



THE CORPORATION OF THE CITY OF BRANTFORD
CITY HALL, 58 DALHOUSIE STREET, BRANTFORD, ON N3T 2J2
TELEPHONE 519-759-4150

**COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE**

File Number: A01/2024
Related File Numbers: B01/2024
Address: 34 Devon Street
Roll Number: 2906020010073000000
Agent: J.H. Cohoon Engineering c/o Bob Phillips
Owner/Applicant: Elsinia & John DeJong

**IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION
45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

Consent and minor variance applications have been received for the lands municipally addressed as 34 Devon Street. The subject lands currently have a single-detached dwelling. The area that is proposed to be severed is vacant except for a small accessory building which is proposed to be demolished.

To facilitate this development, the applicant has submitted a Minor Variance Application to gain relief from the following section of the Zoning By-law:

- Section 7.2.2.1.2 to permit a lot width of 13.23 m whereas 18 m is otherwise required

The subject lands are designated "Residential" in the Official Plan and zoned "Residential Type 1A" (R1A) in Zoning By-law 160-90.

DECISION: APPROVED

DATE: January 18, 2024

- A. THAT Minor Variance application A01/2024 requesting relief from Section 7.2.2.1.2 to permit a minimum lot width of 13 m whereas 18 m is otherwise required, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variance are as follows: the proposed variances are in keeping with the general intent of the Zoning By-law 160-90 and the Official Plan, and the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands;
- C. THAT pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O. 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision: *"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of report 2024-28."*

Electronically signed by V. Kershaw,
Chair/Member

OPPOSED - M. Bodnar
Member

ABSENT - T. Cupoli,
Member

Electronically signed by T. Gaskin
Member

Electronically signed by G. Kempa,
Member

ABSENT - J. Panag,
Member

Electronically signed by M. Simpson
Member

CERTIFICATION

I hereby certify that this is a true copy of the original document


Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Secretary-Treasurer, Committee of Adjustment, (519)759-4150 CofA@brantford.ca.

APPEALS

The applicant, the Minister, a specified person (as defined under Section 1(1) of the *Planning Act*), or public body that has an interest in the matter may, not later than 20 days after the giving of notice of a decision under Section 45(12) for minor variances) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal. **Please note that members of the public are no longer entitled to appeal decisions of the Committee of Adjustment.**

The fee for an appeal to the Ontario Land Tribunal is \$400.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: "Minister of Finance". In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$575.00 administrative fee made payable to the Corporation of the City of Brantford.

Notice of Changes

You will be notified of changes to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent, or make a written request to be notified of changes to the conditions of the provisional consent.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

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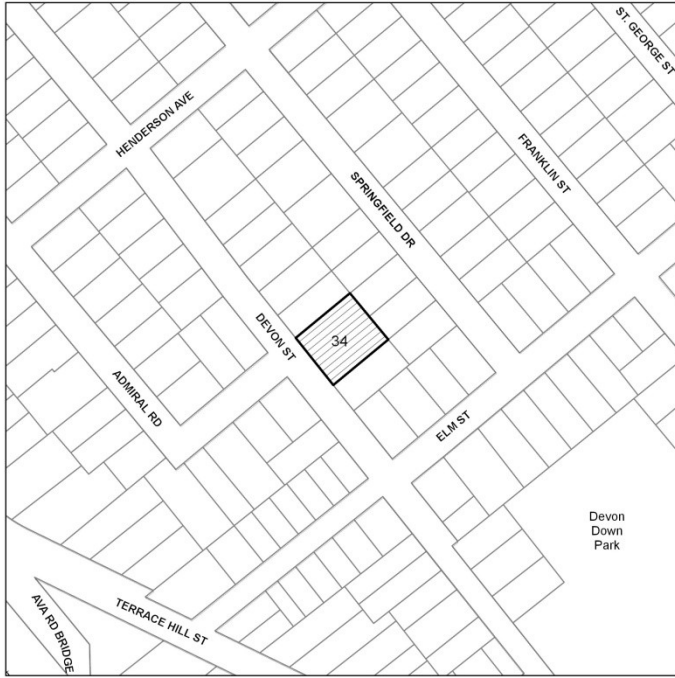
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is February 7, 2024

END OF DECISION

LOCATION MAP

Application: B01/2024 & A01/2024
34 Devon Street

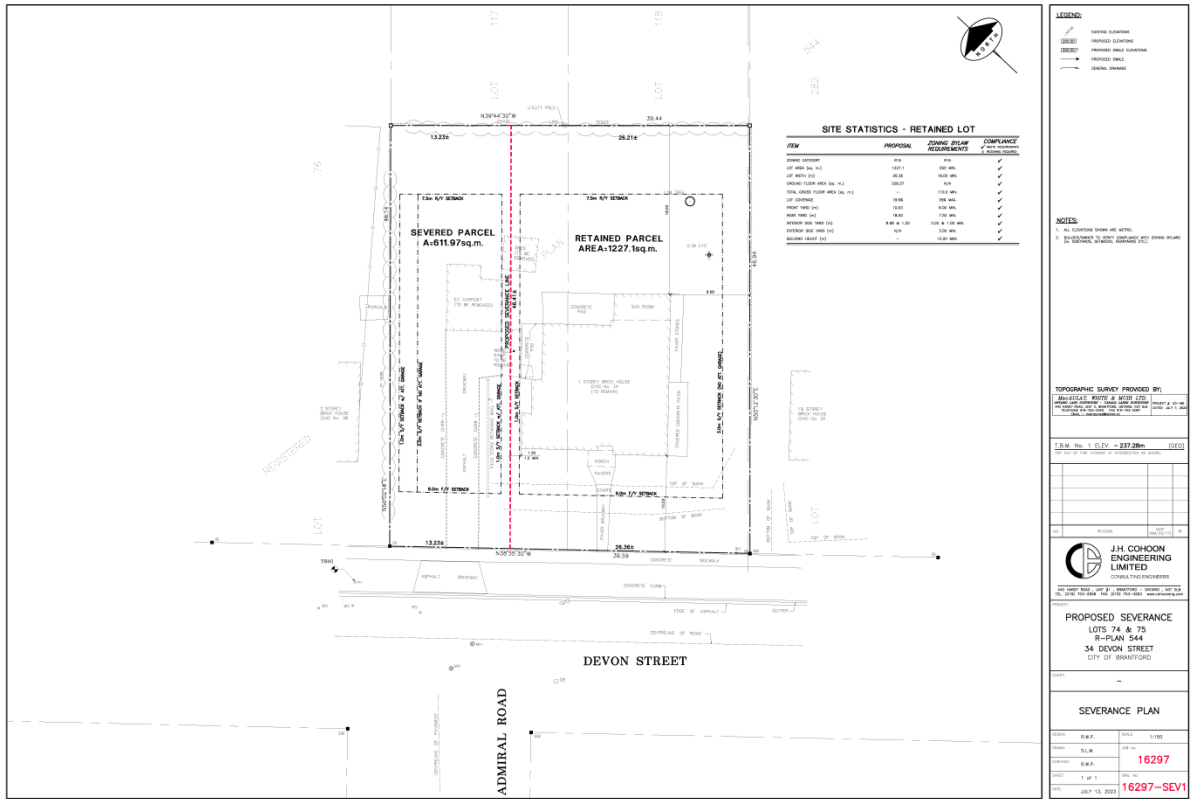


Legend

SUBJECT LAND



Variance Sketch





THE CORPORATION OF THE CITY OF BRANTFORD
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2
TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B01/2024
Related File Numbers: A01/2024
Address: 34 Devon Street
Roll Number: 2906020010073000000
Agent: J.H. Cohoon Engineering c/o Bob Phillips
Owner/Applicant: Elsinia & John DeJong

**IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53
OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

Consent and minor variance applications have been received for the lands municipally addressed as 34 Devon Street. The subject lands currently have a single-detached dwelling. The area that is proposed to be severed is vacant except for a small accessory building which is proposed to be demolished. The proposed lot dimensions are as follows:

| Zoning Provision | Retained | Severed |
|------------------|---------------------|----------------------|
| Lot Frontage | 26.36 m | 13.23 m |
| Lot Area | 1227 m ² | 611.9 m ² |

DECISION: APPROVED

DATE: January 18, 2024

THAT Consent application B01/2024 requesting to sever a parcel of land from the subject property municipally addressed as 34 Devon Street, having a lot area of 611.97 m², and to retain a parcel of land having a lot area of 1,227.1 m² BE APPROVED subject to the following conditions;

1. Receipt of a registered reference plan showing the severed and retained parcels.
2. Receipt of confirmation that Application A01/2024 receives final and binding approval and is in full force and effect.
3. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
4. Receipt of confirmation that all taxes are paid up to date.
5. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*).
6. Receipt of confirmation that the Zoning Bylaw Amendment is in full force and effect.

7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
8. The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate and the Manager of Capital and Development, Environmental Services, or his/her designate, indicating that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection and that these services do not cross the proposed severance line and are connected directly to City infrastructure.
9. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
10. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
11. Receipt of confirmation that the 0.3 m reserves have been lifted at the owner's cost to the satisfaction of the General Manager of Public Works Commission, if required.
12. The Owner/Applicant shall provide a Grading and Drainage Plan to the satisfaction of the Manager of Development Engineering or his/her designate, prepared by a qualified Engineer licensed in the Province of Ontario.
13. Receipt of confirmation from the Environmental Services Department indicating that their requirements have been satisfied.
14. Receipt of confirmation that the Building Department requirements have been met.
15. Receipt of confirmation from the Manager of Operations Services or their designate that a driveway permit has been obtained for the retained lot.
16. That the above conditions be fulfilled and the Certificate of Consent be issued on or before January 18, 2026 after which time the consent will lapse.

THAT the reason(s) for approval of B01/2024 are as follows: the proposed consent has regard for the matters under Section 51(24) of the Planning Act, is suitable for the lands, in the public interest, and would not result in adverse impacts on surrounding properties;

THAT pursuant to Sections 53(17) – (18.2) of the Planning Act, R.S.O 1990, c. P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2024-28.”

Electronically signed by V. Kershaw,
Chair/Member

OPPOSED - M. Bodnar
Member

ABSENT - T. Cupoli
Member

Electronically signed by G. Kempa,
Member

Electronically signed by T. Gaskin,
Member

Electronically signed by M. Simpson,
Member

ABSENT - J. Panag
Member

CERTIFICATION

I hereby certify that this is a true copy of the original document


Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Secretary-Treasurer, Committee of Adjustment, (519)759-4150 CofA@brantford.ca.

APPEALS

The applicant, the Minister, a specified person (as defined under Section 1(1) of the *Planning Act*), or public body that has an interest in the matter may, not later than 20 days after the giving of notice of a decision under Section 53(17) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal. **Please note that members of the public are no longer entitled to appeal decisions of the Committee of Adjustment.**

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The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

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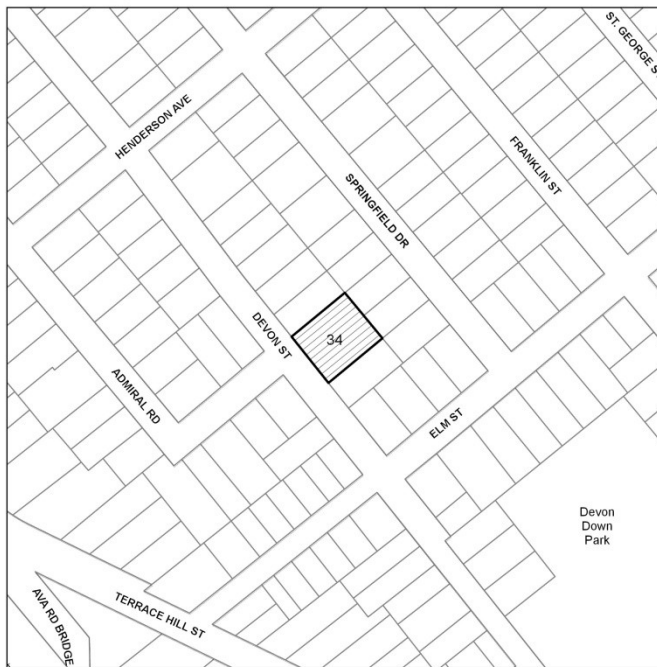
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is February 8, 2024

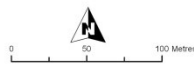
END OF DECISION

LOCATION MAP

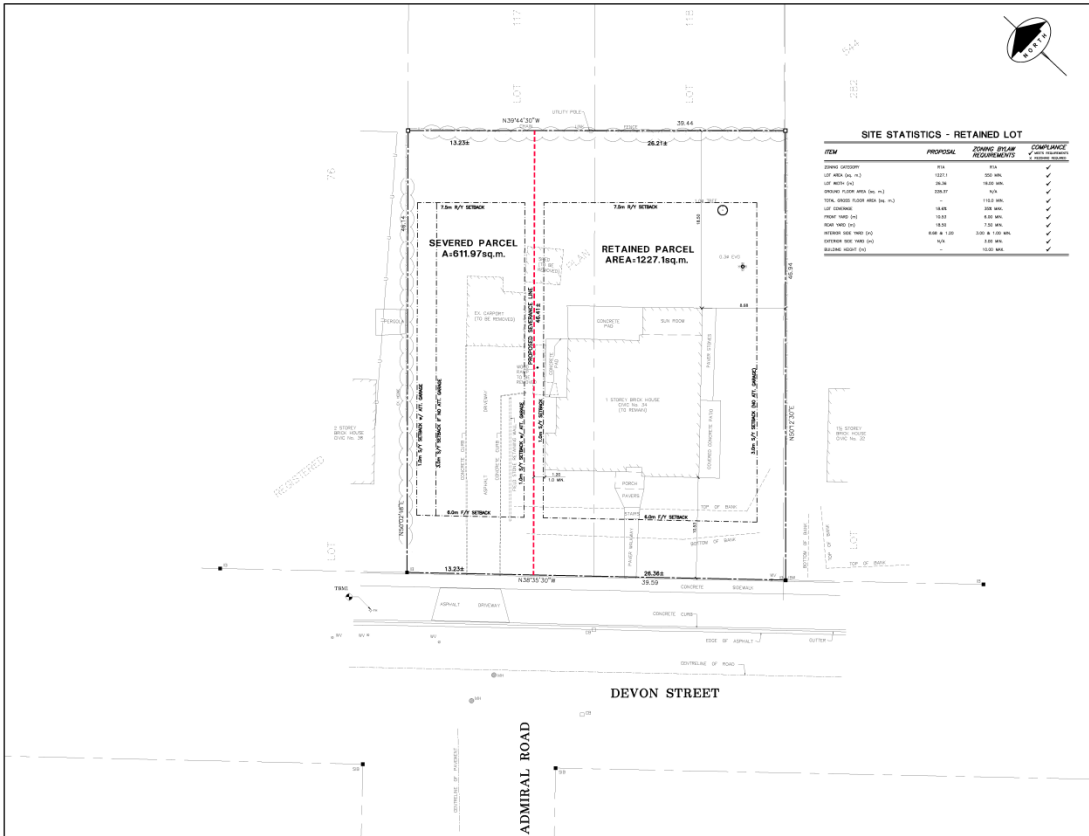
LOCATION MAP
Application: B01/2024 & A01/2024
34 Devon Street



Legend
SUBJECT LAND



CONCEPT PLAN



SITE STATISTICS - RETAINED LOT

| ITEM | PROPOSAL | ZONING BY-LAW REQUIREMENTS | COMPLIANCE |
|----------------------------------|----------|----------------------------|------------|
| SETBACK (MIN) | 6.14 | 6.14 | ✓ |
| LOT AREA (sq. ft.) | 1227.1 | 550 sq. ft. | ✓ |
| LOT WIDTH (ft.) | 26.24 | 14.50 sq. ft. | ✓ |
| FRONT YARD SETBACK (ft.) | 10.07 | 6.14 | ✓ |
| TOTAL GROSS FLOOR AREA (sq. ft.) | 14.04 | 1150 sq. ft. | ✓ |
| LOT COVERAGE | 1.14% | 20% | ✓ |
| PROPOSED FLOOR AREA (sq. ft.) | 14.04 | 1150 sq. ft. | ✓ |
| MAXIMUM HEIGHT (ft.) | 12.50 | 8.50 sq. ft. | ✓ |
| MAXIMUM SETBACK (ft.) | 10.07 | 7.25 sq. ft. | ✓ |
| SETBACK SIDE YARD (ft.) | 6.14 | 3.00 x 1.00 sq. ft. | ✓ |
| SETBACK REAR YARD (ft.) | 6.14 | 3.00 sq. ft. | ✓ |
| SETBACK FRONT (ft.) | 10.07 | 10.00 sq. ft. | ✓ |

LEGEND

- EXISTING SEWERAGE
- PROPOSED SEWERAGE
- PROPOSED DRAINAGE
- PROPOSED DRIVE
- EXISTING DRIVE

NOTES

- ALL SEWERAGE SHALL BE METRIC.
- PROPOSED SEWERAGE SHALL BE METRIC.

FORMING SURVEY PROVIDED BY:
 REGISTERED SURVEYOR OF ONTARIO
 J.H. COHOON ENGINEERING LIMITED
 34 DEVON STREET, TORONTO, ONT. M5S 1A5
 TEL: (416) 593-8888 FAX: (416) 593-8889
 WWW.JHCOHOON.COM

T.B.M. No. 1 ELEV. = 237.26m (GG20)
 TOP OF LOT OF THE PROPERTY OF INTEREST TO BE SHOWN

J.H. COHOON ENGINEERING LIMITED
 CONSULTING ENGINEERS

PROPOSED SEVERANCE
 LOTS 74 & 75
 R-PLAN 544
 34 DEVON STREET
 CITY OF BRANTFORD

SEVERANCE PLAN

| | | |
|----------|------|--------|
| DATE | DATE | SCALE |
| 2023 | 2023 | 1:1000 |
| DESIGN | DATE | SCALE |
| 2023 | 2023 | 1:1000 |
| REVISION | DATE | SCALE |
| 2023 | 2023 | 1:1000 |
| DATE | DATE | SCALE |
| 2023 | 2023 | 1:1000 |



THE CORPORATION OF THE CITY OF BRANTFORD
CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2
TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT REVISED DECISION OF THE COMMITTEE

File Number: B02/2024
Related File Numbers: N/A
Address: 435 Nelson Street
Roll Number: 2906040011162000000
Agent: N/A
Owner/Applicant: Nicola and Karen Valletta

IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

PROPOSAL:

A Consent application has been received for the lands municipally known as **435 Nelson Street**. The subject lands contain a 3 unit street townhouse (Units A,B,C). The applicant proposes the severance of the western unit (435 A Nelson St.) from the balance of the lands.

The proposed lot dimensions are as follows:

| Zoning Provision | Retained | Severed |
|------------------|-----------------------|-----------------------|
| Lot Frontage | 16.42 m | 7.96 m |
| Lot Area | 631.26 m ² | 306.37 m ² |

DECISION: APPROVED

DATE: February 7, 2024

THAT Consent application B02/2024 requesting to sever a parcel of land from the subject property municipally addressed as 435 Nelson Street, having a lot area of 306.37 m² BE APPROVED subject to the following conditions;

1. Receipt of a registered reference plan showing the severed and retained parcels.
2. Receipt of confirmation that all taxes are paid up to date;
3. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*);
4. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
5. The Owner/Applicant shall provide a Servicing Plan to the satisfaction of the Manager of Development Engineering or his/her designate and the Manager of Capital and Development, Environmental Services, or his/her designate, indicating that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection and that these services do not cross the proposed severance line and are connected directly to City infrastructure.

6. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
8. Receipt of confirmation from the Environmental Services Department indicating that their requirements have been satisfied.
9. Receipt of confirmation that the Building Department requirements have been met.
10. That the above conditions be fulfilled and the Certificate of Consent be issued on or before January 18, 2026, after which time the consent will lapse.

THAT the reason(s) for approval of B02/2024 are as follows: the proposed consent has regard for the matters under Section 51(24) of the Planning Act, is suitable for the lands, in the public interest, and would not result in adverse impacts on surrounding properties;

THAT pursuant to 53(17)-(18.2) of the Planning Act, R.S.O 1990, c. P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2024-29.”

**Electronically signed by G. Kempa,
Chair/Member**

**Electronically signed by M. Bodnar,
Member**

**Electronically signed by T. Cupoli,
Member**

**Electronically signed by V. Kershaw,
Member**


**Electronically signed by T. Gaskin,
Member**

**Electronically signed by M. Simpson,
Member**

**ABSENT - J. Panag,
Member**

CERTIFICATION

I hereby certify that this is a true copy of the original document


Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Secretary-Treasurer, Committee of Adjustment, (519)759-4150 CofA@brantford.ca.

APPEALS

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Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

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Notice of Changes

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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is March 4, 2024

END OF DECISION

LOCATION MAP

Application: B02/2024
435 Nelson Street

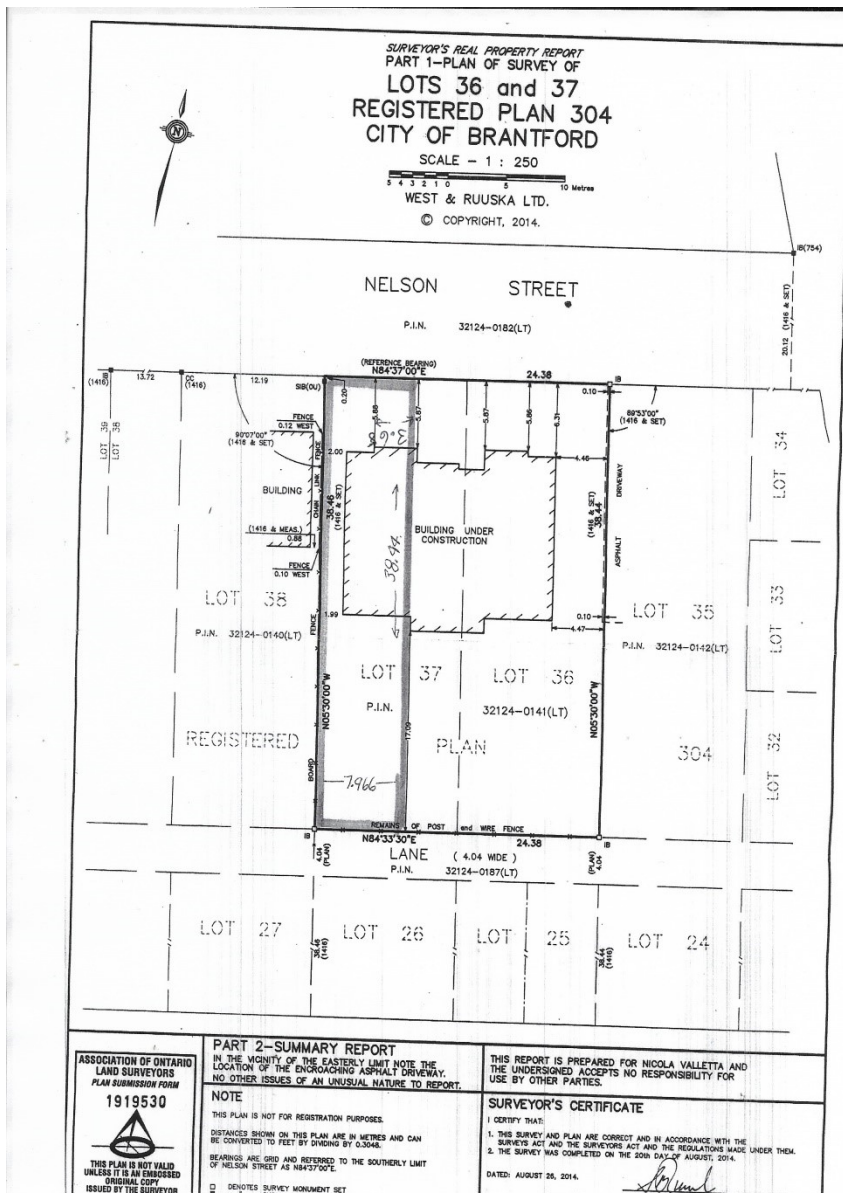


Legend

SUBJECT LAND



CONCEPT PLAN



| | | |
|--|--|---|
| <p>ASSOCIATION OF ONTARIO LAND SURVEYORS PLAN SUBMISSION FORM 1919530</p> <p><small>THIS PLAN IS NOT VALID UNLESS IT IS AN UNREVOKED ORIGINAL COPY ISSUED BY THE SURVEYOR</small></p> | <p>PART 2 - SUMMARY REPORT IN THE VICINITY OF THE EASTERLY LIMIT NOTE THE LOCATION OF THE ENCRANCHING ASPHALT DRIVEWAY, AND OTHER ISSUES OF AN UNUSUAL NATURE TO REPORT.</p> <p>NOTE THIS PLAN IS NOT FOR REGISTRATION PURPOSES. DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. BEARINGS ARE GIVEN AND REFERRED TO THE SOUTHERLY LIMIT OF NELSON STREET AS N44°17'00"E.</p> <p><input type="checkbox"/> DENOTES SURVEY MONUMENT SET <input type="checkbox"/> SURVEY MONUMENT SET</p> | <p>THIS REPORT IS PREPARED FOR NICOLA VALLETTA AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.</p> <p>SURVEYOR'S CERTIFICATE I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM. 2. THE SURVEY WAS COMPLETED ON THE 20th DAY OF AUGUST, 2014.</p> <p>DATE: AUGUST 26, 2014.</p> |
|--|--|---|



THE CORPORATION OF THE CITY OF BRANTFORD
CITY HALL, 58 DALHOUSIE STREET, BRANTFORD, ON N3T 2J2
TELEPHONE 519-759-4150

**COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE**

File Number: A02/2024
Related File Numbers: N/A
Address: 108-110 Albion Street
Roll Number: 290602000313500000 and 290602000313400000
Agent: George Ziotek
Owner/Applicant: Dexter Stewart

**IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION
45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

A Minor Variance application has been received for the lands municipally addressed as **108 and 110 Albion Street**. The applicant proposes to demolish the existing single-detached dwelling and construct a semi-detached dwelling, with each side of the semi-detached dwelling containing an Accessory Dwelling Unit. The applicant proposes two parking spaces for each property; one in the garage, and one alongside the driveway. To facilitate this development, the applicant is requesting relief from the following section of Zoning By-law 160-90:

- Section 6.18.3.9 to permit a 40% landscaped open space in the required front yard, whereas a minimum of 50% is otherwise required.

The subject lands are designated “Residential” in the Official Plan and zoned “Residential Conversion” (RC) in Zoning By-law 160-90.

DECISION: APPROVED

DATE: January 18, 2024

- THAT Application A02/2024 requesting relief from Section 6.18.3.9 of the City of Brantford Zoning By-law 160-90 to permit 40% Landscaped Open Space in the required front yard whereas a minimum of 50% is otherwise required, BE APPROVED, conditional upon the registration of an environmental easement for operational noise and vibration emissions, in favour of CN Rail;
- THAT the reasons for approval of the minor variance are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and,
- THAT pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O. 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision: “Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of report 2024-24.”

Electronically signed by V. Kershaw,
Chair/Member

Electronically signed by M. Bodnar
Member

ABSENT - T. Cupoli,
Member

Electronically signed by T. Gaskin
Member

Electronically signed by G. Kempa,
Member

ABSENT - J. Panag,
Member

Electronically signed by M. Simpson
Member

CERTIFICATION

I hereby certify that this is a true copy of the original document


Secretary/Treasurer

ADDITIONAL INFORMATION

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APPEALS

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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is February 7, 2024

END OF DECISION

LOCATION MAP

Application: A02/2024
108-110 Albion Street



Legend

SUBJECT LANDS



Variance Sketch

Parking Spot **Accessory Dwelling Unit**
2.75m wide x 5.60m long
compliant to Zoning Bylaw Sec. 6.18.3.3

Parking Spot **Semi-Detached Dwelling Unit**
2.75m x 5.60m long
compliant to Zoning Bylaw Sec. 6.18.7.1 – Table 6.1

Front Yard Area Proposed = 7.10m x 10.15m = 72.07m² / 775.76ft²
 Front Yard Area Required = 72.07m² + 2 = 36.03m² / 387.82ft²
 Parking Spaces Area = (7.10m x 3.91m) + (5.60m x 2.75m) = 43.16m² / 464.57ft²
 Front Yard Area Available = (72.07m² - 43.16m²) + 72.07m² = 40.11%
 Front Yard Area Deficient = (72.07m² + 2) - [(72.07m² - 43.16m²) + 72.07m²] = 9.89%

Parking Space Areas:

(A) 5.60m x 2.75m = 15.40m² / 165.76ft²
 (B) 7.10m x 3.91m = 27.76m² / 298.81ft²
 Total Parking Area = 43.16m² / 464.57ft²

GEORGE J.P. ZIOTEK, Dipl. T., M.A.A.T.O.
ARCHITECTURAL TECHNOLOGIST

10 Humberstone Avenue
BRANTFORD, Ontario N3S 7A4

tel. (519) 752-4529
cell. (519) 758-7459
e-mail ziotek@rogers.com

The undersigned has the Qualification(s) as set out in Div. C Part 3 Sect. 3.2.1(1) and 3.2.4.1(1) of the Ontario Building Code, Ontario Regulation 330/12 as amended, and, undertakes responsibility for the design activities as described in Sub. 15.1(1) of the Building Code Act, S.O. 1992, c.23, as amended, in respect of the Project as described by the herein document(s).

BCIN / NICB: 21998 / 31427

Note: This document is valid only when stamped by way of an original wet seal in red ink, signed and dated by the Designer.

REV. 28.11.09

proposed residence design for

Mr. & Mrs. D. Stewart
108 / 110 Albion Street
BRANTFORD, Ontario

Site Layout Plan
scale: **1a**



THE CORPORATION OF THE CITY OF BRANTFORD
CITY HALL, 58 DALHOUSIE STREET, BRANTFORD, ON N3T 2J2
TELEPHONE 519-759-4150

**COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE**

File Number: A03/2024
Related File Numbers: N/A
Address: 40 Niagara Street
Roll Number: 2906020007037000000
Agent: Spencer Brown
Owner/Applicant: Benikaid Inc. c/o Jeff Tang-Kong

**IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION
45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

A Minor Variance application has been received for the lands municipally addressed as **40 Niagara Street**. The subject lands are currently vacant, and have been approved for a severance, however the conditions of approval have not yet been fulfilled. To facilitate the development of the residential unit with two Accessory Dwelling Units, and four parking spaces, the applicant is requesting relief from the following Sections of Zoning By-law 160-90:

- Section 6.18.3.3 to permit more than one parking space in the required front yard, whereas it is not otherwise permitted; and
- Section 6.18.3.9 to permit a 32.5% landscaped open space in the required front yard, whereas a minimum of 50% is otherwise required, and;

The subject lands are designated “Residential” in the Official Plan and zoned “Residential Conversion” (RC) in Zoning By-law 160-90.

DECISION: APPROVED

DATE: January 18, 2024

- THAT application A03/2024 seeking relief from Section 6.18.3.3 of Zoning By-law 160-90 to permit two parking spaces in the required front yard, whereas a maximum of one is otherwise permitted, BE APPROVED, conditional upon the submission of an archaeological assessment which will need to start with a Stage 1 Archaeological Assessment and include any subsequent assessments as required by Provincial guidelines, to the satisfaction of the Chief Planner;
- THAT the reasons for the approval of the minor variance are as follows: the proposed variance that would provide relief from Section 6.18.3.3 is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands;

- C. THAT Application A03/2024 requesting relief from Sections 6.18.3.9 of Zoning By-law 160-90 to permit 32% landscaped open space in the required front yard, whereas a minimum of 50% is otherwise required, BE APPROVED, conditional upon the submission of an archaeological assessment which will need to start with a Stage 1 Archaeological Assessment and include any subsequent assessments as required by Provincial guidelines, to the satisfaction of the Chief Planner;
- D. THAT the reasons for the approval of the minor variance are as follows: the proposed variance that would provide relief from Section 6.18.3.9 is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and,
- E. THAT pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O. 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision: *“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of report 2024-26.”*

**Electronically signed by V. Kershaw,
Chair/Member**

**Electronically signed by M. Bodnar
Member**

**ABSENT - T. Cupoli,
Member**

**Electronically signed by T. Gaskin
Member**

**Electronically signed by G. Kempa,
Member**

**ABSENT - J. Panag,
Member**

**Electronically signed by M. Simpson
Member**

CERTIFICATION

I hereby certify that this is a true copy of the original document


Secretary/Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Secretary-Treasurer, Committee of Adjustment, (519)759-4150 CofA@brantford.ca.

APPEALS

The applicant, the Minister, a specified person (as defined under Section 1(1) of the *Planning Act*), or public body that has an interest in the matter may, not later than 20 days after the giving of notice of a decision under Section 45(12) for minor variances) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal. **Please note that members of the public are no longer entitled to appeal decisions of the Committee of Adjustment.**

The fee for an appeal to the Ontario Land Tribunal is \$400.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: “Minister of Finance”. In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$575.00 administrative fee made payable to the Corporation of the City of Brantford.

Notice of Changes

You will be notified of changes to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent, or make a written request to be notified of changes to the conditions of the provisional consent.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

