



COMMITTEE OF ADJUSTMENT

MEETING MINUTES

3rd MEETING OF 2021

TUESDAY JUNE 15, 2021

The third meeting of 2021 for the Committee of Adjustment of the Township of Brock was held on Tuesday, June 15, 2021 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)

Others Present:

- Bobby Dewsbury (applicant)
- Michael Smith (agent of Reine Schickedanz)
- Santiago Hirsbrunner (applicant)
- Mark Jacobs (agent of Satiago Hirsbrunner)
- David Patterson

1. **CALL TO ORDER** – Chair George Hewitt – 7:05 p.m.
2. **DECLARATION OF CONFLICT OF INTEREST**
3. **CONFIRMATION OF MINUTES** – 2nd meeting – May 18, 2021

Resolution 1-3

MOVED BY Ralph Maleus and seconded by Gloria Stewart, that the minutes of the 2nd meeting of the Township of Brock Committee of Adjustment, as held on May 18, 2021, be taken as read, confirmed, and signed by the Chair and Secretary-Treasurer.

CARRIED

4. HEARING OF APPLICATIONS

Application A-4/21 DEWSBURY

| | |
|--------------------------------------|---|
| Name of Applicant / Agent: | Bobby Dewsbury |
| Address of Applicant / Agent: | 122 Ninth Street, Beaverton ON L0K 1A0 |
| Location of Property: | 122 Ninth Street, Beaverton ON L0K 1A0 |
| Purpose of Application: | Relief from Zoning By-law 287-78-PL, Section 10.1 d) to allow for an accessory building lot coverage of 10% whereas the zoning by-law allows for maximum accessory building lot coverage of 7.5%. |
| Effect of Application: | The effect of the application is to permit the construction of a detached garage. |

4a) Presentation of Application A-4/21 DEWSBURY

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

Bobby Dewsbury: I have four kids and we all use recreational vehicles. My lawns are covered with stuff. We'd like to get it all out of our neighbours line of view and provide a storage area and workshop area for the kids.

Gloria Stewart: I visited the property and it sounds practical. I was a little worried about the coverage of the lot as there is also an above ground pool but there is still lots of space on the lot. There is a discrepancy in the area.

Bobby Dewsbury Response: The drawings were done for 35' x 45'.

Richard Ferguson: If the 10% is based on 30' x 45' then that is the size that the building will need to be.

Ralph Maleus: I visited the property. It looks like a reasonable request. Assuming no objections from neighbours, I don't see any problem.

Bill Baszyk: I also had a conversation with Mr. Dewsbury. Overall, I'm happy with the project provided there are no complaints.

Peter Prust: I attended the property and spoke with Bobby. It appears consistent with the neighbourhood.

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

No

4b) Written Submissions for A-4/21 DEWSBURY

- Planning Report

4c) Decision regarding A-4/21 DEWSBURY

The Committee considered the application after hearing all parties, advised those present of the decision, and will notify as required in accordance with the *Planning Act*.

Resolution 2-3

MOVED BY Peter Prust and seconded by Ralph Maleus that Minor Variance Application File No. A-4/21 DEWSBURY as made by Bobby Dewsbury, be approved. The proposed use 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) CONFORMATION OF DECISION for A-4/21 DEWSBURY

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

Application A-5/21 SCHICKEDANZ

| | |
|--------------------------------------|---|
| Name of Applicant / Agent: | 2806857 Ontario Inc. (c/o Reine Schickedanz) |
| Address of Applicant / Agent: | 1 Albert Street South, Sunderland ON L0C 1H0 |
| Location of Property: | Part Lot 14, Concession 7, Sunderland, Brock Township |
| Purpose of Application: | To seek relief from Zoning By-law 287-78-PL: Section 7, Plate “C”, Row 11 requiring a front yard setback of 15m to allow a 14m front yard setback; Section 7, Plate “C”, Row 14 requiring a rear yard setback of 15m to allow a 7m rear yard setback; Section 10. m) requiring a maximum 1.5m encroachment of unenclosed porches, balconies, steps or patios to allow a maximum encroachment of 2.5m into the proposed 7m rear yard setback for an unenclosed deck. |
| Effect of Application: | The effect of the application is to permit the construction of single detached dwelling. |

4a) Presentation of Application A-5/21 SCHICKEDANZ

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

Michael Smith: I represent Mr. Schickedanz. Part of Lot 14, Concession 7. There are no dwellings in the immediate area. It is zoned RU in the township zoning by-law. The purpose of the Minor Variance is to permit the construction of a single-family detached dwelling. We contacted the Ministry of Transportation and they require a minimum setback of 14m from Highway 7. If the Minor Variance is approved, an entrance from MTO is required. We also contact the Conservation Authority and they did not see an issue with it, but it will require a permit from them prior to building. We retained BJH Engineering that confirmed a septic system could be located on the site as per the Ontario Building Code.

The variances appear to be good planning in my opinion.

Peter Prust: I attended the site. I understand what is being proposed and it makes a lot of sense.

Bill Baszyk: I had a quick look at what I thought was the site. I don't see any issues with the Minor Variance.

Gloria Stewart: I don't have any issues with it at all either. Just a question, is this to be used as a model home for future development?

Michael Smith Response: I believe my client has a buyer for this home for themselves, not as a sales office.

Ralph Maleus: I don't see any real concerns from a Minor Variance perspective.

George Hewitt: We are dealing with a proposed house right on farmland. I'm not really sure that this is a good idea having a residential home in the middle of farm

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

No

4b) Written Submissions for A-5/21 SCHICKEDANZ

- Planning Report

Durham Health Department

"The above noted application has been reviewed by this department and we have no objection to the approval. Please note that this letter is not an authorization for a building permit for the sewage system. Once the owner submits the appropriate application at the building permit stage, the sewage system design will be reviewed by this department."

Brock Township Building Department

- 1.) Township Development charges will be applicable at the time of building permit issuance.
- 2.) Entrance and Construction permits will be required from MTO prior to building permit issuance.

4c) Decision regarding A-5/21 SCHICKEDANZ

The Committee considered the application after hearing all parties, advised those present of the decision, and will notify as required in accordance with the *Planning Act*.

Resolution 3-3

MOVED BY Bill Bazstyk and seconded by Gloria Stewart that Minor Variance Application File No. A-5/21 SCHICKEDANZ as made by 2806857 Ontario Inc. (Reine Schickedanz), be approved. The proposed use 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) CONFORMATION OF DECISION for A-5/21 SCHICKEDANZ

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

Application A-6/21 HIRSBRUNNER

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|--------------------------------------|---|
| Name of Applicant / Agent: | 1961946 Ontario Inc., Santiago Hirsbrunner |
| Address of Applicant / Agent: | 92 Kennedy Avenue, Toronto, ON M6S 2X9 |
| Location of Property: | 33815 Thorah Sideroad, Beaverton ON L0K 1A0 |
| Purpose of Application: | To request relief from Zoning By-law 287-78-PL Section 7, Plate “D”: Row 13, that requires an interior side yard setback of 8m to allow a south side interior side yard setback of 3.86m and a 6.57m north side interior side yard setback; and Row 14 that requires an 8m rear yard setback to allow for a 5m rear yard setback. |
| Effect of Application: | The effect of the application is to permit the construction of a prefabricated storage structure. |

4a) Presentation of Application A-6/21 HIRSBRUNNER

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

Mark Jacobs: The Minor Variances are for a prefabricated storage building with the intention of using it as a storage building for his and his family's belongings. The new building is to the east of the existing building. There are existing solar panels separating the residential property to the north. The property is zoned M1-1 and the new building will be industrial that meets the surrounding area. Overall the variances are minor and do not create land use conflicts.

Gloria Stewart: I visited the property last weekend. I was looked out but found a way in. I am more concerned about the neighbouring properties. I could smell cannabis. There is an abutting auto sales business with an apartment above it. I certainly think it is too close to the property. I think the idea that the building was already purchased might be a bit ahead of the game. The building is huge and I can't see how any odour would not be escaping from the production unit.

Bill Baszyk: I share Gloria's concerns. I take it that the existing building is a Cannabis production facility and the new building will not be part of that operation.

Mark Jacobs: There is no intended storage of Cannabis in the new building.

Bill Baszyk: What are the other buildings on the south side?

Mark Jacobs: Those are parking spaces, not buildings. Also shown on the plan is an underground septic and water storage tanks for fire services.

Bill Baszyk: I also notice for the building itself, it appears to be drive-in doors at both ends and that you have a total clearance of 3.86m and that seems like an awfully small area to turn around a vehicle.

Mark Jacobs: The entrances you see on the plan are standard 4 foot doorways. One door on the west side is 7' x 4' on the southwest side. There will likely be a fire door at the north end as an exit. There is no current plan for a drive-through door.

Bill Baszyk: I also notice that there is a drilled well that will be covered.

Mark Jacobs: Yes, it will be decommissioned and a new well to the west of the building has already been drilled.

Bill Baszyk: As this is a Cannabis production facility, I have to raise security issues. I see there is proposed chain link fence surrounding the entire property.

Mark Jacobs: The Federal requirements from Health Canada will be followed.

Peter Prust: I also attended the site. I take a narrow view of the application and the regulations that apply. I notice that the immediately surrounding area is industrial. I don't see any other real objection here.

Ralph Maleus: I was not successful entering into the property. The main entrance to the site will remain on the south side?

Mark Jacobs: Yes, there are two gates (north and south) and they will stay there.

Ralph Maleus: So the building will not be used for any Cannabis storage?

Santiago Hirsbrunner: No, it will be for storage. If I intended to use it in future for Cannabis, I would be installing Carbon filters and so you would smell a little bit.

Ralph Maleus: Will the building be used for any storage of finished or unfinished Cannabis product?

Santiago Hirsbrunner: No.

Ralph Maleus: I personally feel that the variance is really pushing the envelope for the 3.86m.

Mark Jacobs: This is the best location in terms of the existing building given it had already been purchased. Through consultations with our Civil Engineer for stormwater management, we needed to locate it here for drainage and swails.

Ralph Maleus: Has it been fabricated yet?

Santiago Hirsbrunner: I paid in full for the building. I didn't know at the time that it was pushing the limits of the zoning by-law. I would have made it smaller now in hindsight.

Ralph Maleus: Does anything hinder you from requesting a smaller building?

Santiago Hirsbrunner: I'm not sure, other than I paid for it.

George Hewitt: How deep did you have to go with the new well?

Santiago Hirsbrunner: 3.5 gallons per minute at 18ft.

George Hewitt: Does Cannabis require a lot of water?

Santiago Hirsbrunner: Right now I have water delivered here to meet the needs. About 7000 ltrs is delivered every few days.

George Hewitt: I'm wondering if this will deplete the water stream for your neighbours.

Santiago Hirsbrunner: I am not using the well near capacity right now. I only have one washroom. There is quite a bit of water here, so much so that in the wet season, the water table is so high that there is nowhere for the wastewater to go.

George Hewitt: Have you had the water tested?

Santiago Hirsbrunner: I had it tested about 4 years ago. It is pretty standard well water.

George Hewitt: What do you do with the rest of the plant?

Santiago Hirsbrunner: Throw it in the garbage in black garbage bags.

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

No

4b) Written Submissions for A-6/21 HIRSBRUNNER

- Planning Report
- Other

4c) Decision regarding A-6/21 HIRSBRUNNER

The Committee considered the application after hearing all parties, advised those present of the decision, and will notify as required in accordance with the *Planning Act*.

Resolution 4-3

MOVED BY Gloria Stewart and seconded by Peter Prust that Minor Variance Application File No. A-6/21 HIRSBRUNNER as made by 1961946 Ontario Inc. (Santiago Hirsbrunner), be

approved. The proposed use 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.

Motion rescinded

Mark Jacobs: In principle, I would support a smaller variance. It comes down to whether the manufacturer could accommodate. We do feel that this is the most appropriate sighting for the size of the building.

Mr. Santiago: Luckily the building comes in sections. I'm not sure how long each section is. I may be able to find out how wide each section is, we could take out some sections so there is less of a variance. How much closer would you like me to be?

Bill Bazstyk: On the south side only, closer by 6 feet if possible.

Ralph Maleus: If we could find something between 6ft. and 2 m.

Mark Jacobs: Could we revise to a setback of 6m? So a variance of 2m?

Richard Ferguson: If the minor variance goes to 6m, then the building is shortened to allow that.

Resolution 4-3 - Amended

MOVED BY Ralph Maleus and seconded by Bill Bazstyk that Minor Variance Application File No. A-6/21 HIRSBRUNNER as made by 1961946 Ontario Inc. (Santiago Hirsbrunner), be approved with an amended south side setback of 6m (from 3.86m). The proposed use 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) CONFORMATION OF DECISION for A-6/21 HIRSBRUNNER

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

Application A-7/21 PATTERSON

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|--------------------------------------|---|
| Name of Applicant / Agent: | Dave Patterson |
| Address of Applicant / Agent: | 2 Pollock Avenue, Beaverton ON L0K 1A0 |
| Location of Property: | 2 Pollock Avenue, Beaverton ON L0K 1A0 |
| Purpose of Application: | To provide relief from Zoning By-law 287-78-PL Section 10 m) that provides for a 1.5m projection of unenclosed porches, |

| | |
|-------------------------------|--|
| | balconies, steps and patios, covered or uncovered into a yard setback to a maximum 1.2m from the property line, to allow for a projection of 2.4m and setback of 0.3m on the west property line. |
| Effect of Application: | The effect of the application is to allow the construction of an attached deck. |

4a) Presentation of Application A-7/21 PATTERSON

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

David Patterson: I'm just trying to build a deck at the back of my house. I'm just trying to use the space to maximize the living area along that side.

Bill Basztyk: I visited the site. I noticed no sign on the property.

David Patterson: I put the sign up on the day Debbie delivered it (delivered June 5, 2021).

Bill Basztyk: You have a proposed 1" setback from the fence?

David Patterson: It is 1' from the property line.

Bill Basztyk: There is very, very little clearance from the deck to the fence.

David Patterson: I believe it should be 1' from the fence, not 1". It is supposed to be 1' from the property line that goes to the fence. I will attach the deck to the fence that is 1 ft. from the property line. The fence is completely on the property that I own. I got a copy of the plan from the developer.

Richard Ferguson: The foundation is 1.23m from the property line. If the fence is 3ft from the house, then he is accurate that the fence is 1ft on his property.

Bill Basztyk: The deck is almost completely built at this stage prior to this application being filed.

Gloria Stewart: I also visited on Sunday. Who erected the fence that is there?

Dave Patterson: The subdivision developer built the fence.

Ralph Maleus: I visited on Sunday and the sign was up. I'm concerned that there is no way to walk around the deck.

Richard Ferguson: I haven't seen the plans for this deck. I'm not sure if there is a stair going down that side. There is no real issue from the building code perspective.

Ralph Maleus: I would like to see stairs on the south side of the deck so that you can access it.

Peter Prust: I attended on the weekend. The lots are pretty tiny and it looks like a smart use of space. I think the deck as designed makes sense. I would note that escape routes are not generally a concern. I really don't have any issues with it.

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

Lucy Lehman: We would like to make a statement in support of Dave. He has been a great neighbour. As soon as there way any issue raised, everything stopped and nothing has been done since. It doesn't surprise me that the surveys weren't provided and that the fence would be on his property.

4b) Written Submissions for A-7/21 PATTERSON

- Planning Report
- Other

4c) Decision regarding A-7/21 PATTERSON

The Committee considered the application after hearing all parties, advised those present of the decision, and will notify as required in accordance with the *Planning Act*.

Resolution 5-3

MOVED BY Bill Baszyk and seconded by Ralph Maleus that Minor Variance Application File No. A-7/21 PATTERSON as made by David Patterson, be amended to add a set of stairs on the south side of the deck adjacent to the house, then be approved. The proposed use 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) CONFORMATION OF DECISION for A-7/21 PATTERSON

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

5. OTHER BUSINESS

Structure of information packages. The Committee has requested that the Information Packages prepared for the Committee contain less pages as there is a lot of unnecessary information (for them) in the current packages.

6. ADJOURN

MOVED BY Ralph Maleus that this meeting does now close at 8:41pm.

CARRIED

CHAIR



SECRETARY-TREASURER