



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: A29/2023
Related File Numbers: B27/2023, B28/2023
Address: 72 Ava Road
Roll Number: 2906010005055000000
Applicant/Owner: Kasco Properties Ltd
Agent: J. H. Cohoon Engineering (c/o Bob Phillips)

**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:

Two consent applications and a minor variance application have been received for the lands municipally addressed as 72 Ava Road, legally described as Plan 1000 Section 20 Lot 5. The applicant is requesting to sever the subject property to create two additional lots on the property for the construction of two single-detached dwellings in addition to a retained parcel for a total of 3 residential lots. The property is located at the southern corner of the intersection between Ava Road and Stymie Boulevard, immediately to the west of the CN rail line. To facilitate the development, the applicant is requesting relief from Section 7.2.3.2.2 of Zoning By-law 160-90 to permit a lot width of 18.4 m, whereas a minimum lot width of 24.5 m is required, and from Section 7.2.3.2.1 of Zoning By-law 160-90 to permit a lot area of 655.7 m², whereas a minimum lot area of 745.0 m² is required.

DECISION: REFUSED

DATE: November 1, 2023

THAT Minor Variance application A29/2023 requesting relief from Section 7.2.3.2.2 of Zoning By-law 160-90 to permit a lot width of 18.4 m, whereas a minimum lot width of 24.5 m is required, and from Section 7.2.3.2.1 of Zoning By-law 160-90 to permit a lot area of 655.7 m², whereas a minimum lot area of 745.0 m² is required, BE REFUSED;

THAT the reason(s) for refusal of the minor variances are as follows: the proposed variances are not in keeping with the general intent of Zoning By-law 160-90, the relief requested is not considered minor in nature and is not desirable for the appropriate development and use of the subject lands;

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 No. 2023-551.

Electronically signed by V. Kershaw,
Chair

Electronically signed by M. Bodnar
Member

Electronically signed by 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 Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, 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 making 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 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 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/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 21, 2023

END OF DECISION



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: B27/2023
Related File Numbers: B28/2023 & A29/2023
Address: 72 Ava Road
Roll Number: 2906010005055000000
Applicant/Owner: Kasco Properties Ltd
Agent: J. H. Cohoon Engineering (c/o Bob Phillips)

**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:

Two consent applications and a minor variance application have been received for the lands municipally addressed as 72 Ava Road, legally described as Plan 1000 Section 20 Lot 5. The applicant is requesting to sever the subject property to create two additional lots on the property for the construction of two single-detached dwellings in addition to a retained parcel for a total of 3 residential lots. The property is located at the southern corner of the intersection between Ava Road and Stymie Boulevard, immediately to the west of the CN rail line. This application is for Severed Lot 2.

Lot Dimension	Severed Lot 1	Severed Lot 2	Lands to be Retained
Lot Width	18.49 m	18.49 m	18.49 m
Lot Depth	35.48 m	35.48 m	35.48 m
Lot Area	655.7 m ²	655.7 m ²	655.7 m ²

DECISION: REFUSED

DATE: November 1, 2023

THAT Consent application B27/2023 requesting to sever a parcel of land from the subject land municipally addressed as 72 Ava Road, having a lot area of 655.7 m², and to retain a parcel of land having a lot area of 1,311.4 m², **BE REFUSED;**

THAT the reason(s) for refusal of B27/2023 are as follows: the proposed Consent does not have regard for the matters under Section 51(24) of the *Planning Act*, in that it is not desirable or compatible with the surrounding area, is not suitable for the lands, is not in the public interest, and could result in adverse impacts on surrounding properties and will create an undersized lot for the area;

Pursuant to Section 53(17) – (18.2) 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 No. 2023-551.

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

**Electronically signed by M. Bodnar
Member**

**Electronically signed by 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

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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.

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

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Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

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Notice of Changes

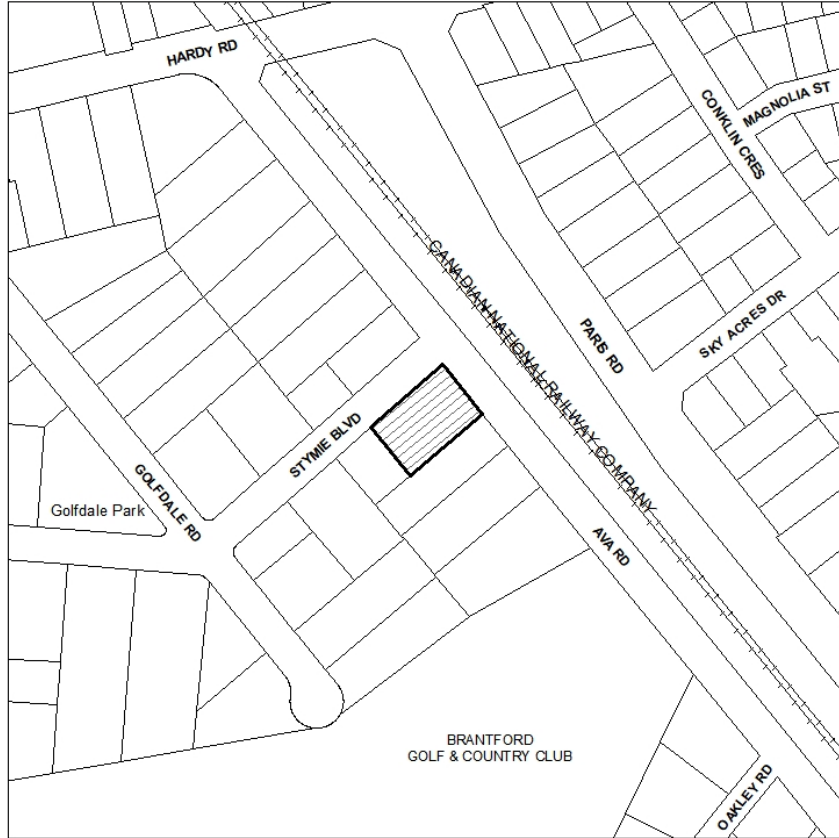
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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 23, 2023


END OF DECISION

LOCATION MAP

Application: B27/2023, B28/2023 & A29/2023
72 Ava Road

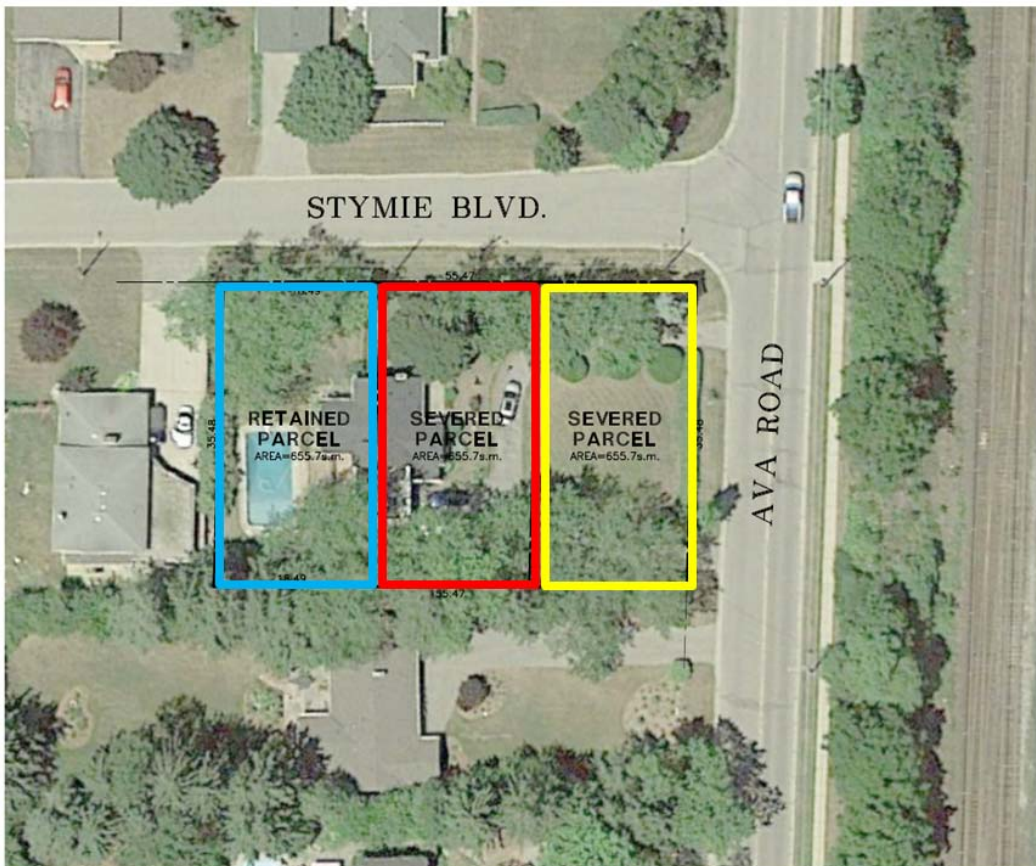





Legend

 SUBJECT LAND




Consent Sketch



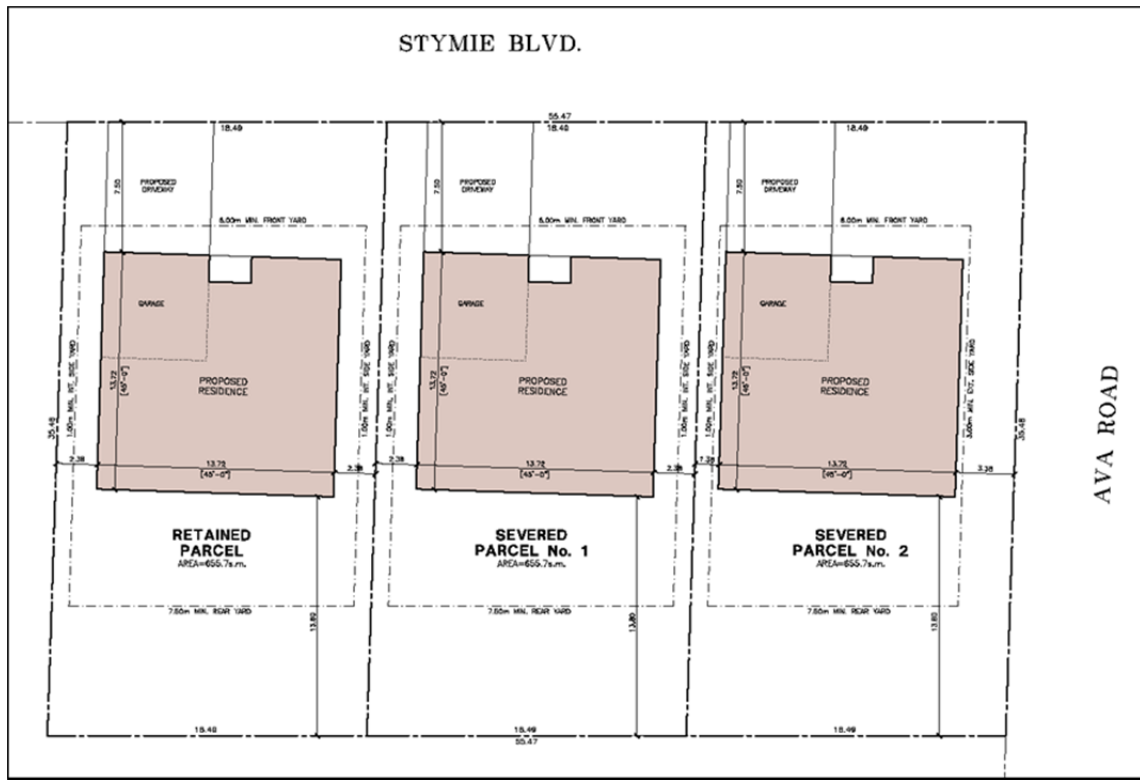
-  Retained Parcel
-  Severed Parcel 1 (B28/2023)
-  Severed Parcel 2 (B27/2023)

CONCEPT #2
 PROPOSED SEVERANCE
 72 AVA ROAD — BRANTFORD

 **J.H. COHOON ENGINEERING LIMITED**
 CONSULTING ENGINEERS
 BRANTFORD

CLIENT: KEN SPIRET JOB: 15643
 SCALE: 1:400

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: B28/2023
Related File Numbers: B27/2023 & A29/2023
Address: 72 Ava Road
Roll Number: 2906010005055000000
Applicant/Owner: Kasco Properties Ltd
Agent: J. H. Cohoon Engineering (c/o Bob Phillips)

**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:

Two consent applications and a minor variance application have been received for the lands municipally addressed as 72 Ava Road, legally described as Plan 1000 Section 20 Lot 5. The applicant is requesting to sever the subject property to create two additional lots on the property for the construction of two single-detached dwellings in addition to a retained parcel for a total of 3 residential lots. The property is located at the southern corner of the intersection between Ava Road and Stymie Boulevard, immediately to the west of the CN rail line. This application is for Severed Lot 1.

Lot Dimension	Severed Lot 1	Severed Lot 2	Lands to be Retained
Lot Width	18.49 m	18.49 m	18.49 m
Lot Depth	35.48 m	35.48 m	35.48 m
Lot Area	655.7 m ²	655.7 m ²	655.7 m ²

DECISION: REFUSED

DATE: November 1, 2023

THAT Consent application B28/2023 requesting to sever a parcel of land from the subject land municipally addressed as 72 Ava Road, having a lot area of 655.7 m², and to retain a parcel of land having a lot area of 655.7 m²,, **BE REFUSED;**

THAT the reason(s) for refusal of B28/2023 are as follows: the proposed Consent does not have regard for the matters under Section 51(24) of the *Planning Act*, in that it is not desirable or compatible with the surrounding area, is not suitable for the lands, is not in the public interest, and could result in adverse impacts on surrounding properties and will create an undersized lot for the area;

Pursuant to Section 53(17) – (18.2) 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 No. 2023-551.

Electronically signed by V. Kershaw,
Chair

Electronically signed by M. Bodnar
Member

Electronically signed by 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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N3T 2J2

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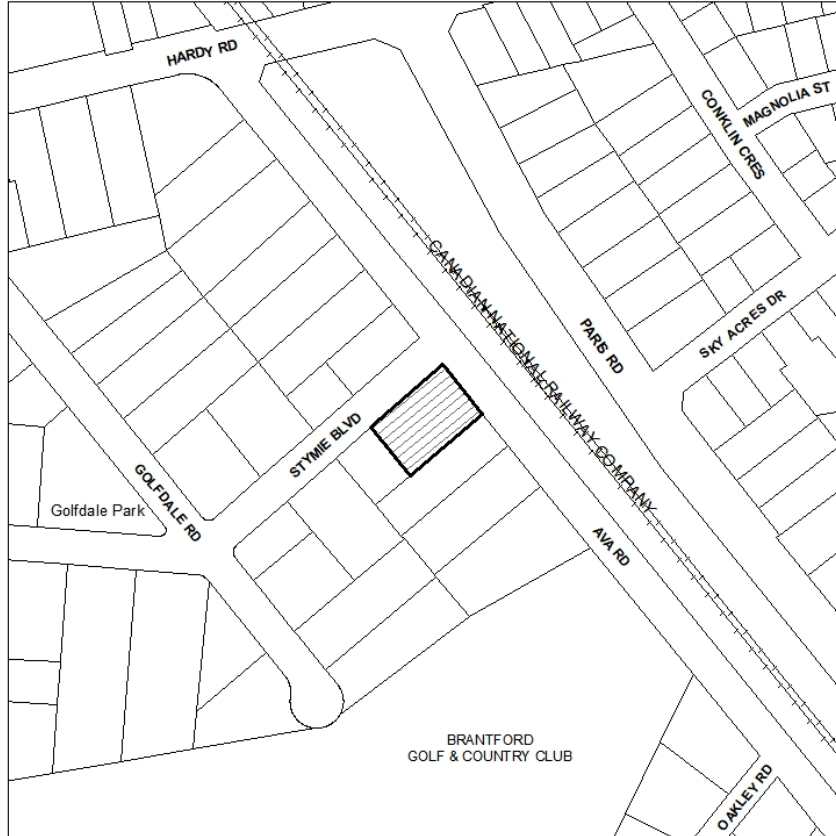
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The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 23, 2023

END OF DECISION

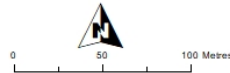
LOCATION MAP

Application: B27/2023, B28/2023 & A29/2023
72 Ava Road

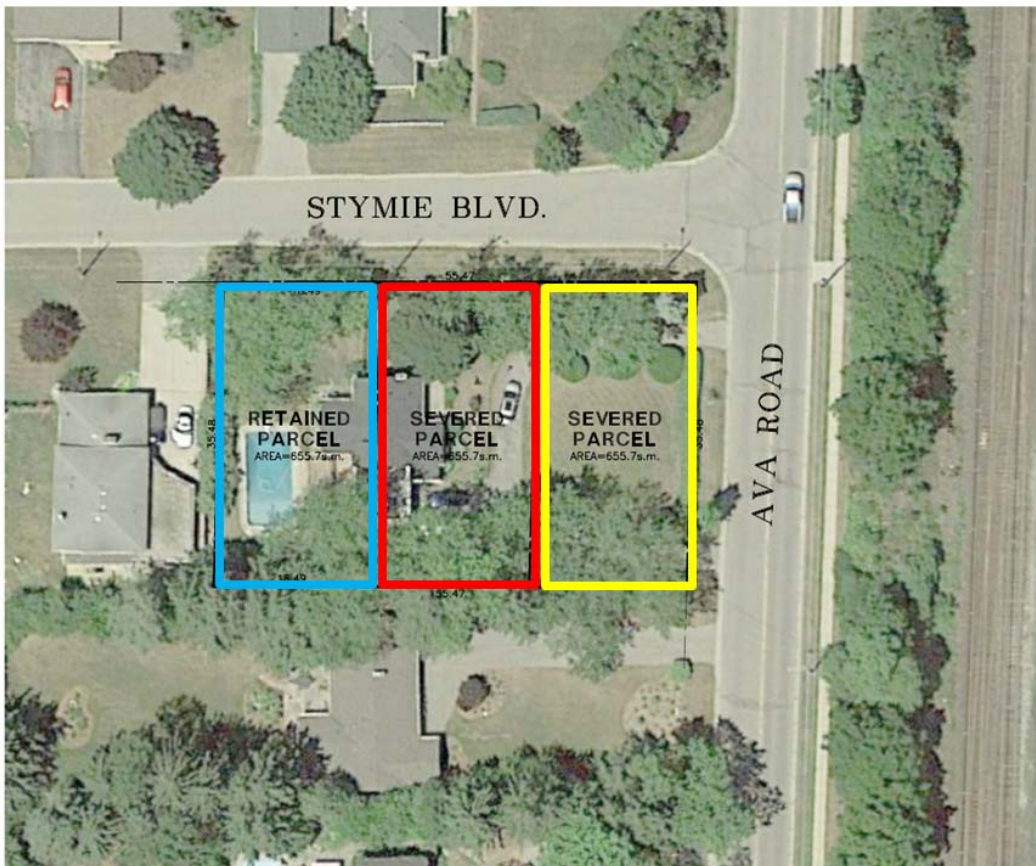


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SUBJECT LAND



Consent Sketch



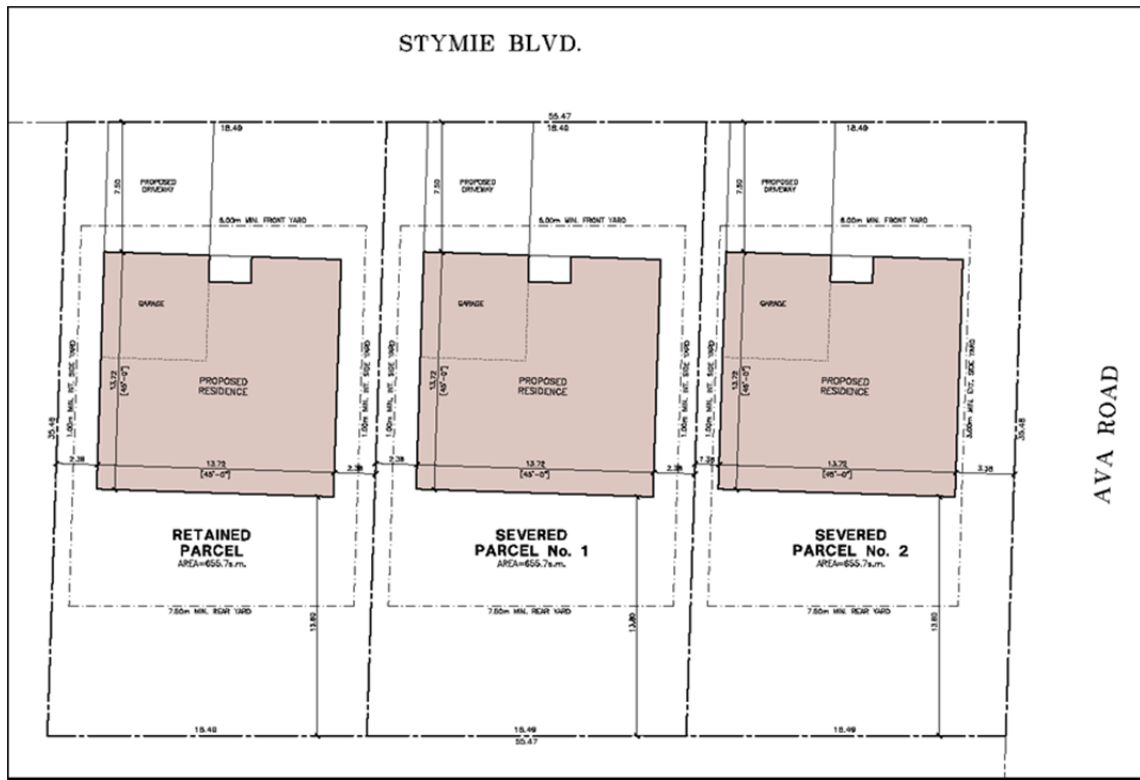
- Retained Parcel
- Severed Parcel 1 (B28/2023)
- Severed Parcel 2 (B27/2023)

CONCEPT #2
 PROPOSED SEVERANCE
 72 AVA ROAD — BRANTFORD

J.H. COHOON ENGINEERING LIMITED
 CONSULTING ENGINEERS
 BRANTFORD

CLIENT: KEN SPIRET JOB: 15643
 SCALE: 1:400

Site Plan





November 3, 2023

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: A34/2023
Related File Numbers: N/A
Address: 113 King George Road
Roll Number: 290602001433800000
Applicant/Owner: 2518300 Ontario Inc.
Agent: Arcadis (c/o Odete Gomes)

**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 113 King George Road. The subject lands currently house a Dairy Queen restaurant and recently received Site Plan Approval for a 2-sided Billboard to be located above the existing building. Since receiving approval, the applicant has decided to add a 3rd billboard sign, proposed to face west. To facilitate the 3rd sign, the applicant is requesting relief from the following sections of Chapter 478 of the Municipal Code (the Sign By-law):

- a. Section 478.14.11 to permit 3 billboard signs on one lot, whereas a maximum of two side by side billboard signs or one double-sided billboard sign is permitted on any given lot.
- b. Section 478.4.12 to permit the flashing illumination of a sign within 31.0 m of a residential zone, whereas the flashing illumination of signs is not permitted within 40.0 of any residential zone.

DECISION: APPROVED IN PART

DATE: November 1, 2023

- a. THAT application A34/2023 seeking relief from Section 478.14.11 of Chapter 478 of the Municipal Code to permit 3 billboard signs on one lot, whereas a maximum of 2 billboard signs are permitted, **BE REFUSED**;

THAT the reason(s) for refusal of the minor variance to Section 478.14.11 is that the relief requested is not desirable for the appropriate development and use of the subject lands;

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 No. 2023-641.

Electronically signed by V. Kershaw,
Chair

Electronically signed by M. Bodnar
Member

Electronically signed by T. Cupoli,
Member

Electronically signed by T. Gaskin
Member

Opposed - G. Kempa,
Member

ABSENT - J. Panag, Member

Electronically signed by M. Simpson
Member

- b. THAT application A34/2023 seeking relief from Section 478.4.12 to permit the flashing illumination of a sign within 31 m of a residential zone whereas 40 m is required, **BE APPROVED** for the existing signs facing north and south;

THAT the reason(s) for approval of the minor variance to Section 478.4.12 is as follows: the proposed variance is in keeping with the general intent of the Official Plan, Zoning By-law, and Chapter 478 of the Municipal Code, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;

Electronically signed by V. Kershaw,
Chair

Electronically signed by M. Bodnar
Member

Electronically signed by T. Cupoli,
Member

Electronically signed by T. Gaskin
Member

Electronically signed by G. Kempa,
Member

ABSENT - J. Panag, Member

Opposed - 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 Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, shague@brantford.ca.

APPEALS

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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.

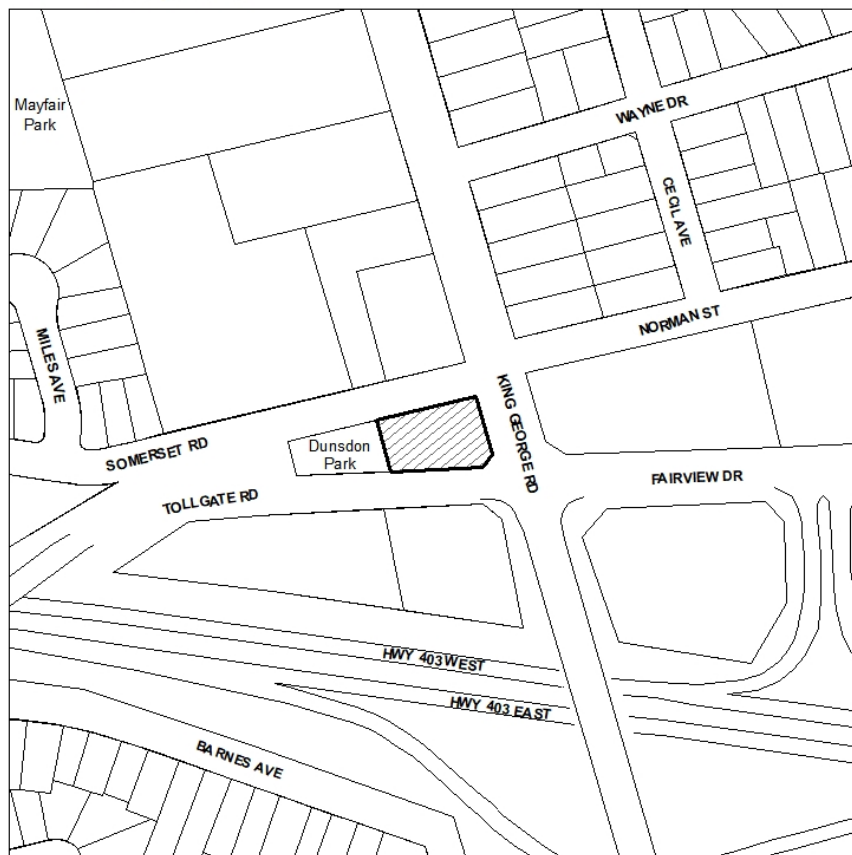
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is November 21, 2023


END OF DECISION

LOCATION MAP

Application: A34/2023
113 King George Road



Legend

 SUBJECT LAND



Site Plan

