modification of condition 3 regarding parkland fees.

Rob van Poorten, Agent, and Raymond & Jeannette Borsuk, Applicants, were present and briefly outlined the application for Committee explaining that this application had been tabled to submit additional information. The first severance for Lot 1 was approved in August 2008 and they are working to satisfy the conditions. They also want to deal with this severance for Lot 2, so that conditions can be satisfied at the same time.

The Agent read all the conditions and condition #3, as modified, and stated that they are all standard conditions.

In Committee discussion, the Agent noted that there is an opportunity for an additional severance off Mount Pleasant Road.

Public Questions – None

Moved by – Joe Kloepfer
Seconded by – Willem Bouma

That Application B86/06/MP from J. H. Cohoon Engineering Limited, for Raymond Borsuk, owner of Part Lot 8, EMPR, Range 1, 31 Burton Avenue, geographic Township of Brantford, to create a lot for a single detached dwelling BE APPROVED, subject to conditions, and modification of condition #3. The application is in keeping with the Official Plan.

.Carried

2. B44/08/MD 576 MT. PLEASANT ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Snodgrass Consulting, agent for Toho Investments Inc., for lands described as Part Lot 10, East of Mount Pleasant, Range 1, County of Brant, in the geographic Township of Brantford, and located at 576 Mt. Pleasant Road. The applicant is proposing to sever a new building lot which will have a frontage of 40 metres on the east side of Mt. Pleasant Road and contain an area of 0.15 hectares to be used for residential purposes. The retained property will have a frontage of 24 metres and contain an area of 0.25 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, Fire Department, and Building Department. Letter of submission received from the Agent. Letters received from Graham and Doris Beam, and Steve and K.C. Pongracz.

Howard Snodgrass, Agent, and Tom Hoekman, Applicant, were present and briefly outlined the application for Committee, explaining that a previous severance application had been approved, but the consent lapsed. The Applicant purchased the property and is asking for new approvals reflecting the same as the previous application.

The Agent reviewed the request by the neighbours to locate the house to the rear of the property and the septic system in front, and also to give consideration to the existing trees. The Agent stated that they will try to accommodate the request.

The Agent reviewed the comments of the Public Works Department asking for road widening along the frontage of the severed and retained parcels. The Agent stated he agrees with taking road widening across the frontage of the severed parcel, but does not agree with imposing a condition to take road widening across the frontage of the retained parcel. The Agent stated his concern that this condition is not in accordance with the Planning Act, and suggested that the issue could be dealt with by entering into an agreement with the County.

Committee discussed the condition of road widening on both the severed and retained parcels. Committee believes that they have followed County Policy No. PBEC-6-02, and have approved previous applications where road widening was on both the severed and retained parcels.

Public Questions - None

Moved by – Walt Steed

Seconded by – M. J. Brown

That Application B44/08/MD from Snodgrass Consulting Services for Toho Investments Inc., owner of Part Lot 10, EMPR, Range 1, 576 Mount Pleasant Road, geographic Township of Brantford, to create a lot for a single detached dwelling, BE APPROVED, subject to conditions as read. The application conforms to the Zoning By-law and the Official Plan.

.Carried

3. B46/08/MD 382 & 390 SALT SPRINGS CHURCH ROAD, ONONDAGA

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from James & Norma MacDonald, for lands described as Part Lot 31 & Part Lot 32, River Range, County of Brant, in the geographic Township of Onondaga, and located at 382 & 390 Salt Springs Church Road. The applicant is proposing to sever a residential lot with an existing residence at 390 Salt Springs Church Road from the adjacent parcel at 382 Salt Springs Church Road. The properties inadvertently merged in title and the applicant is desirous to re-establish what was approved by the Onondaga Committee of Adjustment in 1969. The proposed lot to be severed has a frontage of 38.1 metres and contains an area of 0.22 hectares. The retained lands consist of 32.3 hectares, and will continue to be used for agricultural 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, Building Department, Fire Department, and the Grand River Conservation Authority.

James and Norma MacDonald, Applicants, were present and briefly outlined the application. The Applicants confirmed that they have read and understand all the conditions.

Public Present – None

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

That File No. B46/08/MD, from James and Norma MacDonald, owner of Part of Lots 31 and 32, River Range, County of Brant, (geographic Township of Onondaga), located at 382 and 390 Salt Springs Church Road to sever a lot with an existing residence, BE APPROVED subject to conditions. The application complies with the Provincial Policy Statement and the Official Plan.

.Carried

4. B100/05/SS & B103/05/SS 166 KING EDWARD ST & DUNDAS ST W, PARIS

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Limited for Zavarella Construction Ltd., for lands described as Part Lot 9, Concession 1, north side of Highway No. 2, and Block 63, Plan 2M-1875, County of Brant, in the geographic Town of Paris, located at 166 King Edward Street, and Dundas Street West. The first application B100/05 is for a lot addition of a small triangular landlocked parcel of land with an area of 15 square metres to be added and become part/parcel of a new residential building lot with frontage on Dundas Street West. This new lot will have an approximate area of 622 square metres.

The second application B103/05 is for severance of a parcel of land having an area of 473 square metres to be added to the lands to the east, for a proposed condominium development via Planning Application CDM3/05.

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. Letter of submission received from Agent.

Rob van Poorten, Agent, and Dominic Zavarella, Applicant, were present and briefly outlined the application for Committee, explaining that the Applicant is proposing the reconfiguration of two existing parcels.

Committee expressed concerns with approving the severances before rezoning is in place, and also the issue of water and sanitary sewer capacity. The Agent stated that services are on Dundas Street, and will accommodate the proposal.

Public Questions

Terry Johnston, 241 Dundas Street West, had concerns with the entrance being off Dundas Street, instead of King Edward Street. The Agent explained that access for the development is not allowed off King Edward Street.

Donna Colaiacovo, 224 Dundas Street West, also had concerns with traffic turning off King Edward Street onto Dundas Street, and the proximity of the entrance to the condominium lands.

Peter De Rosse, 239 Dundas Street West, had a concern with the size of house that would be built on the lot.

Moved by – M. J. Brown

Seconded by – Joe Kloepfer

That Consent B100/05/SS for severance from J. H. Cohoon Engineering Limited for Zavarella Construction Ltd., for lands described as Part Lot 9, Concession 1, north side of Highway No. 2, and Block 63, Plan 2M-1875, County of Brant, in the geographic Town of Paris, located at 166 King Edward Street, and Dundas Street West, BE APPROVED, subject to conditions, and the deletion of condition #5. The application is in keeping with the Official Plan.

.Carried

- AND -

Moved by - M. J. Brown
Seconded by – Walt Steed

That Consent B103/05/SS be granted an adjournment to allow time for the applicant to go to Council for the required zoning, and then bring back to Committee for severance.

.Carried

5. B43/08/SS 180 OAKHILL DRIVE, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Sam Miron, agent for Diane Kochendorfer, for lands described as Part Block 1, and Part Block 2, Kerr Tract, County of Brant, in the geographic Township of Brantford, and located at 180 Oakhill Drive. The applicant is proposing to sever a lot with an existing residence. The proposed lot to be severed will have a frontage of 48.5 metres along Oakhill Drive, and contain an area of 4257 square metres. The retained lands consist of approximately 3.0 hectares, and will remain vacant in the short term and may be redeveloped in the future for Village Residential uses.

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 the Agent.

Sam Miron, Agent, was present and briefly outlined the application for Committee. The Agent explained that the Applicant had previously applied for a severance of two lots in 1990, but was refused, with a recommendation that further development of these lands should be by way of plan of subdivision to ensure the proper and orderly development of the entire parcel. The Agent advised that the Applicant has no plans for the retained lands at this time. At present, the Applicant lives outside the area, and wants to sell the lot with the existing house, as she does not want the responsibility of maintaining the house, and would like to keep the remainder of the land.

Committee discussed the entrance to the severed lot. The Agent stated that they would be putting in a new driveway to service the existing residence, and will be losing the current driveway which is on the retained lands and is in a hazardous location.

Public Questions

Janet Riley, 194 Oakhill Drive, had concerns with further development of the retained lands, current location of driveway, septic system, and well water supply.

Bill Robinson, 189 Oakhill Drive, also had concerns with the future development of the retained lands.

Rob van Poorten, Cohoon Engineering, was present on behalf of landowners of property to the east, and expressed concerns with development potential in the area.

Gene and Margaret Easterbrook, 176 Oakhill Drive, are concerned with future use of the retained lands, drainage issues, and protection of environmentally sensitive lands.

Moved by – Joe Kloepfer
Seconded by – Walt Steed

That Consent B43/08/SS from Sam Miron, agent for Diane Kochendorfer for lands described as Part Block 1, and Part Block 2, Kerr Tract, County of Brant, in the geographic Township of Brantford and located at 180 Oakhill Drive, BE APPROVED, subject to conditions. The application is in keeping with the Official Plan.

.Carried

6. B45/08/SS 35 HIGHWAY #53, BURFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Limited, agent for Scott Wood, for lands described as Part Lot 8 & 9, Concession 6, County of Brant, in the geographic Township of Burford, and located at 35 Highway #53. The applicant is proposing to sever a 0.86-hectare parcel of land from a farm property owned by Gerda Poetz, as a lot line adjustment. The proposed severance will have a frontage of 102.63 metres along Harley Road, and be added to the adjoining property that is owned by Scott Wood. The retained farmland will contain an area of 14.83 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, Building Department, and Grand River Conservation Authority. Letter of Submission received from Agent.

Rob van Poorten, Agent, was present and briefly outlined the application for Committee. The Agent agreed with the conditions.

Public Present - None

Moved by – Walt Steed
Seconded by – Willem Bouma

That Application No. B45/08/SS from J. H. Cohoon Engineering Ltd., agent for the applicant Scott Wood, and Gerda Poetz, owner of Part Lot 8 & 9, Concession 6, County of Brant, geographic Township of Burford, and being part of 35 Highway No. 53 and 66 Seventh Concession Road BE APPROVED, subject to conditions. The application complies with the Official Plan.

.Carried

OTHER BUSINESS:

a) Property Standards Committee – 60 West River Street, Paris

The meeting was called to hear an appeal to an Order to remedy violation standards of maintenance which was served on October 28, 2008, to Gail Baker, the Owner of 60 West River Street.

Chair Lefebvre introduced the issue and asked Andre Gravelle, the Property Standards Officer, to outline the appeal. The Officer 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.

The Owner of the property was present and explained to Committee the reason for the appeal, stating that more time is needed to repair the basement wall.

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 June 1st, 2009, to give the Owner time to complete repairs.

.Carried

b) Property Standards Committee – 4 Highway #2, Burford

The meeting was called to hear an appeal to an Order to remedy violation standards of maintenance which was served on December 10, 2008, to Arie Van Den Berg, the Owner of 4 Highway #2.

Chair Lefebvre introduced the issue and asked Rens Dekker, the Property Standards Officer, to outline the appeal. The Officer 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.

The Owner of the property was present and explained to Committee the reasons for the appeal, stating that it is cost restrictive to take the trees down in the middle of winter. The Owner believes there is no need to cut down the trees; after talking with an arborist from Cambridge who suggested that the two trees could be preserved.

The Chair summarized the alternatives the Committee has in deciding the outcome of the appeal against the order by the Property Standards Officer, 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 provide a letter from an arborist stating that the two trees, as identified in 'Schedule A', are not in an unsafe condition and do not create a nuisance, - or – if the trees are unsafe, that the Owner has until May 31st, 2009, to take them down.

.Carried

c) Property Standards Committee – 794 Mt. Pleasant Road, Brantford

The meeting was called to hear an appeal to an Order to remedy violation standards of maintenance which was served on November 3, 2008, to Bronislaw Chelchowski, the Owner of 794 Mt. Pleasant Road.

Chair Lefebvre introduced the issue and asked Rens Dekker, the Property Standards Officer, to outline the appeal. The Officer 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.

The Owners of the property were not present. The Officer explained to Committee their reasons for the appeal.

Jonathan Jones, 796 Mount Pleasant Road, who is the Complainant was present and stated that he would like to have all the items removed within three months, or at least if not removed, have them moved to the other side of the property away from his place.

The Chair summarized the alternatives the Committee has in deciding the outcome of the appeal against the order by the Property Standards Officer, dealing with the Property Standards By-law.

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

That to enforce the Property Standards Order, Committee grants the appeal with an extension of time to May 1, 2009, to give the Owner time to clean up the property.

.Carried

NEXT MEETING

The meeting adjourned at 10:00 p.m., to meet again on Thursday, February 26, 2009, 7:00 p.m., in the County Council Chambers.

Chair

Secretary-Treasurer