



COMMITTEE OF ADJUSTMENT

MEETING MINUTES

4th MEETING OF 2022

TUESDAY May 31, 2022

The fourth meeting of 2022 for the Committee of Adjustment of the Township of Brock was held on Tuesday, May 31, 2022 virtually by Microsoft Teams.

Members Present:

- George Hewitt
- Peter Prust
- William Basztyk
- Ralph Maleus
- Gloria Stewart

Staff Present:

- Richard Ferguson, CBO
- Debbie Vandenaeker, Planner / Secretary-Treasurer (recording minutes)

Regrets:

Others Present:

- Eran Segal
- Jonathan Baird
- Michael Smith
- Marjorie Keast
- Nick Despoja
- Albert Donadio (in place of Ryan Johnson of Alair Homes, Nick Despoja’s agent)
- Tara Park
- Johanne St Louis
- Jennifer Hayter
- Kevin Whitelock
- Mike Gibbs

1. **CALL TO ORDER** – Chair George Hewitt – 7: p.m.
2. **DECLARATION OF CONFLICT OF INTEREST**
3. **CONFIRMATION OF MINUTES** – 3rd meeting – April 19, 2022

Resolution 1-4

MOVED BY Bill Basztyk and seconded by Peter Prust, that the minutes of the 3rd meeting of the Township of Brock Committee of Adjustment, as held on April 19, 2022, be taken as read, confirmed, and signed by the Chair and Secretary-Treasurer.

4 on second page, 4th paragraph down. Edit to read “note”

CARRIED

4. **HEARING OF APPLICATIONS**

Application A-8/22 SEGAL	7:00pm
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Name of Applicant:	Eran Segal
Address of Applicant / Agent:	355 Lakeland Crescent, Beaverton ON L0K 1A0
Location of Property:	355 Lakeland Crescent, Beaverton ON L0K 1A0
Purpose of Application:	To provide relief from Section 7 of Zoning By-law 287-78-PL, Plate C, Column H, Row 11 requiring a front yard setback of 8m,

	to allow for a setback of 4m, inclusive of the existing front steps, and row 12 requiring and exterior side yard setback of 8m to allow a setback of 5m.
Effect of Application:	To satisfy a condition of the Land Division approval to bring the existing house into conformity with the Zoning By-law.

4a) Presentation of Application A-8/22 SEGAL

- **Does the owner or agent wish to speak to the application?**

Eran Segal: The variance is needed for my severance application to be completed.

- **Does anyone else wish to speak to the application?**

Gloria Stewart: I visited the property. It looks like there is enough space there to bring it into conformity. I see no problem.

Peter Prust: There is no issues. I was also thinking of the view for traffic, but it appears that the sight lines are acceptable.

Bill Basztyk: I have no objections.

Ralph Maleus: The house has been there for years. Lakeland Crescent is now a busy area. I want to make sure that no plantings etc. are put in that would obstruct the view.

4b) Written Submissions for A-8/22 SEGAL

No comments received.

Resolution 2-4

MOVED BY Bill Basztyk and seconded by Peter Prust that Minor Variance Application File No. A-8/22 SEGAL as made by Eran Segal, represented by Jonathan Baird, be approved. The proposed application is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

CARRIED

4d) CONFIRMATION OF DECISION for A-8/22 SEGAL

Chair called each member to confirm the decision – all members answered “yes”.

Application A-9/22 KEAST		7:10pm
Name of Applicant:	Marjorie Keast	
Address of Applicant / Agent:	126 Cedar Beach Road, Beaverton ON L0K 1A0	
Location of Property:	126 Cedar Beach Road, Beaverton ON L0K 1A0	
Purpose of Application:	To provide relief from Section 10.1d. Lot Coverage and Height that requires and accessory structure in a residential zone to be a maximum 4m to allow for a height of 4.88m and Section 7 of Zoning By-law 287-78-PL, Plate C, Column H, Row 11 requiring a front yard setback of 8m, to allow for a setback of 3m.	
Effect of Application:	To allow for the construction of a three-car detached garage.	

4a) Presentation of Application A-9/22 KEAST

- **Does the owner or agent wish to speak to the application?**

Marjorie Keast: Thank you for entertaining the submission. We would like to build a 3-car garage at the front of the property. It is 100 x 225 ft. and the garage would be in the front corner. We would like to have it closer to the front of the property because of a mature and sensitive tree. The height will allow us to match the design of the garage to the house.

- **Does anyone else wish to speak to the application?**

Ralph Maleus: I visited the property and spoke to Mrs. Keast. The entrance to the garage will be from the existing driveway. There will not be an additional exit onto the road. That is a key factor in my judgement. I am in support of the application. Given the tree, the width of the lot, the hedges and the overall appearance, I am okay with the variance.

Bill Basztyk: I visited the site as well. I understand the driveway isn't going to be coming from Cedar Beach Road. I have no objections.

Peter Prust: I also attended the site. I noticed the neighbour to the south is close to the road behind the hedge as well, so consistent with the neighbourhood. I was a little concerned about the height, but it is consistent and won't impede enjoyment of anyone's property.

Gloria Stewart: I visited the property as well and my questions have been satisfied. I am in support of this.

4b) Written Submissions for A-9/22 KEAST

No comments received.

Resolution 3-4

MOVED BY Ralph Maleus and seconded by Gloria Stewart that Minor Variance Application File No. A-9/22 KEAST as made by Marjorie Keast, be approved. The proposed application is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

CARRIED

4d) CONFIRMATION OF DECISION for A-9/22 KEAST

Chair called each member to confirm the decision – all members answered “yes”.

Application A-10/22 DESPOJA		7:20pm
Name of Applicant:	Applicant: Nick Despoja Agent: Ryan Johnson / Alair Homes	
Address of Applicant / Agent:	Applicant: 24436 Thorah Park Boulevard, Beaverton ON L0K 1A0 Agent: 353 Saunders Road, Unit 1, Barrie ON L4N 9A3	
Location of Property:	24436 Thorah Park Boulevard, Beaverton ON L0K 1A0	
Purpose of Application:	To provide relief from Section 7, Plate C, Row 13, Column G that requires interior side yard setbacks of 5m to allow for 1.47m on	

	the south side and 1.81m on the north side interior side yard setbacks.
Effect of Application:	To allow for the construction of a new dwelling.

4a) Presentation of Application A-10/22 DESPOJA

- **Does the owner or agent wish to speak to the application?**

Albert Donadio: Our client would like to have a similar house design to the ones around him.

- **Does anyone else wish to speak to the application?**

Gloria Stewart: The property is angled. There is not that much room at the entrance but widens on the lake side. It appears to be fine. The driveway is consistent, and septic doesn't interfere.

Ralph Maleus: Have you considered providing a larger setback on one side so that you can get equipment to the lake? I'd like to recommend that.

Albert Donadio: The layout of the house makes it difficult but 1.8m allows for small equipment to get to the back.

Ralph: I don't have a problem with the layout or application.

Bill Baszyk: I noted the house to the south is close to the lot line as well. Over the last couple of years, we have a fair number of these applications. I don't find the request to be an issue given the size of the lot, septic etc. I have no issue.

Peter Prust: I don't have a lot to add. I think the solution ends up being a barge from the lake side for large equipment. It is consistent with the neighbourhood.

Tara (Guest): We were wondering if we could find out the intended height of the structure.

Albert Donadio: It is a bungalow, so it won't be extensively high.

Ralph Maleus: The drawing shows 12 feet and 11 inches.

4b) Written Submissions for A-10/22 DESPOJA

Township of Brock Building Department

"The Building Department has no objection to the application."

Lake Simcoe Region Conservation Authority

"I'm going to be recommending approval with a condition for a LSRCA permit which will outline a geotechnical letter of opinion is required. We don't believe the findings of the geotechnical letter will affect the location of the dwelling or accessory structures, so we're recommending approval of the minor variance."

Note: received by email with commitment to provide formal comments for the file.

Durham Region Health Department

The above noted application has been reviewed by this department and we have no objection to the approval. Please note that this is not an approval for the private sewage system design. Once the property owner submits the appropriate application, it will be reviewed by this department.

Resolution 4-4

MOVED BY Peter Prust and seconded by Gloria Stewart that Minor Variance Application File No. A-10/22 DESPOJA as made by Nick Despoja, be approved. The proposed application is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

CARRIED

4d) CONFIRMATION OF DECISION for A-10/22 DESPOJA

Chair called each member to confirm the decision – all members answered “yes”.

Application A-4/22 NOURISH		7:30pm
Name of Applicant:	Applicant: The Nourish & Develop Foundation (David Slabodkin & Jennifer Hayter) Agent: Michael Smith Planning Consultants; Development Coordinators Ltd.	
Address of Applicant / Agent:	Applicant: 16 York Street, Cannington On L0E 1E0 Agent: 279 the Queensway South, Keswick, On L4P 2B4	
Location of Property:	124 Laidlaw Street South, Cannington On L0E 1E0	
Purpose of Application:	<p>To provide relief from the following clauses of Zoning By-law 287-78-PL:</p> <ul style="list-style-type: none"> • Section 7, Plate C, Row 12, Column H, Exterior Side Yard Setback requiring 8m to a proposed 2.2m. • Section 7, Pate C, Row 19, Minimum Centreline Setback – Local Road requiring 18.058m to a proposed 10.5m. • Section 10.1m. Unenclosed Porches, Balconies, Steps or Patios allowing an encroachment of 1.5m to allow a 2m encroachment. • Section 10.18m. Parking Requirement Table for relief from 22 parking spaces to a proposed 9 spaces. • Section 10.18d.v. Parking Area Design Requirements requiring an aisle width of 6.7m to allow for a proposed aisle of 6m. • Section 10.18f Parking Area Location on Lot to permit the two existing parking spaces in front of the building. 	
Effect of Application:	To permit the construction of an addition to accommodate a Crisis Care Centre and to bring the existing single detached dwelling, that will become part of the Crisis Care Centre, into conformity with the Comprehensive Zoning By-law.	

4a) Presentation of Application A4/22 NOURISH

Does the owner or agent wish to speak to the application?

Michael Smith: I represent the Nourish and Develop Foundation on this development. Also with me is Charles Hilditch or Hilditch Architects, Johanne St. Louis of The Nourish and Develop Foundation (TNDF), and Andrea Fernandes of my office will be coordinating the slides.

Attachment 1 to these minutes contains the presentation slides.

- The facility is to be called Cedar Haven Women’s Shelter. A flat roof will minimize height. There will be 8 sleeping rooms, 4 washrooms, and an emergency sleeping room, etc. This will be a wheel chair accessible facility.
- TNDF has developed relationships with 6 other women’s shelters and police services who have all reiterated the need for the facility. Priority will be given to residents of Brock Township. Based on TNDF’s research, a 12-bed facility will serve the needs of the community. The residents will receive an excellent level of care. It will comply with the Ontario Building Code. TNDF believes it is no longer safe to have many residents in one room as per COVID-19 protocols.

- We have reviewed the Official Plan and the property is designated “living area” in the Township. The zoning permits the use. The property is zoned R1 and the use is permitted in single detached dwelling provided it complies to the zone.
- This is not located within 250m to another facility and it will comprise the sole use of the dwelling unit. The use of the subject land is therefore permitted.
- We are seeking site specific relief from the zoning by-law. The application requests a total of 9 variances as set forth in table format. Two of the nine variances are for the setback from Davidson Street. The variances on the addition are really to extend the south limit of the building and the steps. It will present a strong architectural image and amenities to the north.
- Three variances are required for parking. Another is to permit the reduced driveway width, but is still large enough to accommodate the single lane of traffic.
- In this case, the Crisis Care Facility is not listed in the parking requirements of Zoning By-law 287-78-PL, so we are directed to the catch all requirements of 1 space per 37sq. m. We assessed this to see if it is appropriate. TNDF has consulted with 6 other shelters and many of those women do not have a vehicle. There are two care workers all night, 1 additional staff during the day and occasionally one additional staff. We are looking at 7 spaces required for residents and staff. Allowing parking at shift changes is 2 short term spaces, with a total of 9 spaces provided in the Site Plan. We believe this is adequate for the residents.
- It is important to know that we do not require a lot coverage or height variance. This is by design to comply as much as possible.
- This is a two-step process. The first is the Minor Variance and the second is the Site Plan approval process.

Does anyone else wish to speak to the application?

Gloria Stewart: I visited the property and was shocked by the size. It appears that parking could be a problem over time. You have loading and unloading of supplies all the time. In addition to that, there is no space for other people to come in. I know they are saying that the residents don't have cars, but this is a rural area, people need cars.

Michael Smith: We are proposing 9 parking spots.

Johanne St. Louis: There is no vast amount of goods that will be loaded. Most of our food will come from our other facility. It is a secure shelter, so all deliveries go to our other facilities. There are also no visitors. Aside from the odd repair person, the only people on site are the residents and staff members. There will be one person coming in once a week to come in to clean. She lives locally so will walk. We have been working with other shelters in Durham Region. Most residents do not own a vehicle. A lot of these women are leaving relationships where they were controlled with no ownership of a vehicle. We do see a few women that have a vehicle, but if you are in the position that you require a shelter, you likely don't have a vehicle. That conclusion was confirmed by the 6 shelters we are in close contact with.

Michael Smith: My experience is with the Fagate Women's Shelter in Jackson's Point and there is no issue there with parking, and it is very comparable.

Ralph Maleus: I'm very familiar with the property and existing house. I have seen this house turn into an eyesore and welcome investment to improve it. You wrote that on average 20% of women will need cars. Can you elaborate on that average and how did you come to that number? Have you considered overflow parking?

Johanne St. Louis: We have confirmed with the owners across the street that we are permitted to park there as well, should that need ever arise. Several of our staff are local and will walk to work as well.

Michael Smith: In the design, the landscaped plan shows a small structure – that is a nice amenity for the facility but also accommodates two parking spaces if it is needed.

Ralph Maleus: I'm sure it will be a nice building. Especially with Bon Aire long term residents now that they are adding 73 more beds. There is also the funeral home and there are traffic issues there. This project will upgrade the area. The distance to another care centre – I would claim that Bon Air is.

Michael Smith: Bon Aire does not qualify as the same kind of care facility as per the zoning by-law.

Ralph Maleus: Have you provisions for children?

Johanne St. Louis: There will be a fully fenced back yard and two gated accesses. We will have a small play facility and safe area for children to play. We will also have a room for teenagers to have some space. We are in partnership with Durham Family Farm organization and they will help with childcare services and activities.

Bill Baszyk: I have two concerns. The first is parking. I don't feel 9 spaces are sufficient. I think a couple extra spaces should be planned for now. I think if there is additional space to create more parking. You already mentioned 2 other spaces where that structure is, that gives you three more. If you installed a vertically opened gate, it would give you a total of 4 more for an ultimate total of 13 spaces. The second point is the entrance off Davidson Street, the artist rendering was creative in that the front yard looks expansive and that doesn't exist. The problem that I can foresee there is the plow. You may have multiple feet of snow piled up. Have you thought about those possibilities?

Michael Smith: I don't foresee a problem with snow storage or impacting the steps. On the survey you can see where the edge of pavement is – there is a fair distance (about 4m) between the paved edge and the house. We will take up the concerns at the Site Plan process. In terms of the parking, we do think we have enough, but we are aware that we could have another space near space number 1.

Charles Hilditch: We can certainly accommodate 4 more parking spots in the parking lot. Our office has done 10 of these shelters and our design represents a more sustainable parking area.

Peter Prust: Most of my thoughts have been covered. That was a well thought through presentation. I think the setbacks are a non-issue. The biggest issue here is the parking. You can rationalize parking as much as you want, but sooner or later you will have a problem. Those dimensions are designed for small cars. Another possible solution might be to set up as you have designed it and keep a contingency for additional parking. Everybody in rural areas has cars. Further to the parking, I think the neighbourhood is used to street parking.

George Hewitt: How many beds?

Johanne St. Louis: We have 8 beds for adults. Often, children are in foster care, but we do have some. There are a few children in shelter.

George Hewitt: If you have empty beds, won't you use them?

Johanne St. Louis: You can't always have people share a room. Women over 50 tend to make up the majority of women in shelters. There may be a situation that there is an adult child sharing a room with their mother.

George Hewitt: The 20% statistic for parking - that could be lower or higher. You were mentioning shelters in Oshawa and comparing them to Brock. A lot of people can take transit in the south, but not here. When I look at the diagram of the building, it is friendly and lots of room. I don't begrudge spending the dollars in the building, but I have trouble with the parking lot. I think you could add possibly 6 more spots if you remove some of the non-essential elements. Parking on the roadway will cause problems for the Township. Is this project under government funding?

Johanne St. Louis: It is currently privately funded. We are prepared to fund this for 20 years, but it could be partially funded by the government in the future. We will be looking for grants, but we are prepared to fund this project fully for 20 years. The women being sheltered don't have money, or jobs or choices. This is a transitional place for 1 to 3 months.

Peter Prust: You mentioned earlier about not a great many supplies. Can you explain?

Johanne St. Louis: Primarily our residents will be fed by our other facility. We have an organic farm nearby and maybe one or two loads of groceries like any home in a week. It will be done in our mini van by one of our staff members. It's not truck loads of groceries for 8 to 12 people.

4b) Written Submissions for A-4/22 NOURISH

- One resident concern chain of emails
- Community petition received (58 signatures)
- Two resident letters of support

All comments noted above were included in the Committee's Information Package.

Kevin Whitlock: I live at 118 Laidlaw Street. My property is 50% surrounded by this project. When I'm in my backyard, I have nice open views. I feel my property value will be at stake. I didn't go any farther than one block from the property to get the petition signatures. The cleaning person mentioned is a renter, who's husband signed the petition. What about future people or uses that need more cars? You can't guarantee that staff can walk. I do know that there are four homeless men living in their cars in Cannington right now. Cars are easier to afford than homes. I feel in this area, most people will have cars, unless you are transporting them here. There are no jobs here. I don't think there is a lot for women up here. We are concerned about the size of the facility and the parking. I think this qualifies as a professional office. I really feel that you will need the parking in the future. I have a lot of concerns and the community has a lot of concerns. About 80% of the people in this area disagree with providing relief from the by-law.

Mike Gibbs: My property is at the north end of where the parking lot will be. I feel that the concerns are being addressed. I remember there being a murder in that building in the past. To me, it is a welcome addition in the neighbourhood and there is a need for this. All of this talk about cars and parking is a moot point. Even wealthier women won't leave with a vehicle, they are fleeing to be safe. I think we as a community have a responsibility to help. I think the property was an eyesore. There was a point when some of the renters were loud and violent. There was a contractor who would come home from work and empty his trailer into that lot. I appreciate the flat roof. I like the idea of green space in the parking but have no problem if they need to be taken down to accommodate more parking. I disagree with the statement about property value.

Kevin Whitlock: I have talked to two real estate agents. The first said it will definitely be affected the second said it might impact values. I will be getting a certified assessment before and after the project.

Ralph Maleus: I have studied the documentation received and I have spent quite a bit of time on this application. It is very easy to be emotional about this from both sides. Our job is not to have an opinion about a number of things. We are here to evaluate the four tests of a minor variance to only look at that. The only one that stands out to me is the parking. There are opportunities to expand parking spaces. I am satisfied that there could be overflow across the street. I believe this application passes the tests of the Minor Variance. I think this is a very nice project addition to the Township.

Gloria Stewart: The issue for me is the parking. I think it will be an issue later, if not now. I think it can be rectified.

Peter Prust: I think the use of the building is beyond what we are here to decide. I think the issues have boiled down to the parking. I think these issues can be dealt with. I am in support overall.

Bill Basztyk: I agree that this is a wonderful project and desperately needed. In terms of our specific issues, the only issue is the parking. I would suggest a conditional approval to contain 4 or 5 more spaces. I don't have any issues with the setbacks.

George Hewitt: I can live with the other variances, but the parking is a problem.

Resolution 5-4

MOVED BY Bill Basztyk and seconded by Ralph Maleus that Minor Variance Application File No. A-4/22 NOURISH as made by The Nourish and Develop Foundation, represented by Michael Smith, be approved with the following conditions:

- Provide for a minimum of 13 spaces on site; and
- Maintain a drive aisle of 6.5m north of parking space number 6 with a drive aisle of 6m south of parking space number 6 on the applicable drawing provided with the application.

With the condition, the proposed application is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

CARRIED

Application for Minor Variance - A4/22

THE NOURISH AND DEVELOP FOUNDATION

124 LAIDLAW STREET SOUTH

COMMUNITY OF CANNINGTON, TOWNSHIP OF BROCK

Michael Smith Planning Consultants;
Development Coordinators Ltd.

4d) CONFIRMATION OF DECISION for A-10/22 DESPOJA

Chair called each member to confirm the decision – all members answered “yes”.

5. OTHER BUSINESS

- Committee wants to meet in the Council Chambers if possible.
- Investigate how mileage increases are translated to the Committee.

6. ADJOURN

MOVED BY Peter Prust that this meeting does now close at 9:13pm.

CARRIED



CHAIR

SECRETARY-TREASURER