



April 4, 2024

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: A07-2024
Related File Numbers: N/A
Address: 40 Helen Avenue
Roll Number: 2906010009181000000
Agent: Michael Barton
Owner: Affordable Housing Alternatives Inc.
Applicant: Ajay Kaushik

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:

The City of Brantford has received a Minor Variance application for the lands municipally addressed as **40 Helen Avenue**. This property currently has a single-storey commercial building on site. The proposal is to remove this building and develop a six-storey, residential apartment building containing 50 dwelling units and 61 parking spaces. To facilitate this development the application is requesting the following relief from the City of Brantford's Zoning By-law 160-90:

- **6.18.7.8** - to permit 61 parking spaces whereas 75 are otherwise required;
- **7.11.2.1.2** - to permit a lot width of 15.24 m whereas 30 m is otherwise required;
- **7.11.2.1.6** - to permit a minimum rear yard of 10.3 m whereas 15 m is otherwise required;
- **7.11.2.1.7.1** - to permit a minimum interior side yard of 6.1 m whereas 9 m is required.

Decision: **Approved**

Date: **April 3, 2024**

THAT application A07-2024 seeking relief from Section 6.18.7.8, of Zoning By-law 160-90 to permit a parking ratio of 1.22 parking spaces per dwelling unit, whereas a ratio of 1.5 parking spaces per dwelling unit is otherwise required, BE APPROVED;

THAT application A07-2024 seeking relief from Section 7.11.2.1.2, of Zoning By-law 160-90 to permit a lot width of 15.24 m whereas 30 m is otherwise required, BE APPROVED;

THAT application A07-2024 seeking relief from Section 7.11.2.1.6 of Zoning By-law 160-90 to permit a minimum rear yard of 10.3 m whereas 15 m is otherwise required, BE APPROVED;

THAT application A07-2024 seeking relief from Section 7.11.2.1.7.1 of Zoning By-law 160-90 to permit a minimum interior side yard of 6.1 m whereas 9 m is otherwise required, BE APPROVED;

THAT the reasons for the approval of the minor variance application A07-2024 are as follows: the proposed variances are in keeping with the general intent and purpose of the Zoning By-law and Official Plan, the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands;

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 No. 2024-203.”

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

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

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

ABSENT - T. Gaskin, Member

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

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

Certification

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



K. Pongracz, 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 making of the decision is completed (under Section 45(12) of the *Planning Act*), 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.

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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Notice of Changes

You will be entitled to be notified of 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 **April 23, 2024**

End of Decision

Location Map

LOCATION MAP

Application: A07/2024
40 Helen Avenue

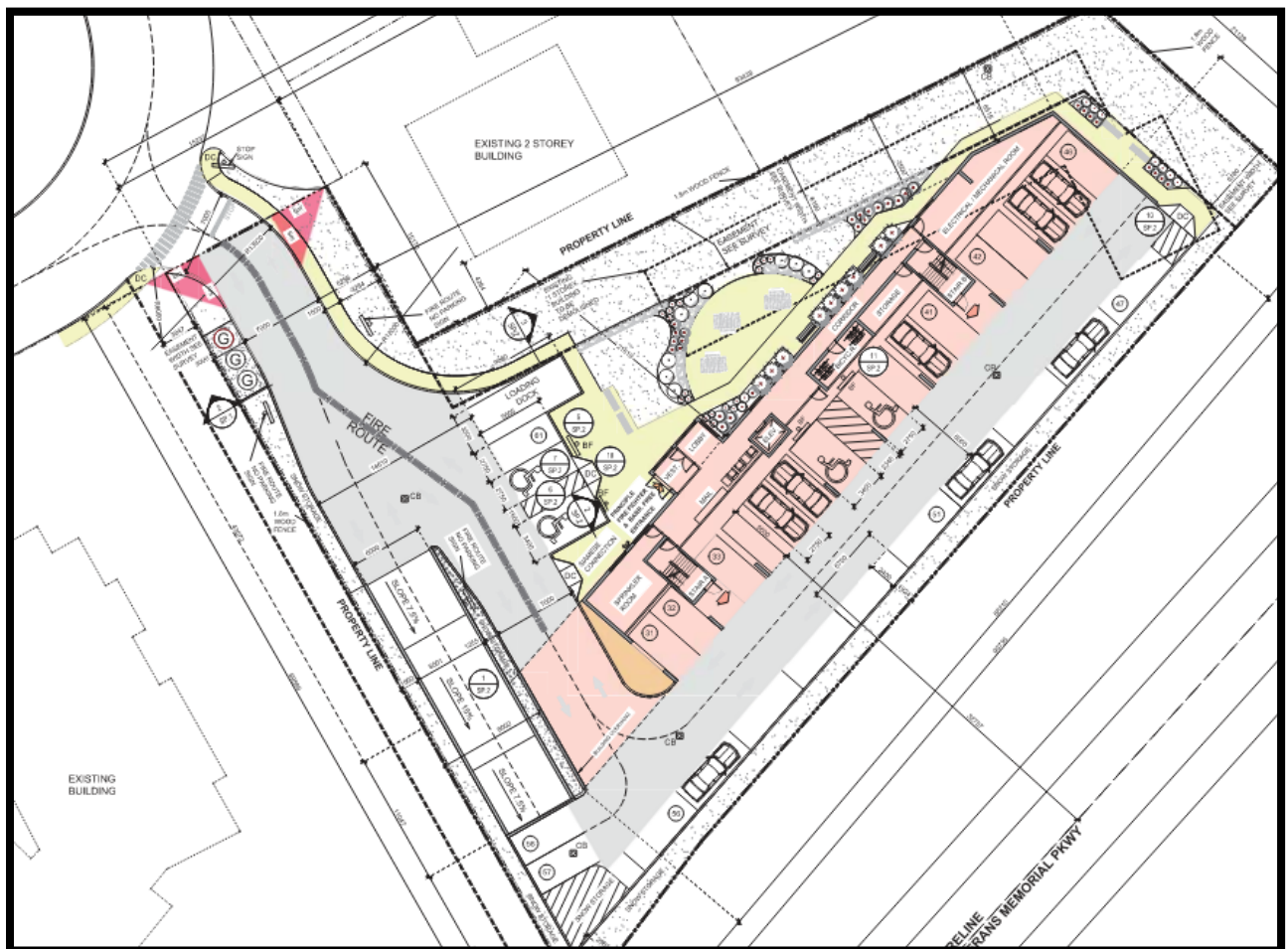


Legend

 SUBJECT LAND



Concept Plan





April 4, 2024

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: A16-2024
Related File Numbers: B16-2024
Address: 29 Elm Street
Roll Number: 2906020010068000000
Agent: George Ziotek
Owner/Applicant: Ullah Muhhamad Bairan

In the matter of an application for consent made under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter 13 as amended:

Proposal:

A consent and minor variance application have been received for the lands municipally addressed as **29 Elm Street**. The subject lands currently have a single detached dwelling on site which is proposed to remain on the retained lands. The purpose of this application is to facilitate the development of a new single detached dwelling on the severed lot.

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

- Section 7.2.2.1.1 to allow a minimum lot area of 367 m² whereas 550 m² is otherwise required (severed)
- Section 7.2.2.1.2 to allow a minimum lot width of 15.09 m whereas 18 m is otherwise required (severed)
- Section 7.2.2.1.3 to allow a maximum lot coverage of 38.83% whereas 35% is otherwise permitted (severed)
- Section 7.2.2.1.5 to allow for a minimum front yard of 4.69 m whereas 6 m is otherwise required (severed)
- Section 7.2.2.1.6 to allow for a minimum rear yard of 5.12 m whereas 7.5 is otherwise required (retained)
- Section 6.18 to allow a parking space within a minimum of .67 m of a property line whereas 1 m is otherwise required (retained)

Decision: Refused

Date: April 3, 2024

THAT application A16-2024 seeking relief from Section 7.2.2.1.6, of Zoning By-law 160-90 to permit, for the proposed retained parcel, a Minimum Rear Yard of 5.12 m whereas 7.5 m is otherwise required, BE REFUSED;

THAT application A16-2024 seeking relief from Section 6.18.3.4, of Zoning By-law 160-90 to permit, for the proposed retained parcel, a parking space that is a minimum of 0.67 m from a property boundary, whereas 1 m is otherwise required, BE REFUSED;

THAT application A16-2024 seeking relief from Section 7.2.2.1.1 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Lot Area of 367.9 m², whereas 550 m² is otherwise required, BE REFUSED;

THAT application A16-2024 seeking relief from Section 7.2.2.1.2 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Lot Width of 15.09 m, whereas 18 m is otherwise required, BE REFUSED;

THAT application A16-2024 seeking relief from Section 7.2.2.1.5 of Zoning By-law 160-90 to permit, for the proposed severed parcel, a Minimum Front Yard of 4.69 m, whereas 6 m is otherwise required, BE REFUSED;

THAT the reasons for the refusal of the minor variance application A16-2024 are as follows: the proposed variance is not in keeping with the general intent and purpose of the Zoning By-law and Official Plan, the relief requested is not considered minor in nature nor desirable for the appropriate development and use of the subject lands;

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 No. 2024-202.”

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

OPPOSED - V. Kershaw, Member

ABSENT - T. Gaskin, Member

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

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

OPPOSED - T. Cupoli, Member

Certification

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K. Pongracz, 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 making of the decision is completed (under Section 45(12) of the *Planning Act*), 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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Brantford ON N3T 2J2

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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is **April 23, 2024**

End of Decision

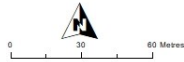
LOCATION MAP

Application: B16/2024 & A16/2024
29 Elm Street

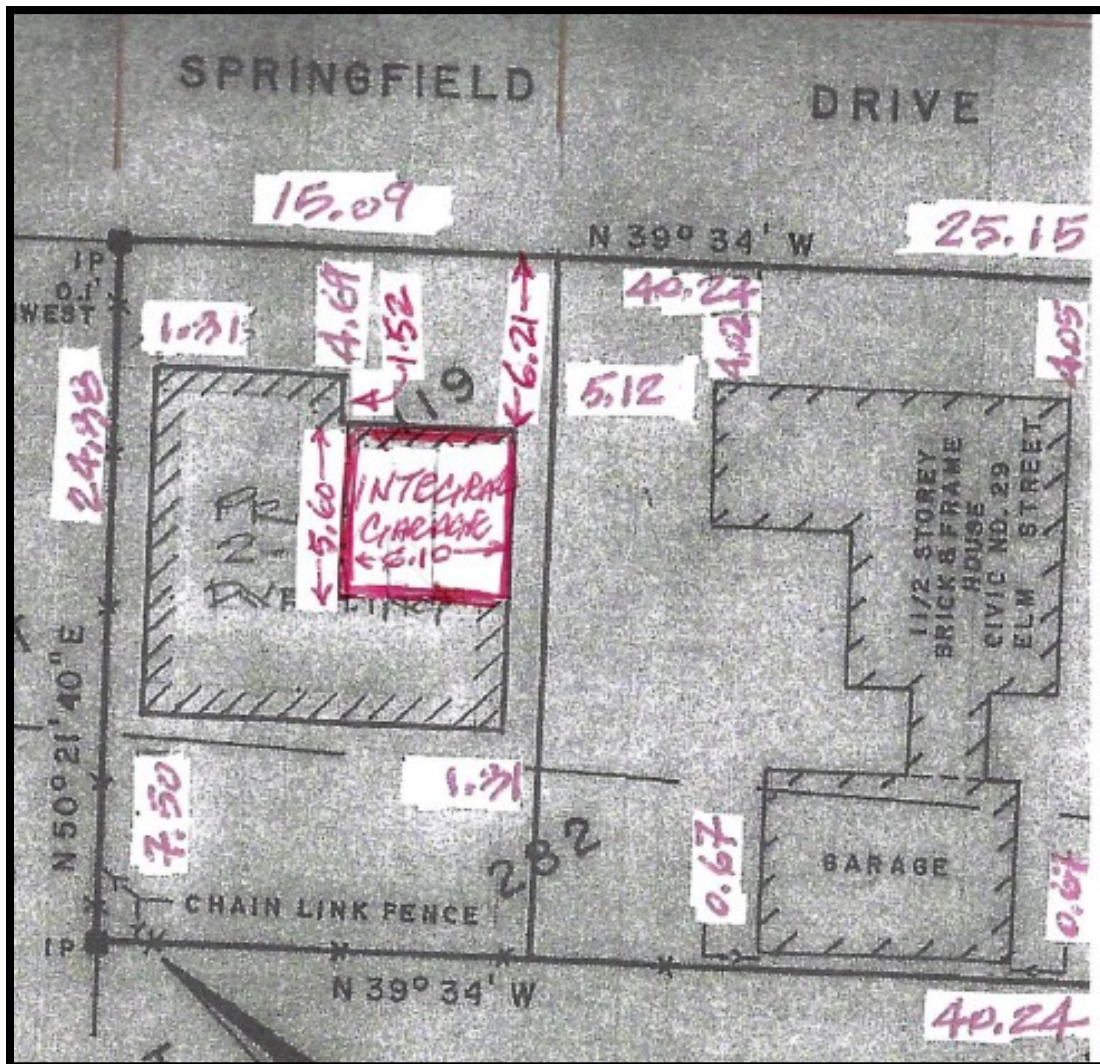


Legend

 SUBJECT LAND



Concept Plan





April 4, 2024

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: B16-2024
Related File Numbers: A16-2024
Address: 29 Elm Street
Roll Number: 2906020010068000000
Agent: George Ziotek
Owner/Applicant: Ullah Muhhamad Bairan

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 and minor variance application have been received for the lands municipally addressed as **29 Elm Street**. The subject lands currently have a single detached dwelling on site which is proposed to remain on the retained lands. The purpose of this application is to facilitate the development of a new single detached dwelling on the severed lot. The proposed lot dimensions are as follows:

Zoning Provision	Retained	Severed
Lot Frontage	24.38 m	15.09 m
Lot Area	613.16 m ²	367.90 m ²

To facilitate this development, the applicant has submitted a concurrent Minor Variance Application.

Decision: Refused

Date: April 3, 2024

THAT Consent application B16-2024 requesting to sever a parcel of land from the subject property addressed as 29 Elm Street, having a lot area of approximately 367.90 m², and to retain a parcel of land having a lot area of approximately 613.16 m², BE REFUSED;

THAT the reason(s) for refusal of B16-2024 are as follows: the proposed consent does not comply with the Zoning By-law, and is not desirable or compatible with the surrounding area and will result in adverse impacts on surrounding properties; and,

THAT pursuant to Section 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. 2024-202.”

Electronically signed by G. Kempa,
Chair/Member

OPPOSED - V. Kershaw, Member

Electronically signed by M. Bodnar,
Member

ABSENT - T. Gaskin, Member

Electronically signed by M. Simpson,
Member

OPPOSED - T. Cupoli, Member

Certification

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



K. Pongracz, 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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Brantford ON
N3T 2J2

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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is **April 24, 2024**


End of Decision

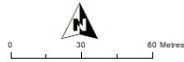
LOCATION MAP

Application: B16/2024 & A16/2024
29 Elm Street

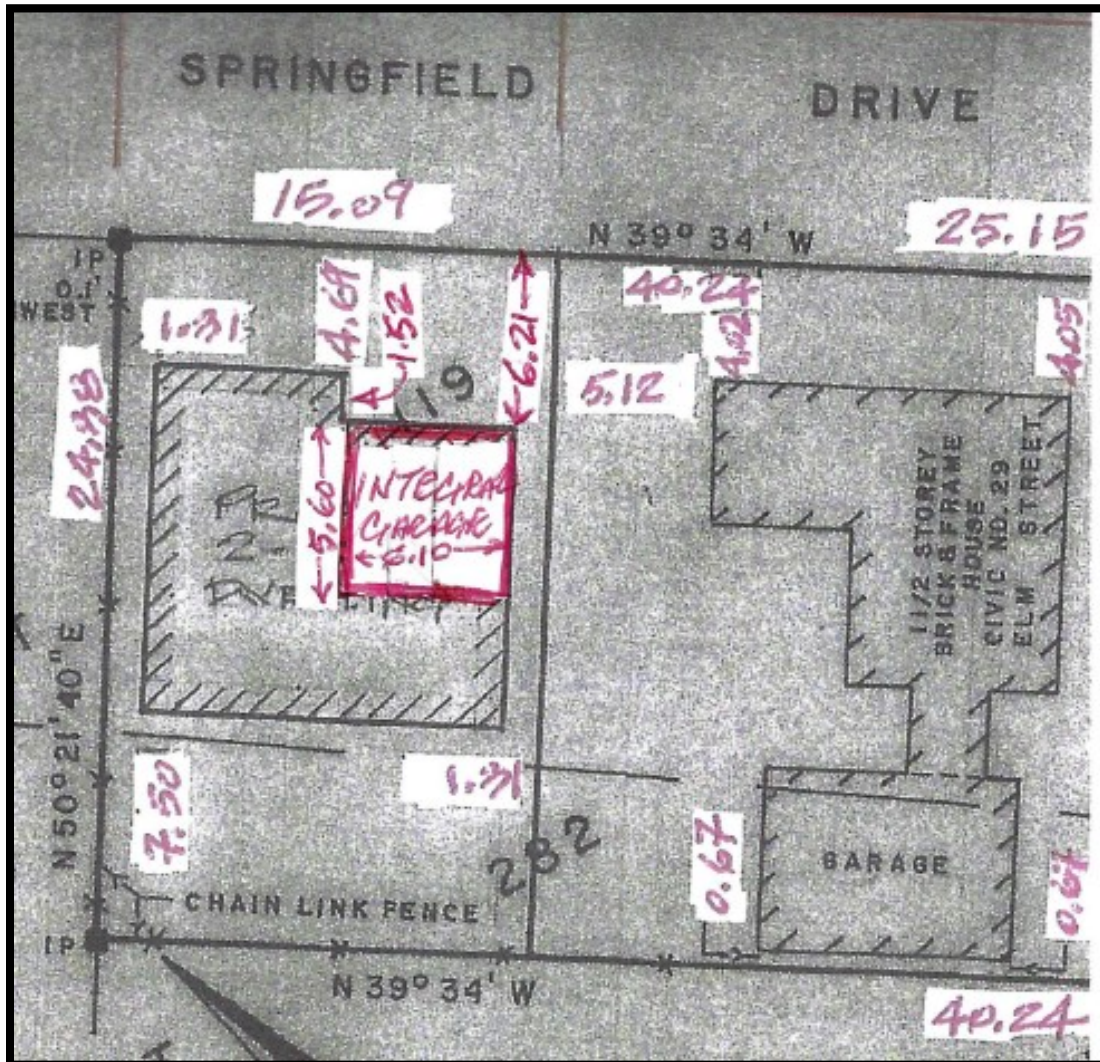


Legend

 SUBJECT LAND



Concept Plan





April 4, 2024

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: A11-2023
Related File Numbers: B05-2023
Address: 71 Anderson Road
Roll Number: 2906010011103880000
Agent: N/A
Owner/Applicant: Richard Woods

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 **71 Anderson Road**. A two-storey single detached dwelling with attached garage is proposed for the severed lot.

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

- Section 7.4.3.21.6 - to permit a rear yard setback of 4.5 m whereas the By-law requires a minimum setback of 7.0 m.

Decision: **Approved**

Date: **April 3, 2024**

THAT application A11-2023 seeking relief from Section 7.4.3.21.7 of Zoning By-Law 160-90 to permit a rear yard setback of 4.5 m for a portion of the lot, whereas a minimum of 7 m is otherwise required, BE APPROVED subject to Consent Application B05-2023 being in full force and effect;

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 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,

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 2024-231.”

Electronically signed by G. Kempa,
Chair/Member

Electronically signed by V. Kershaw,
Member

Electronically signed by M. Bodnar,
Member

ABSENT - T. Gaskin, Member

Electronically signed by T. Cupoli,
Member

Electronically signed by M. Simpson,
Member

Certification

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K. Pongracz, Secretary-Treasurer

Additional Information

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Appeals

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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 **April 23, 2024**.

End of Decision


Location Map

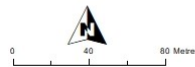
LOCATION MAP

Application: B05/2023 & A11/2023
71 Anderson Road

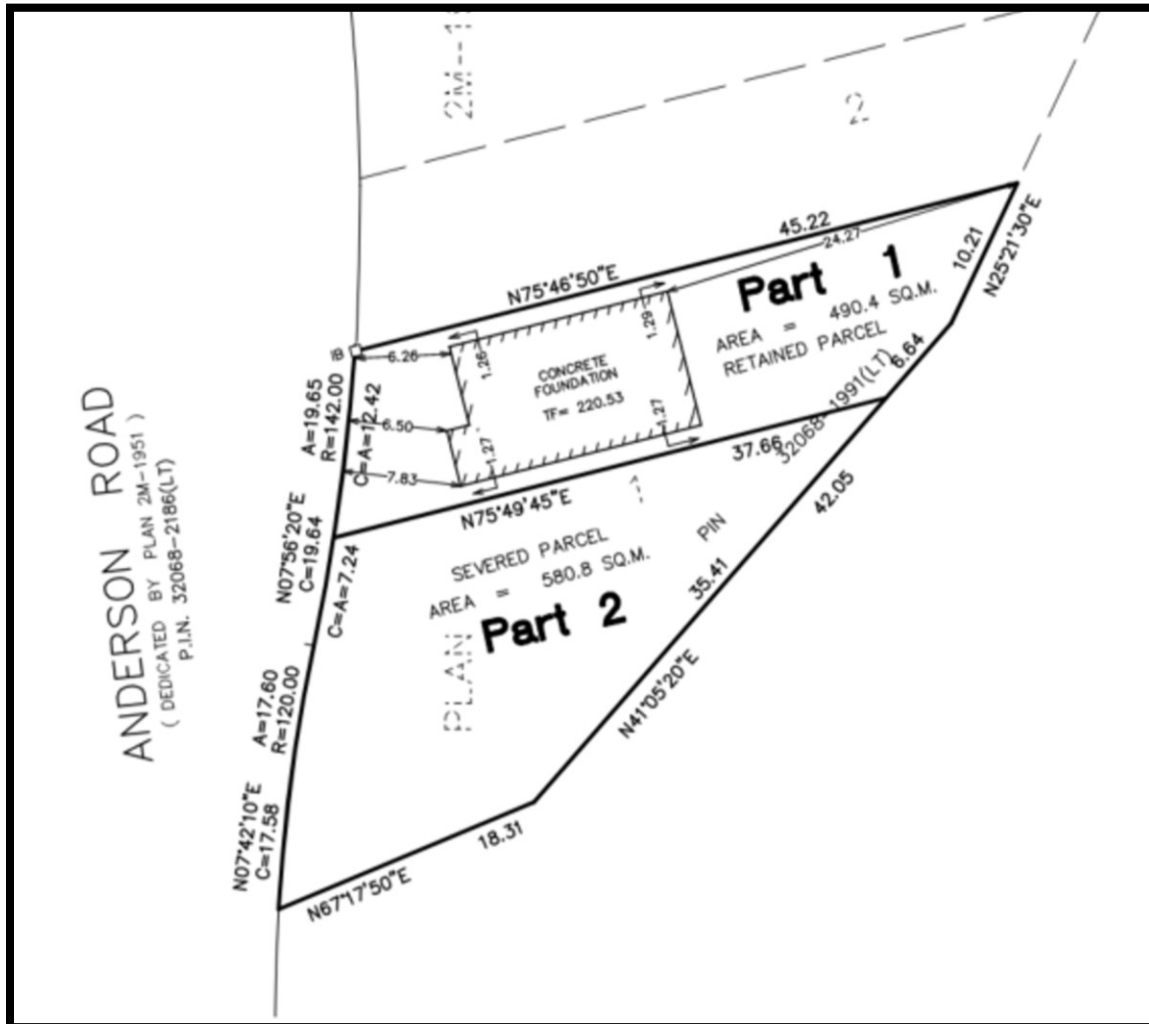


Legend

 SUBJECT LAND



Concept Plan





April 4, 2024

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: B05-2023
Related File Numbers: A11-2023
Address: 71 Anderson Road
Roll Number: 2906010011103880000
Agent: N/A
Owner/Applicant: Richard Woods

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 71 Anderson Road. A two-storey single detached dwelling with attached garage is proposed for the severed lot.

The proposed lot dimensions are as follows:

Zoning Provision	Retained	Severed
Lot Frontage	12.15 m	24.85 m
Lot Area	471 m ²	578.49 m ²

To facilitate the development, the applicant has submitted a concurrent minor variance application.

Decision: **Approved**

Date: **April 3, 2024**

THAT Consent application B05-2023 requesting to sever a parcel of land from the subject property municipally addressed as 71 Anderson Road, having a lot area of 578.49 m² and retain a parcel of land having a lot area of 471 m², BE APPROVED subject to services of the Wyndfield West Phase 6B Stage 1 Subdivision having final assumption by the City of Brantford and subject to the following conditions;

1. Receipt of a registered Reference Plan showing the severed and retained parcels.
2. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
3. Receipt of confirmation that all taxes are paid up to date.

4. 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*).
5. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited Reference Plan showing the severed and retained parcels of land has been received.
6. 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.
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 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 independently serviced with a sanitary and storm sewer connection and that these services do not cross the proposed severance line(s) 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. The Owner/Applicant shall provide a Grading and Drainage 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.
11. The Owner/Applicant shall be responsible, financial and otherwise, to construct and/or restore the City's right-of-way (i.e., sidewalk, curb, driveway, boulevard, road etc.) across the frontage of the severed and retained parcel to the satisfaction of the Manager of Development Engineering or his/her designate.
12. The Owner/Applicant shall provide a Sediment & Erosion Control Plan protecting the adjacent Core Natural Area 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 Manager of Development Engineering or his/her designate, indicating that the aboveground and belowground services of the Wyndfield West Phase 6B Stage 1 Subdivision have final assumption by the City of Brantford.
14. Receipt of confirmation that spatial separation calculations are completed by a qualified designer to the satisfaction of the Building Department.
15. Receipt of confirmation that Owner/Applicant has obtained a building permit for the existing storage structure on the proposed severed parcel or has removed it to the satisfaction of the Building Department.
16. Receipt of confirmation that the current building permit application for the addition to the principle dwelling on the proposed retained parcel (permit number 2022-3888) has been completed or cancelled to the satisfaction of the Building Department.
17. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **April 3, 2026**, after which time the consent will lapse.

THAT the reason(s) for approval of B05-2023 are as follows: having regard for the matters under Section 51 (24) of the Planning Act, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area and will 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 2024-231.”

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

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

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

ABSENT - T. Gaskin, Member

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

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

Certification

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



K. Pongracz, 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 **April 24, 2024**

End of Decision

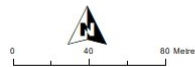
Location Map

LOCATION MAP

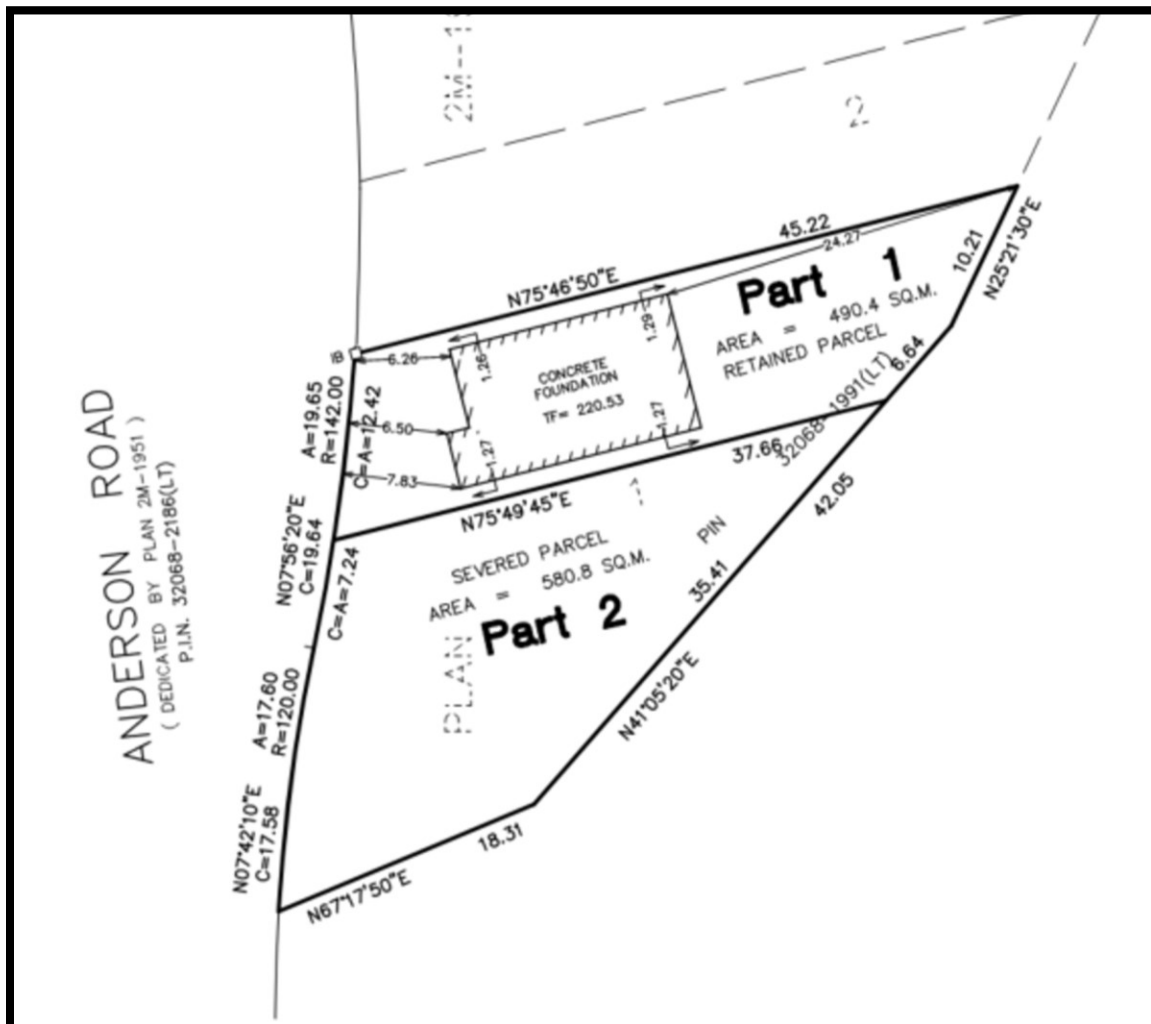
Application: B05/2023 & A11/2023
71 Anderson Road



Legend
 SUBJECT LAND



Concept Plan





April 4, 2024

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: B12-2024
Related File Numbers: N/A
Address: 72 Ava Road
Roll Number: 2906010005055000000
Agent: J.H. Cohoon Engineering Ltd. c/o Bob Phillips
Owner/Applicant: Kasco Properties 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 application has been received for the lands addressed as **72 Ava Road**. Both the retained and severed parcels have a proposed lot area of 983.5 m² and a lot frontage of 27.74 m. The purpose of the application is to facilitate the construction of a 2-storey single detached dwelling on each lot.

The proposed lot dimensions are as follows:

Zoning Provision	Retained	Severed
Lot Frontage	27.74	27.74 m
Lot Area	983.5 m ²	983.5 m ²

Decision: Approved

Date: April 3, 2024

THAT Consent application B12-2024 requesting to sever a parcel of land with an area of 983.5 m² from the subject property municipally addressed as 72 Ava Road, BE APPROVED subject to the following conditions;

1. Receipt of a registered Reference Plan showing the severed and retained parcels.
2. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
3. Receipt of confirmation that all taxes are paid up to date.
4. 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*).

5. That the applicant has submitted a Stage 1 Archaeological Assessment and any subsequent assessments and verified that they have been entered into the Ontario Public Register of Archaeological Reports, to the satisfaction of the Chief Planner.
6. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited Reference Plan showing the severed and retained parcels of land has been received.
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 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.
9. That 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 independently serviced with a sanitary and storm sewer connection to a legal outlet for each parcel of land (severed and retained) and that these services do not cross the proposed severance line(s) and are connected directly to City infrastructure.
10. That the Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary 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.
11. That the Owner/Applicant shall provide a Grading and Drainage 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.
12. That the Owner/Applicant must provide an Arborist Report and a Tree Protection Plan prepared by a qualified Arborist for the Right-of-Way Trees located along Ava Rd and Stymie Blvd. The Arborist Report must provide an assessment of the health and condition of existing trees, identify all retention and removals, and recommend protection measures and replanting opportunities as required; the report shall inform the Tree Protection Plan protection measures which shall include tree protection fencing, root excavation pruning (if required) and root compaction mitigation in lieu of on-site works, all to the satisfaction of the Manager of Development Engineering or his/her designate.
13. The Owner/Applicant shall restore the municipal boulevards (located on the Ava Rd and Stymie Blvd Right-of-Ways) back to City of Brantford Boulevard standards (grassed boulevard) as per the City's Linear Design Manual to the satisfaction of the Manager of Development Engineering or his/her designate.
14. Receipt of confirmation that a daylight triangle measuring 4.5m is conveyed to public roadway at the corner of the property nearest the intersection of Stymie Boulevard at Ava Road. Accompanying 0.3m reserves should also be conveyed. The dimensions shall be confirmed by an Ontario Land Surveyor through the submission of a reference plan to the satisfaction of the Manager of Development Engineering or his/her designate.

15. The Owner/Applicant shall inset the following clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.” A warning clause regarding possible alterations to or expansions of railway facilities be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way.

16. The owner/applicant shall enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement, to the satisfaction of CN Rail.

17. Receipt of confirmation that an environmental easement for operational noise and vibration emissions, registered against the subject property to the satisfaction of CN.

18. Receipt of confirmation that all existing buildings and structures located on the retained and severed parcels are demolished or otherwise removed to the satisfaction of the Building Department;

19. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **April 3, 2026**, after which time the consent will lapse.

THAT the reason(s) for approval of B12-2024 are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area and will 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 2024-213.”

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

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

OPPOSED - M. Bodnar, Member

ABSENT - T. Gaskin, Member

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

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

Certification

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



K. Pongracz, 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.

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.

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/>

Notice of Changes

You will be entitled to be notified of 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 **April 24, 2024**

End of Decision


Location Map

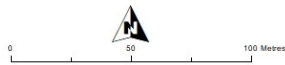
LOCATION MAP

Application: B12/2024
72 Ava Road

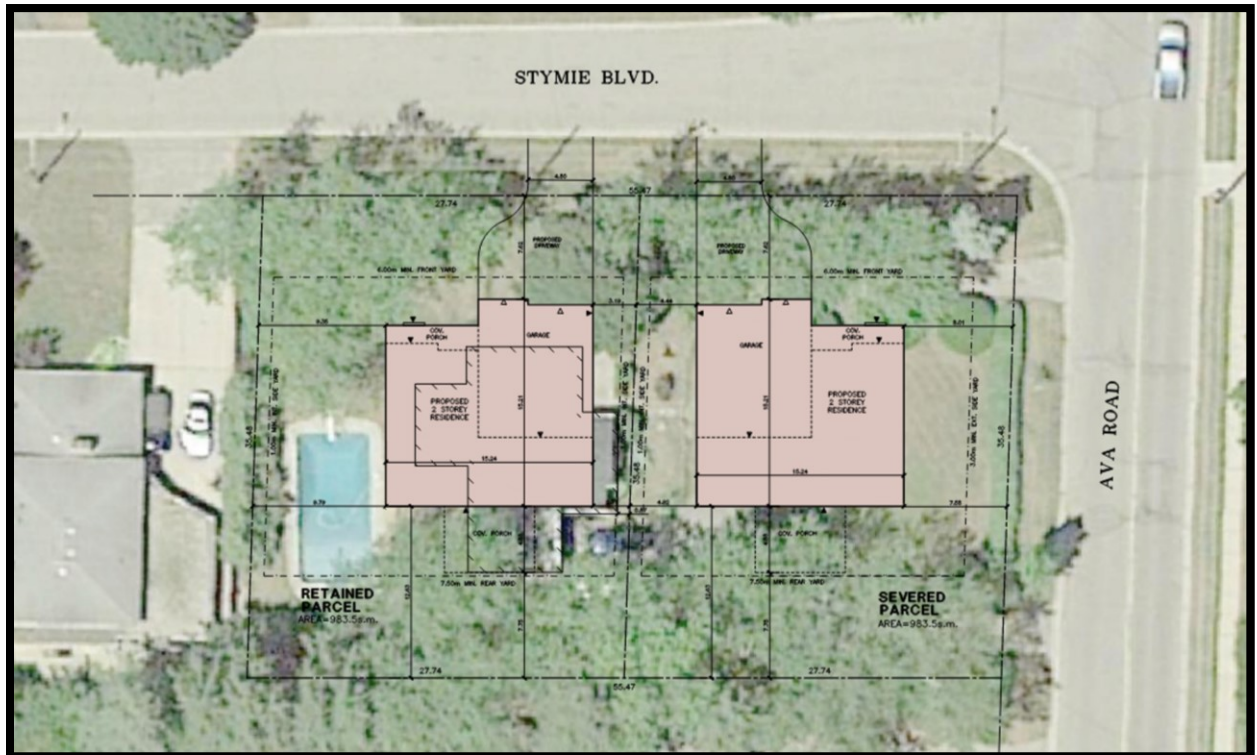


Legend

 SUBJECT LAND



Concept Plan





April 4, 2024

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: A14-2024
Related File Numbers: B14-2024
Address: 12 Eastbourne Street
Roll Number: 2906030008206000000
Agent: N/A
Owner/Applicant: Hugh MacNeil

In the matter of an application for consent made under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter 13 as amended:

Proposal:

A consent and minor variance application have been received for the lands municipally addressed as **12 Eastbourne Street**. The proposed retained lands currently have an existing single detached dwelling to remain.

To facilitate the development, the applicant has requested the following relief from Zoning By-law 160-90:

- **Section 7.5.2.1.2** to permit a lot width of 7.9 m, whereas 9 m is otherwise required.

Decision: **Approved**

Date: **April 3, 2024**

THAT application A14-2024 seeking relief from Section 7.5.2.1.2 of Zoning By-Law 160-90 to permit a lot width of 7.9 m for the severed parcel, whereas a minimum of 9 m is otherwise required, BE APPROVED;

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 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,

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 2024-211.”

Electronically signed by G. Kempa,
Chair/Member

Electronically signed by V. Kershaw,
Member

Electronically signed by M. Bodnar,
Member

ABSENT - T. Gaskin, Member

Electronically signed by T. Cupoli,
Member

Electronically signed by M. Simpson,
Member

Certification

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



K. Pongracz, 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 making of the decision is completed (under Section 45(12) of the *Planning Act*), 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.

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/>

Notice of Changes

You will be entitled to be notified of 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 **April 23, 2024**

End of Decision



April 4, 2024

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: B14-2024
Related File Numbers: A14-2024
Address: 12 Eastbourne Street
Roll Number: 2906030008206000000
Agent: N/A
Owner/Applicant: Hugh MacNeil

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 and minor variance application have been received for the lands municipally addressed as **12 Eastbourne Street**. The proposed retained lands currently have an existing single detached dwelling to remain.

The proposed lot dimensions are as follows:

Zoning Provision	Retained	Severed
Lot Frontage	12.81 m	7.9 m
Lot Area	547 m ²	337 m ²

To facilitate the development, the applicant has submitted a concurrent minor variance application.

Decision: **Approved**

Date: **April 3, 2024**

THAT Consent application B14-2024 requesting to sever a parcel of land from the subject property municipally addressed as 12 Eastbourne Street, having a lot area of 337 m² and a retained parcel of land having a lot area of 547 m², BE APPROVED subject the following conditions;

1. Receipt of a registered Reference Plan showing the severed and retained parcels.
2. Receipt and confirmation that Minor Variance Application A14-2024 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 from the Manager of Development Engineering or his/her designate, indicating that the deposited Reference Plan showing the severed and retained parcels of land has been received.
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 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.
9. 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 independently serviced with a sanitary and storm sewer connection to a legal outlet for each parcel of land (severed and retained) and that these services do not cross the proposed severance line(s) and are connected directly to City infrastructure.
10. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary 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.
11. The Owner/Applicant shall provide a Grading and Drainage 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.
12. Receipt of confirmation that spatial separation calculations as per 9.10.15.4. for an existing house and 9.10.14.4. for an existing garage on retained lot have been completed by a qualified designer, to the satisfaction of the Building Department.
13. Receipt of confirmation that the existing shed currently on the proposed property line has been demolished to the satisfaction of the Building Department.
14. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **April 3, 2026**, after which time the consent will lapse.

THAT the reason(s) for approval of B14-2024 are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area and will 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:

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Electronically signed by G. Kempa,
Chair/Member

Electronically signed by V. Kershaw,
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K. Pongracz, Secretary-Treasurer

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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is **April 24, 2024**

End of Decision

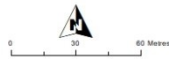
LOCATION MAP

Application: B14-2024 & A14-2024
 12 Eastbourne Street



Legend

SUBJECT LAND



Concept Plan

