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**Date:** July 6, 2022

**To:** Chair and Members  
City of Brantford Committee of Adjustment

**From:** Joe Muto, MCIP, RPP  
Manager of Development Planning

**Re:** Update Regarding Minor Variance Application A25/2022

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This memo is to provide supplementary information to the Committee of Adjustment regarding minor variance application A25/2022, which was received by Staff after Report 2022-470 had been finalized.

Report 2022-470 recommended approval of minor variance application A25/2022. After finalizing that report, Planning Staff received correspondence from CN Rail (attached as **Appendix A**) identifying that the accessory structure and proposed accessory dwelling unit are located in proximity to the CN railway corridor. Given the sensitive use proposed, CN recommended implementing a condition of approval, requiring the registration of an environmental easement for operational noise and vibration emission, in favor of CN.

This comment does not impact Staff support of the application, but given that the accessory structure is located approximately 65 m from an active railway, Staff are supportive of this condition and therefore would like to amend Recommendation A of Report 2022-470 (changes made in **bold**) to read:

*"THAT Application A25/2022 requesting relief from Section 6.3.1.21 of the City of Brantford Zoning By-law 160-90 to permit a maximum height of 7.24 m for an accessory building in a residential zone, whereas a maximum height of 4.5 m is permitted, and Section 6.32.8 to permit an accessory dwelling unit on the 2<sup>nd</sup> floor of an accessory structure, whereas accessory dwelling units in accessory structures shall not be permitted above the first floor, BE APPROVED, **conditional upon the registration of an environmental easement for operational noise and vibration emissions, in favour of CN Rail,**"*

A handwritten signature in blue ink, appearing to read "Joe Muto".

Joe Muto, MCIP, RPP  
Manager of Development Planning

Attachments  
Appendix A – Technical Comments from CN Rail

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## Appendix A – Technical Comments from CN Rail

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**From:** Saadia Jamil [<mailto:Saadia.Jamil@cn.ca>] On Behalf Of Proximity  
**Sent:** Tuesday, June 28, 2022 3:36 PM  
**To:** Barbara Day  
**Subject:** 2022-06-28\_CN Comments\_90 Ava Road, Brantford ON

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Hi Barbara,

Thank you for circulating CN on the committee of adjustment agenda. It is noted that the property located at 90 Ava Road, is in proximity to the CN railway corridor. Given the sensitive use proposed, CN recommends the following to be implemented as a condition of approval:

- Registration of an environmental easement for operational noise and vibration emissions, in favor of CN

The proponent can reach out to us directly to initiate the registration process and satisfy this condition.

Thanks,

**Saadia Jamil**

Planner (CN Proximity)  
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