



Committee of Adjustment Minutes

Date: January 16, 2025
Time: 6:00 p.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

Present: Brown, Emmott, Schmitt, Smith, Vamos, Panag

Regrets: Hamilton

Staff: Namisniak, Campbell, Keen, Flores

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1. Attendance

2. Approval of Agenda

Moved by Member Emmott
Seconded by Member Schmitt

That the agenda for the County of Brant Committee of Adjustment meeting of January 16th, 2025 be approved.

Carried

3. Declaration of Pecuniary Interests

No conflicts declared.

4. Adoption of Minutes from Previous Meetings

Moved by Member Panag
Seconded by Member Vamos

That the minutes of the December 19th, 2024 meeting of the Committee of Adjustment be approved, as printed.

Carried

5. Public Hearings

5.1 FV3-24-LK

Staff Presentation

- L. Keen, Planner, presented the fence variance application FV3-24-LK for decision as outlined in the report.
- No questions to staff.

Public Comments

- Jeff Johnston who resides at 97 Walnut Street, expressed concerns regarding safety and poor sightlines, noting that the fence creates a blind spot in front of the property.
- Madame Chair Brown commented that after driving through the area, she did not have any safety concerns on Joseph Brant Street or the intersection of Mulholland Drive and Joseph Brant Street.
- Mr. Johnston raised additional factors including time of day, direction of driving, recent planting of trees, and increased number of cars parked along the street, which may further contribute to his concerns.
- Member Panag inquired if the fence was already built and whether a permit had been obtained. It was confirmed that the fence is already constructed, and no permit is required for the construction of a fence. However, a Fence Variance is required if the fence exceeds the permitted height.

Applicant Presentation

- Lucas Oakley and Bryn Macintosh, Owners/Applicants, were present online to respond.
- The Applicant explained that the fence was built under the impression that the Mulholland Drive side of their property was a side yard, thus permitting the additional height, as their house and driveway face Joseph Brant Street. Now understanding that due to the Mulholland Drive frontage, it is considered a front yard.
- In response to the public delegate's concerns, the Applicant noted staff confirmed that sight lines are not obstructed by the fence as indicated in the staff presentation.
- The Applicant confirmed that the fence was constructed in 2021 and was unaware of the 3-foot height limitation at time of construction and noted there are other fences of similar height in the area.
- Madame Chair Brown confirmed observing several properties, including 97 Walnut Street, with fences of similar height.

Moved by Member Smith
Seconded by Member Panag

That application FV2-24-LK be approved for the reasonings as outlined in the staff report.

Carried

5.2 A17-24-RF

Staff Presentation

- R. Flores, Junior Planner, presented minor variance application A17-24-RF for approval as outlined in the staff report.
- No questions or comments to staff.

Agent/ Applicant Presentation

- Michael Feiden with Vinlanda Engineering, Agent on behalf of the Owner, was present online.
- Agent clarified to Committee that the proposed septic bed is significantly distanced from the neighboring property wells and should not cause any issues
- Member Vamos sought clarification regarding a garage noted on the conceptual plan. Agent confirmed no garage will be constructed.
- Member Vamos noted that there is currently a modular home on-site. Agent confirmed that work is being done to finish the modular home, but it is not permanent.
- Member Vamos asked if the modular homes are produced, made, or sold at the subject property. The agent responded that this is the owner's first prototype modular home, and future modular homes will be built at a separate, suitable location, not on the subject property.
- Member Panag inquired whether the existing septic system would be removed or tied into the new septic bed. The agent noted that the existing septic system would remain unchanged for the primary dwelling, while the proposed new septic system would be used for the ARU.
- Agent clarified that the current primary dwelling is intended to be rented out to a tenant, whereas the proposed ARU will be where the property owner will reside.
- Agent confirmed the presence of an existing shop with the intent of keeping it for storage of tools for the owner's work/business.

No Public Comments

Moved by Member Emmott

Seconded by Member Panag

That Application for Minor Variance **A17-24-RF** from Anthony Cappucci, Owner of lands legally described as CONCESSION 4 PART LOT 3, in the Former Township of Brantford, and municipally known as 20 Mill Street, requesting relief from Zoning By-Law 61-16 to permit an Additional Residential Unit (ARU) on private services on a lot having a minimum area of 0.31 hectares, whereas a minimum of 0.4 hectares is required to permit an increased maximum lot coverage for Accessory Structures of 165 square metres, whereas 140 square metres is permitted, **BE APPROVED**.

AND THAT the reason(s) for approval are as follows:

- The proposed variances are considered minor in nature and are desirable for the appropriate development and use of the subject lands;

- The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variances meet the four tests of the Planning Act.

Carried

5.3 B19-24-RF

Staff Presentation

- R. Flores, Junior Planner, presented consent application B19-24-RF for approval as outlined in the staff report.
- Member Emmott and Member Smith sought clarification of the mapping. Planner confirmed that the two yellow-hatched properties, as indicated on the mapping, have been consolidated into one property (145 Middle Townline), and the red piece is the severed lands to be added to the consolidated parcel, now forming one lot.
- Madame Chair Brown mentioned a comment from GIS staff, indicating that a Civic Address would be required, to which staff confirmed it was not necessary.
- Member Vamos made note of a typo on the first page of the report, where 2,800 square meters was referenced, but in the summary, it was confirmed as 2.8 hectares.
- No further questions or comments

No Presentation or Comments from the Agent/ Applicant

No Public Comments.

Moved by Member Schmitt

Seconded by Member Panag

THAT Consent Application **B19-24-RF** from JH Cohoon c/o R.W. Phillips , Agent on behalf of R. Jepman, Owner of lands legally described as BURFORD CONCESSION 11 PART LOTS 13 AND 14, and municipally known as 15 Eleventh Concession Road, proposing a lot line adjustment of approximately 2,800 square metres to be added to the lands at abutting lands located at 145 Middle Townline Road, known as benefiting lands **BE APPROVED**, subject to the attached conditions.

AND THAT the reason(s) for approval are as follows:

- The lot line adjustment will have a minor impact on the area and subject lands and is technical reasons.
- The application will increase the lot area and viability of the farm parcel at 145 Middle Townline Road and will not result in the creation of new lot.
- The application is consistent with the policies of the Provincial Planning Statement (2024)
- The application conforms with the policies of the County of Brant Official Plan (2023) and Zoning By-Law.

Carried

5.4 B21-24-RF

Staff Presentation

- R. Flores, Junior Planner, presented consent application B21-24-RF for approval as outlined in the staff report.
- Member Smith inquired whether discussions have been held regarding which abutting parcel to consolidate with. Planner stated that the Owner is in talks with a neighboring farm operation and noted that a condition was included that the parcel must be consolidated.
- Madame Chair Brown sought clarification that this is a surplus farm dwelling severance, but the Owner does not own abutting properties. Planner confirmed that the Owner owns other properties within the County.
- Mr. Namisniak, Manager of Development Planning, added that as per the New OP in effect along with policies relating to surplus dwelling severances, if the remaining parcel is less than 19 hectares, it must be consolidated with an abutting parcel. This requirement was discovered later in the application process, which led to the inclusion of the condition to merge with an adjacent parcel. Should the condition not be cleared, the application will lapse.

Agent Presentation

- R. Angrish with The Angrish Group, Agent on behalf of the Owner.
- The Agent confirmed that the Owner is in active discussions with two of the three adjacent property owners for purchase and consolidation, though it may take some time.
- Member Smith acknowledged the intent of the policies but expressed discomfort with making a decision on something that is not concrete.
- Member Brown inquired if they could implement a condition to re-zone as A-9.
- Mr. Namisniak responded that they cannot as the OP requires conformity and the severed surplus lands do not meet the minimum lot size requirements and therefore would require an amendment to the OP. therefore a condition has been added requiring the severed lands to be merged with an adjacent farming operation.
- Madame Chair Brown noted that she would like more information

No Public Comments

Moved by Member Smith

Seconded by Member Schmitt

THAT Consent Application **B21-24-RF** from The Angrish Group c/o Ruchika Angrish, Agent on behalf of Manuel Azevedo, Owner of lands legally described as RANGE 1 West Mount Pleasant PART LOT 8, in the Former Municipality of Brantford, and municipally known as 319 Ellis Avenue, proposing to sever a surplus farm dwelling and associated accessory structures on a parcel of land with an area of approximately 0.4 hectares (1.0 acres), depth of 73.73 metres (242.00 feet) and frontage of 56.31 metres (184.74 feet) along Ellis Avenue, with the retained lands

having an area of 8.07 hectares (19.94 acres), **BE DEFFERED** for the purpose to provide applicant time to gather more information of a potential consolidation.

Carried

5.5 B23 & B24-24-LK and A19-24-LK

Staff Presentation

- L. Keen presented consent applications B23-24-LK and B24-24-LK and minor variance application A19-24-LK for approval as outlined in the report.
- Madame Chair Brown inquired about the easement and which property it benefits.
- The planner confirmed that the easement is a shared access, benefiting both properties 62 and 66 Banfield Street.
- Member Emmott asked where the easement is located on the map.
- Planner confirmed that the easement is on Part 3 and Part 4 of the mapping provided and noted that 66 Banfield is on Part 2 and 62 Banfield is located on the east side of Parts 3 and 4.
- Madame Chair Brown sought clarification that the shared access has been put in place historically and this application would formalize it. The Planner affirmed this.
- Member Emmott inquired if there is a driveway to the new proposed lot. Planner confirmed this will be established at time of building permit with Operations and noted that the easement would not be used for access to the newly created lot.
- Madame Chair Brown inquired if the retained lot could be made smaller and the severed lot larger to accommodate more space for an entrance.
- Planner advised the Agent may speak to that.

Agent Presentation

- Ruchika Angrish with The Angrish Group, Agent on behalf of the Owner provided clarification on the questions raised by Committee Members.
- Agent noted that the application for the minor variance regarding the reduced lot frontage of the severed lot is large enough to accommodate a driveway and a large-sized home. A conceptual plan was provided to staff, showing the maximum house size and compliance with all other requirements of the Zoning By-law for both lots.
- Agent also confirmed that the shed has been removed, as well as the pool and deck, which were encroaching on CN Railway.
- Madame Chair Brown inquired if there was a way to proceed without a requirement of a minor variance.
- Agent noted the minimum requirement set back of the existing dwelling from a new property line, instead of revising the property line to be closer to the existing dwelling, the Owner would rather go through a variance which would still accommodate a large home.
- Agent stated no questions or concerns regarding any of the conditions.
- Member Smith proposed a minor revision to Condition 5 of B24-24-LK regarding the easement to ensure that the applicant's lawyer prepare the

necessary easement documents including consideration for joint maintenance requirements.

No Public Comments

Moved by Member Smith
Seconded by Member Emmott

THAT Application **B23-24-LK** from The Angrish Group c/o R. Angrish, Agent on behalf of Gerald and Michelle Cooper, Owners of lands legally described as LOT 18 WEST OF BANFIELD STREET PART STREET CLOSED REFERENCE PLAN 2R2741 PART 1, in the former geographic Town of Paris municipally known as 66 Banfield Street, County of Brant, proposing to sever one (1) new residential lot having a frontage of 13.72 metres, depth of approximately 34.6 metres and area of approximately 484 square metres (0.11 acres) **BE APPROVED**, subject to the attached conditions.

AND THAT the reason(s) for approval are as follows:

- The lot creation is compatible and consistent within the context of the existing development.
- The application is consistent with the policies of Provincial Policy Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

Carried

Moved by Member Smith
Seconded by Member Emmott

THAT Application **B24-24-LK** from The Angrish Group c/o R. Angrish, Agent on behalf of Gerald and Michelle Cooper, Owners of lands legally described as LOT 18 WEST OF BANFIELD STREET PART STREET CLOSED REFERENCE PLAN 2R2741 PART 1, in the former geographic Town of Paris, municipally known as 66 Banfield Street, County of Brant, proposing to establish one (1) access easement benefiting 62 Banfield Street **BE APPROVED**, subject to the attached conditions with the revision of Condition 5 to include consideration for any joint maintenance requirements.

AND THAT the reason(s) for approval are as follows:

- The establishment of the access easement is technical in nature, recognizing the existing function of the shared access driveway.
- The application is consistent with the policies of Provincial Policy Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law with the amended condition number 5 for maintenance consideration.

Carried

Moved by Member Smith
Seconded by Member Emmott

THAT Application for Minor Variance application **A19-24-LK** from The Angrish Group, Agent on behalf of Gerald and Michelle Cooper, Owners of lands legally described as LOT 18 WEST OF BANFIELD STREET PART STREET CLOSED REFERENCE PLAN 2R2741 PART 1, in the former geographic Town of Paris municipally known as 66 Banfield Street seeking relief from Section 8, Table 8.2.1 of the County of Brant Zoning By-Law 61-16 to permit a decrease in lot frontage to 13.72 metres whereas 15 metres is required **BE APPROVED**.

AND THAT the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the Planning Act.

Carried

5.6 B22-24-LK

Staff Presentation

- L. Keen presented consent application B22-24-LK for approval as outlined in the staff report.
- Member Smith inquired if comments were received from the Grand River Conservation Authority.
- Planner stated that the GRCA was not circulated as the subject lands are outside the GRCA regulated area but added that as part of the previously approved zoning applications, GRCA had no objections to rezoning the subject lands for a future severed lot.

Agent/ Applicant Presentation

- C. Tsimenidis from Arcadis, Agent on behalf of the Owner was available to answer questions.
- Agent stated that as the rezoning application was approved in May 2024, the severance conforms to the 2012 OP as per the transition policy.
- Agent states no concerns with conditions of approval and concur with staff recommendation.
- Chair Brown clarified that the rezoning only applied to the severed area whereas the remaining lands remains Agricultural. Agent confirmed.
- Member Smith sought clarification of the transition policy.
- Agent shared that the transitional policies within the New OP state any approved applications prior to the new OP being in force and effect that any subsequent applications will fall under the 2012 OP policies.
- Madame Chair Brown noted that through the zoning change, no further severances can occur to which Mr. Namisniak confirmed.

No Public Comments

Moved by Member Schmitt
Seconded by Member Emmott

THAT Consent Application **B22-24-LK** from Arcadis, Agent on behalf of Arnold, Heidi and Curt Winter, Owner(s) of lands legally known as PART ISAAC WHITING GRANT BRANTFORD PART 1 ON PLAN 2R1797 EXCEPT PART 1 2R8456;PART JOHN WESTBROOK GRANT, PART ISAAC WHITING GRANT, PART LOT H RANGE 2, in the Former Township of Brantford, municipally known as 91 Brant School Road, County of Brant, proposing to sever for the creation of a 0.95 hectare residential parcel, with frontage of 76 metres, 109.5 metres deep, developed with the existing single detached dwelling and retain the vacant agricultural lands (70.6 hectares), **BE APPROVED**, subject to the attached conditions.

AND THAT the reason(s) for approval are as follows:

- The lot creation is compatible and consistent within the context of the existing development.
- The application is in conformity and consistent with the policies of Provincial Policy Statement.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

Carried

6. Next Meeting

The next meeting is scheduled to be February 20, 2025, and will be a hybrid meeting starting at 6:00pm.


7. Adjournment

The meeting adjourned at 7:31 to meet again on February 20, 2025.

Moved by Member Emmott
Seconded by Member Schmitt

That the meeting of January 16, 2025 be adjourned.

Carried



Nicole Campbell Secretary-Treasurer