



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:** A42/2022  
**Related File Numbers:** N/A  
**Address:** 153 Pusey Blvd  
**Roll Number:** 2906030014329920000  
**Applicant/Agent:** Cam Le Trinh  
**Owner:** Cam Le Trinh

**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 153 Pusey Blvd., legally described as Lot 138, Registered Plan 1406. In the Summer of 2022, the applicant had partially constructed what is considered an enclosed porch in the side yard. She had hired a contractor to construct the enclosed porch and was made to believe that he had applied for any necessary permits and that what was being constructed was permitted. The construction was reported to the By-law Department and she was issued a stop work order for building without a permit. When the applicant applied for a Building Permit, she was informed that the construction did not meet the side yard and encroachment provisions of the Zoning By-law. Accordingly, the applicant applied for a minor variance application for a reduced side yard to rectify the situation. The materials provided as part of the complete submission confirmed that in addition to the reduced side yard, the applicant also required a variance for an increased encroachment of the eaves.

To facilitate the development as proposed, the applicant is seeking the following relief from Zoning By-law 160-90:

*Table 1: Requested relief from Zoning By-law 160-90*

Regulation	By-law Section	Required	Proposed	Relief Requested
Minimum Interior Side Yard	7.3.2.1.7.1	1.0 m	0.43 m	0.57 m
Eaves Encroachment	6.4.1.1	0.6 m	0.7 m	0.1 m

**DECISION:           APPROVED**

**DATE:                   October 4, 2023**

THAT application A42/2022 seeking relief from Section 7.3.2.1.7.1 of Zoning By-law 160-90 to permit an interior side yard of 0.4 m for an enclosed porch, whereas a minimum side yard of 1.0 m is required, and from Section 6.4.1.1 to permit eaves to project up to 0.7 m into the required side yard, whereas the maximum permitted

projection is 0.6 m, provided the projection is no closer than 0.3 m to a lot line, BE APPROVED;

THAT the reason(s) for approval of the minor variances are as follows: the proposed variances are 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 is desirable for the appropriate development and use of the subject lands; and,

Pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1990, c. P. 13, 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 2023-593.

**ABSENT - V. Kershaw, Chair**

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

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

**Electronically signed by G. Kempa, Acting Chair**

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

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

**Electronically signed by 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 Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, [shaque@brantford.ca](mailto:shaque@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 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

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.

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/>

#### Notice of Changes

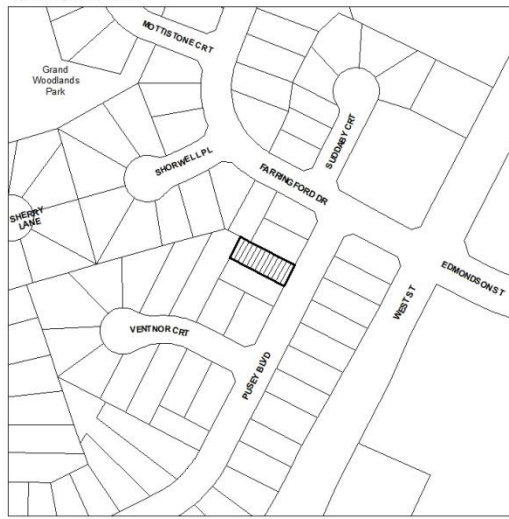
You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

**The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is October 24, 2023**

**END OF DECISION**

**LOCATION MAP**

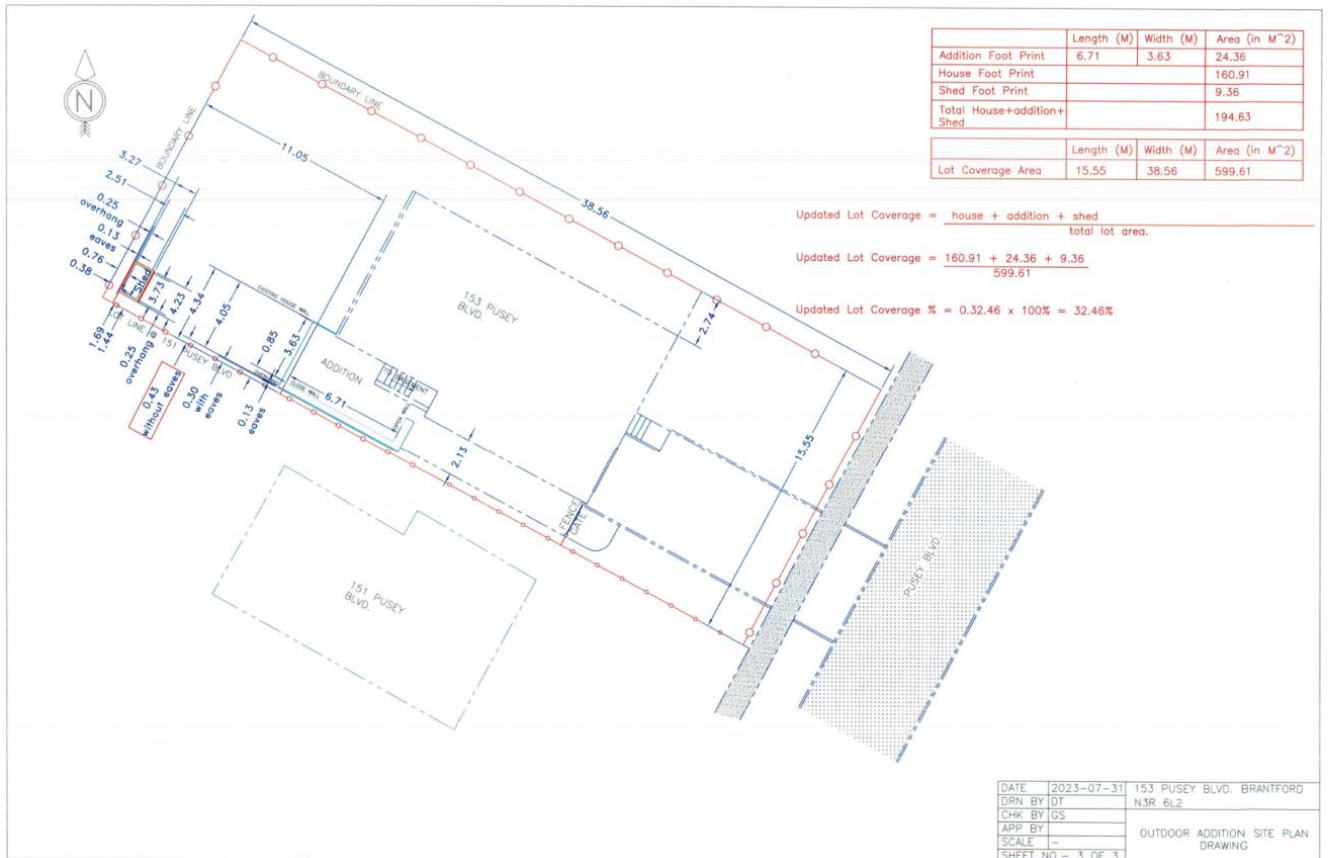
Application: A42/2022  
153 Pusey Boulevard



**Legend**  
 SUBJECT LAND



**Conceptual Site Plan**





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:** B35/2023  
**Related File Numbers:** N/A  
**Address:** 91 Birkett Lane  
**Roll Number:** 2906050007470200000  
**Applicant/Agent:** Corbett Land Strategies Inc c/o Alicia Monteith and Nick Wood  
**Owner:** LIV Developments Ltd

**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 (lot addition and easement) application has been received for the lands municipally addressed as 91 Birkett Lane. The applicant is proposing to sever the southern portion of the property (5.3 ac), to be added to 101 Birkett Lane for the future development of those lands . These parcels are also subject to zoning and plan of subdivision applications for the future development referred to as Riverwalk. The Zoning By-law Amendment was passed by Council in August 2023 but the Draft Plan of Subdivision application is to be dealt with at a later date as the transfer of the (severed) lands from LIV Developments to Cachet Developments (benefiting abutting land owner) is required to facilitate the subdivision application and requisite list of future draft plan conditions. The retained lands are Riverwalk Phase 4 (PZ-14-21, 29T-21503) and the severed and receiving lands are Riverwalk Phases 2 & 3 (PZ-19-21, 29T-21505 and PZ-20-21, 29T-21506). The blanket easement is proposed to be over the severed parcel, in favour of the retained parcel, for the purposes of access, ingress, egress, and servicing. This will allow for the retained lands to continue to have access while simultaneously facilitating the lot addition which is required for the Draft Plan of Subdivision to advance.

	<b>Lands to be Retained</b>	<b>Lands to be Severed</b>
<b>Lot Frontage</b>	N/A (easement for access)	113 m
<b>Lot Area</b>	56,619 m <sup>2</sup>	21,438 m <sup>2</sup>
<b>Proposed use</b>	Riverwalk Phase 4	Riverwalk Phase 3

**DECISION:                    PROVISIONAL APPROVAL**

**DATE:                            October 4, 2023**

THAT Application B35/2023 to sever a parcel of land from the southwestern portion of the lands municipally addressed as 91 Birkett Lane, having a lot area of 21,438 m<sup>2</sup>, and to retain a parcel of land having a lot area of 56,619 m<sup>2</sup>, and to create an easement over the severed lands, in favour of the retained lands, for the purpose of access, ingress, egress and servicing, BE APPROVED, subject to the following conditions;

1. Receipt of a registered reference plan showing the severed, retained and receiving lands and easement.
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 that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer Easement documentation for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*);
5. The Owner/Applicant shall provide a Servicing Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate. The Servicing Plan shall indicate that the severed and retained parcels have been or can be independently serviced with municipal services from a public highway including any agreements or easements as may be required to facilitate servicing of the severed and retained parcels.
6. Birkett Lane is identified in the Official Plan for a road widening to an ultimate right-of-way (ROW) width of 24.5 meters, however due to right-of-way limitations, only a 20.0 metre right-of-way is being pursued. Typically, half of the required widening shall be conveyed to road ROW from this property measured from the centre of the existing road ROW. This will result in an irregularly shaped triangular widening being required due to the existing varied right-of-way adjacent to the dyke. A reference plan will be required with measurements determined by an Ontario Land Surveyor.
7. That the above conditions be fulfilled and the Certificate of Consent be issued on or before October 6, 2025, after which time the consent will lapse.

THAT the reason(s) for approval are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law, specifically Section 9.3 (g – i) of the Official Plan respecting consent applications within the City of Brantford and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and

Pursuant to Section 53(17) – (18.2) of the *Planning Act*, R.S.O 1990, 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 and of Report No. 2023-594.

**ABSENT - V. Kershaw, Chair/Member**

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

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

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

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

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

**Electronically signed by 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 Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, [shague@brantford.ca](mailto:shague@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.

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**Notice of Changes**

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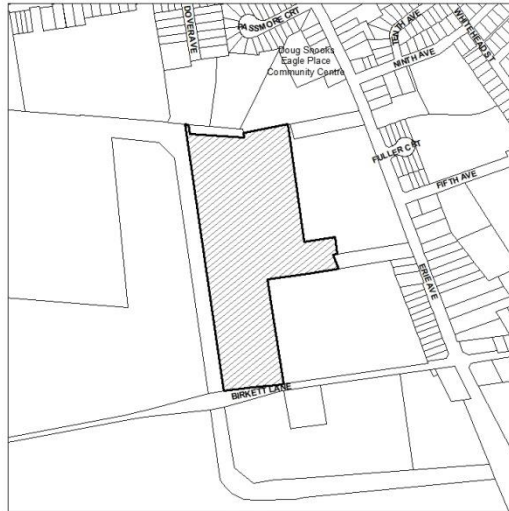
**The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is October 26, 2023**

**END OF DECISION**

# LOCATION MAP

## LOCATION MAP

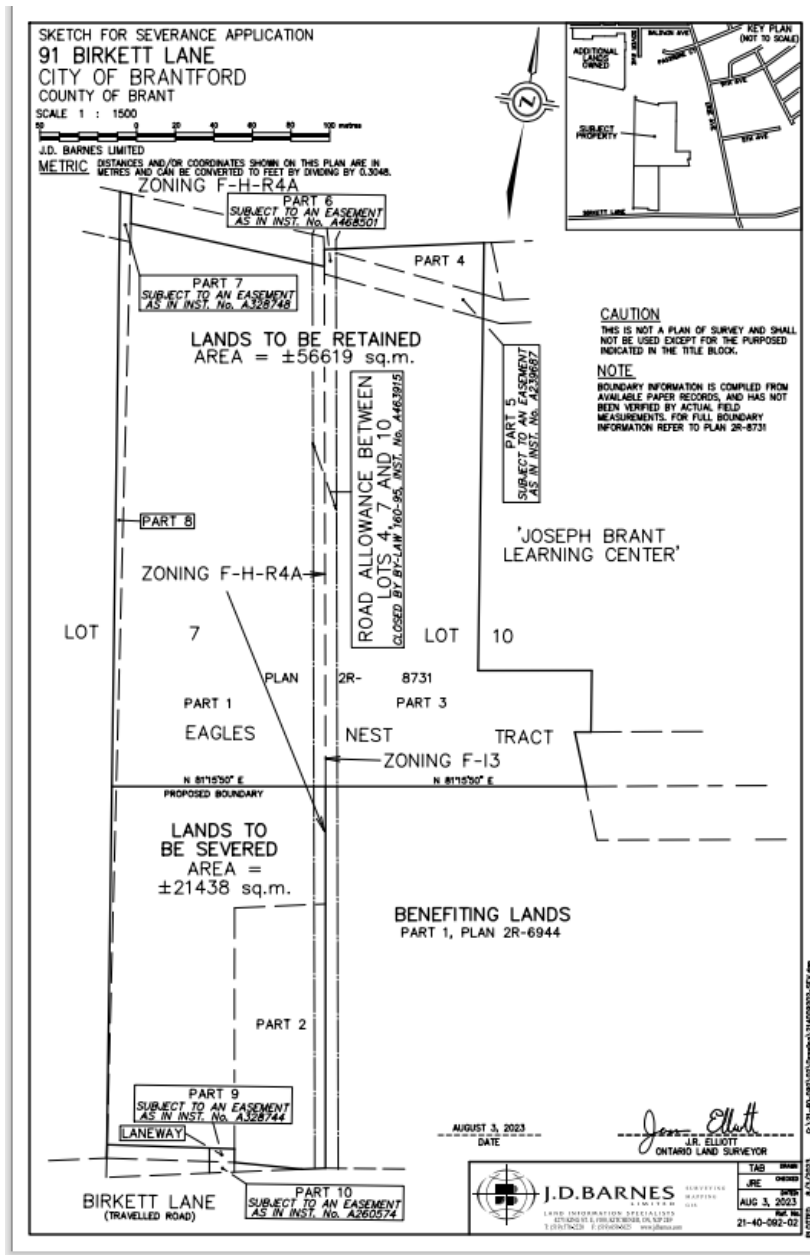
Application: B35/2023  
91 Birkett Lane



**Legend**  
SUBJECT LAND



# CONCEPT PLAN





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:** A33/2023

**Related File Numbers:** N/A

**Address:** 24 Hardy Road, Units 1-9

**Roll Number:** 2906010005001510000, 2906010005001520000,  
2906010005001530000, 2906010005001540000, 2906010005001550000,  
2906010005001560000, 2906010005001570000, 2906010005001580000, and :  
2906010005001590000

**Applicant:** Pretium Engineering Inc. c/o Steve Krysa

**Agent:** G3 Property Solutions c/o Claudia Kartick

**Owner:** Brant Condominium Corporation 58

**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 24 Hard Road (Units 1-9). The subject lands are part of a common elements condominium and have received building permits to replace the existing decks on Units 1-9. Due to the existing footings and on-grade concrete patios, the new decks are being built approximately 0.6 m deeper than the existing decks, which was included in the permit applications. During a footings inspection, it was determined that the increased depth is not in compliance with the encroachment provisions of Zoning By-law 160-90. Accordingly, the applicant has applied for relief from Section 6.4.1.1 to permit a 3.0 m encroachment of an unenclosed deck into the rear yard, whereas the maximum permitted encroachment is 2.5 m, provided the projection is no closer than 1.2 m from the lot line.

**DECISION:           APPROVED**

**DATE:                   October 4, 2023**

THAT application A33/2023 seeking relief from Section 6.4.1.1 of Zoning By-law 160-90 to permit an unenclosed deck to project 3.0 m into the required rear yard, whereas a maximum projection of 2.5 m is permitted, provided the projection is no closer than 1.2 m from the lot line, BE APPROVED;

THAT the reason(s) for approval of the minor variances are as follows: the proposed variances are 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 is desirable for the appropriate development and use of the subject lands; and,

Pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1990, c. P. 13, 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 2023-600.



**ABSENT - V. Kershaw, Chair/Member**

**ABSENT (Declared a conflict of interest)  
- M. Bodnar, Member**

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

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

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

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

**Electronically signed by J. Panag,  
Member**

#### **CERTIFICATION**

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Secretary-Treasurer

#### **ADDITIONAL INFORMATION**

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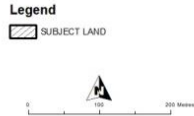
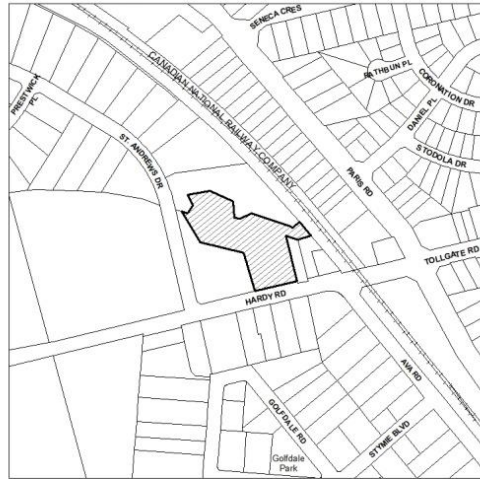
**The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is October 24, 2023**

**END OF DECISION**

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# Location Map

**LOCATION MAP**  
 Application: A33/2023  
 24 Hardy Road (Units 1-9)



# Site Plan

