

COMMITTEE OF ADJUSTMENT

Council Chambers
Thursday, March 26, 2009
7:00 P.M.

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

Staff: Stone, Pomponi and Beacock

Art Lefebvre in the Chair.

Declaration of Pecuniary Interests - None

MINUTES

Moved by – Willem Bouma
Seconded by – Joe Kloepfer

That the Committee of Adjustment minutes of February 26, 2009, be approved as circulated.

.Carried

PUBLIC HEARINGS

1. A1/09/SS 16 KING STREET SOUTH, OAKLAND

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from David Roe, agent for Chary Produce Ltd., with respect to lands described as Part of Parts 1 and 2, RP 2R-5230, Part of Lots 7 to 9, Concession 1, County of Brant (geographic Township of Oakland) and located at 16 King Street South. The application is for a variance to the side yard setback to allow construction of a proposed 12m x 22m addition to the existing barn. The applicant is proposing a 8.0 metre side yard where Section 6(3)(d)(iii) of the By-law requires 15.0 metres, therefore requesting a variance of 7.0 metres.

Steve Stone, 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 the Building Division.

David Roe, Agent, briefly outlined the application for Committee. The applicant proposes to construct a 264m² addition at the north-west rear corner of the existing barn for the purpose of an internal cooling unit for the business of fresh vegetable processing and storage.

Public Questions – None

Moved by – Joe Kloepfer

Seconded by – Walt Steed

THAT File No. A1/09/SS, from David Roe, agent for Chary Produce Ltd. owner of Part of Parts 1 & 2, RP 2R-5230, Part of Lots 7 to 9, Concession 1, County of Brant (geographic Township of Oakland), located at 16 King Street South, BE APPROVED, subject to no external exhausting equipment facing the property line, and 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. A2/09/MD 328 BLUE LAKE ROAD, SOUTH DUMFRIES

IN THE MATTER OF AN Application to the Committee of Adjustment for a minor variance from Steve Lecours, with respect to lands described as Part of Lot 13, Concession 2, County of Brant (geographic Township of South Dumfries) and located at 328 Blue Lake Road. The applicant is requesting a variance to allow for construction of a garage that will exceed the maximum lot coverage and height requirement. The applicant is proposing an area of 123 square metres for all accessory structures, and a height of 6.1 metres, where Section 3.1(b) permits a maximum area of 93.0 square metres, and Section 3.1(c) permits a maximum height of 4.5 metres.

Steve Stone, 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 Zoning Administrator. Letter of support received from Doug & Karen Biersteker.

Steve Lecours, Applicant, briefly outlined the application for Committee. The Applicant proposes to construct a garage to be used for the storage of his vehicles and equipment.

Public Questions – None

Moved by – Willem Bouma

Seconded by – M. J. Brown

THAT File No. A2/09/MD, from Steve Lecours, owner of Part of Lots 13, Concession 2, County of Brant (geographic Township of South Dumfries), located at 328 Blue Lake Road, to permit an area of 123 square metres and a height of 6.1 metres for all accessory structures, whereas 93 square metres and 4.5 metres are permitted respectively, 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

3. B7/09 & B8/09/SS 792 POWERLINE ROAD, BRANTFORD

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from Plansmith Consulting, agent for King & Benton Development Corp. for lands described as Part 1, RP 2R-6855, Part Lot 17, Concession 2, County of Brant, in the geographic Township of Brantford, and located at 792 Powerline Road. The applicants are proposing to sever two industrial lots located on the south side of Powerline Road, west of Oak Park Road. Lot 2 (B7/09) will have a frontage of 54.39 metres and an area of 0.663 hectares. Lot 3 (B8/09) will have a frontage of 50.0 metres and an area of 0.651 hectares. Lot 1 is the retained parcel and contains an existing industrial building.

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 Grand River Conservation Authority, Public Works Department and Zoning Administrator. Letter of submission received from Agent.

The Planner stated that Public Works Department recommended tabling the applications regarding concerns with the Paris Water System.

Brian Smith, Plansmith Consulting, Agent, briefly outlined the application for Committee. The Applicant is proposing to sever a 7.5 acre parcel into three lots. Lot 1 contains a concrete building and there is a buyer for this building. The principal use of Lot 1 is industrial, as designated. The Agent agrees with condition to rezone with a Holding provision, which would put Lots 2 and 3 into a holding zone until adequate water is available, to allow them to proceed with severance of Lot 1, so they can sell the existing building to another industry.

In discussion, it was noted that the County has controls in terms of proceeding with development on the new lots through site plan control and development agreement.

The Committee had a discussion about approving this application and setting a precedent for the next two applications. Committee stated that the only way this could work is that the existing building is an industrial use, not a residential use, so therefore would not set a precedent.

Public Questions - None

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

That Consents B7&8/09 (King & Benton) from Plansmith Consulting for the applicant King & Benton Development Corporation, owners of Part 1, RP 2R-6855, Part Lot 17, Concession 2, County of Brant, geographic Township of Brantford, and located at 792 Powerline Road, BE APPROVED, subject to conditions. The application complies with the intent of the Official Plan By-law.

.Carried

4. B2-5/09/SS 33 CEDAR STREET, PARIS

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Ltd. for Dan and Kim White for lands described as Part 2, RP 2R-1894, Part of Lot 10, Concession 1, County of Brant, in the geographic Town of Paris, and located at 33 Cedar Street. The applicants are proposing to sever four residential lots each with a frontage of 18.3 metres along the west side of Cedar Street. Lots 1 to 3 (B2/09, B3/09 & B4/09) will each contain an area of 1015 square metres, and Lot 4 (B5/09) will contain an area of 640.5 square metres. The retained lot will have frontage of 23.42 metres, an area of 1673.7 square metres, and support an existing house and garage.

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, County Forestry Officer, Heritage Committee and Building Department. Letter of submission received from Agent. Letter of objection received from Linda Schott. The Planner stated that he had adjusted the conditions to reflect Public Works concerns.

Rob VanPoorten, Cohoon Engineering, Agent, was present and briefly outlined the application for Committee. The Agent stated that Cedar Street has been recently reconstructed and water and sewers are now connected to the lots. The Applications comply with the policies of the Official Plan.

Public Present

Linda Schott, 56 Cedar Street, stated that she has owned a legal nonconforming lot for 30 years, directly across from the Avery property. Ms. Schott wants purchasers to be aware that there is a kennel facility in the area and wants it shown on title.

Moved by – Walt Steed
Seconded by – Willem Bouma

That Consents B2-5/09/SS, from J. H. Cohoon Engineering Limited, agent for Dan and Kim White, owners of Part of Lot 10, Concession 1, County of Brant, (geographic Town of Paris), located at 33 Cedar Street, BE TABLED, to address the concerns of the Public Works Department as they relate to the Paris Water Supply.

.Carried

5. B6/09/SS & B12-15/05 49 CEDAR STREET, PARIS

IN THE MATTER OF AN Application to the Committee of Adjustment for severance from J. H. Cohoon Engineering Ltd. for Rob & Lauri Avery for lands described as Parts 1 & 2, RP 2R-4213, Part of Lot 10, Concession 1, County of Brant, in the geographic Town of Paris, and located at 49 Cedar Street. Previously submitted severance applications for Lots 1 to 4 (B12-15/05) were tabled in November 2005, and have been amended by reducing the lot area, and creating an additional lot - Lot 5 (B6/09). The applicants are proposing to sever five residential lots each with a frontage of approximately 19 metres along the west side of Cedar Street. The proposed lots will each contain an approximate area of 2236 square metres. The retained lot will have a frontage of 22.63 metres, an area of 2614 square metres, and support an existing house.

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, County Forestry Officer, Heritage Committee and Building Department. Letter of submission received from Agent. Letter of Objection received from Linda Schott.

Rob VanPoorten, Cohoon Engineering, Agent, was present and briefly outlined the application for Committee, stating this is a reiteration of the last application. There is connection of water and sewer to each of five proposed lots and retained lot, and has status of water allocation to the 2005 applications. The severances are in line with the Provincial Policy Statement, Official Plan and Zoning By-laws, and the Agent accepts tabling of application B6/09.

Committee reviewed revised conditions. Staff explained that Condition 3 was modified to reflect concerns raised by Public Works. Committee decided that Condition 2 should be modified to reflect the amount of parkland fees that were applicable at the time the applications were submitted.

Public Questions

Linda Schott, 56 Cedar Street, is opposed to the density of the development stating that it should be in keeping with the neighbourhood, and expressed concerns of proper land use, cost of servicing, drainage, flooding, lack of storm sewers, forestry concerns, substandard road, and no parkland. Ms. Schott also would like a covenant on title advising the purchaser about a dog kennel in the area.

In discussion Committee addressed some of Ms. Schott's concerns, noting there is a road widening requirement, the applicant will pay fees for parkland, and as the neighbourhood changes, the size and shape of properties will change, but will still be a single detached use.

The Agent addressed servicing concerns, stating that the cost of servicing will be recouped by the municipality. Fees will be based on frontage and ratepayers will pay their fair share.

After a discussion Committee stated that putting a notice on the deed about the presence of a kennel in the area cannot be done under land titles registration, and suggested that perhaps something can be put into the offer of purchase of sale.

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

That Consents B12-15/05 from J. H. Cohoon Engineering Limited, agent for Rob and Lauri Avery, owner of Part Lot 10, Concession 1, County of Brant, in the geographic Town of Paris, located at 49 Cedar Street, BE APPROVED, subject to revised list of conditions, and modification of condition 2 regarding parkland fees. The applications are in keeping with the Official Plan and Zoning By-law.

.Carried

-And -

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

That Consent B6/09 from J. H. Cohoon Engineering Limited, agent for Rob and Lauri Avery, owner of Part Lot 10, Concession 1, County of Brant, geographic Town of Paris, located at 49 Cedar Street, BE TABLED, to address the concerns of the Public Works Department as they relate to the Paris Water Supply.

OTHER BUSINESS:

a) Property Standards Committee – 14 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 February 26, 2009, to Wilfred Stubbs, the Owner of 14 West River Street, Paris.

The Owner of the property was not present. In a memo to Committee, Andre Gravelle, Property Standards Officer, explained that the Owner is asking for an extension of time to April 30th, 2009, to give him time to clean up the property. The Officer stated that he was in agreement with the request.

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 April 30th, 2009, to give the Owner time to clean up the property.

.Carried

NEXT MEETING

The meeting adjourned at 8:25 p.m., to meet again on Thursday, April 23, 2009, 7:00 p.m., at 7:00 p.m. in the County Council Chambers.

Chair

Secretary-Treasurer