



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date March 27, 2019 **Report No.** 2019-176

To Chair and Members
City of Brantford Committee of Adjustment

From Brynne O'Neill
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

2.0 Topic

APPLICATION NO.	B07/2019
AGENT	David Clement, Waterous Holden Amey Hitchon
APPLICANT	Brant Community Health Care System
OWNER	Brant County Health Unit
LOCATION	194 Terrace Hill Street

3.0 Recommendation

- A. THAT Application B07/2019 to create an easement for access and maintenance purposes for a portion of the lands municipally known as 194 Terrace Hill Street, BE APPROVED, subject to the conditions attached in **APPENDIX A**;
- B. THAT the reason(s) for approval are as follows:
- Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse

impacts on surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law, consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and

- C. THAT pursuant to Section 53(17)-(18.2) of the *Planning Act*, R.S.O. 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“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. 2019-176.”

4.0 Purpose and Description of Application

A consent application for the creation of an easement for a portion of the lands municipally addressed as 194 Terrace Hill Street. The applicant is proposing to reestablish a previously existing easement as shown in **Appendix C** for the following:

1. A feeder line and poles servicing the transformer above grade, owned by Brant Community Healthcare System located at 28 Elizabeth Street, directly south of the Site.

A new easement agreement is also required to be entered into with the City of Brantford, over the same portion of lands, shown in **Appendix C** for the following:

2. A 250mm cast iron watermain below grade owned by the City of Brantford.

The dimensions of the easement are as follows:

	Lands subject to Easement (Part 4)
Width:	63.14m
Depth:	Irregular: west – 13.8m, east – 8.4m
Area:	704.5m ²

The easement was originally granted to the Public Utilities Commission of the City of Brantford, who owned the infrastructure at that time. However, the

ownership of the infrastructure was then assumed by the Brantford Community Healthcare System, who now owns the transformer that the feeder line and poles service. With this transfer of ownership, the rights to the easement were never transferred. The intent of this application is to now correct this situation, as well as provide an easement to the City of Brantford for an existing watermain within the same corridor of land.

A location map and a conceptual site plan illustrating the proposed easement are attached as **Appendices B and C**.

5.0 Site Features

The subject lands are located on the south side of Terrace Hill Street. The property has exterior side yards on both Elizabeth Street and McMurray Street. The site contains a four storey building housing the Brant County Health Unit offices, and the associated parking lot.

The Brantford General Hospital is located across Elizabeth Street to the west, and northwest across Terrace Hill Street. The parking lot for the hospital is directly north of the subject lands. East of the site across McMurray Street is City View Park. To the south and northeast are residential uses. An aerial photo, site photographs, and a land use map are attached as **Appendices D, E and F**.

6.0 Input from Other Sources

6.1 Technical Comments

This Application was circulated to all appropriate departments and agencies.

No adverse comments or objections were received from the commenting agencies. However, Water Services identified that there is a City owned watermain located on the property within the corridor as the easement if being granted. Therefore, Water Services have requested an easement in favour of the City as well. The applicant has been advised, and has agreed to move forward with this easement as per the City's request. Conditions have been included to address the City easement requirements as well.

The Building Department commented that three of the existing parking spots are located within the lands that would be subject to the easement as shown in **Appendix D**. The parking spots will not be impacted by the

creation of the easement, and do not interfere with the electric feeder line and poles, or the watermain. Further, there is no issue created from a zoning perspective.

Detailed comments from the Building and Engineering Departments are attached as **Appendices G and H**.

6.2 Public Response

Notice of public hearing was issued by personal mail (24 notices) and by posting a sign on-site. Attached as **Appendix I** is a plan illustrating the notification area. Planning Staff have not received any written or verbal submissions at the time of writing this Report.

6.3 Grand River Notification

Notice of the public meeting was issued to representatives of the Six Nations of the Grand River and the Mississaugas of the Credit First Nation, with no response received to date.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Act, R.S.O 1990

The *Planning Act* sets the standard to which provincial interests and provincial and local policies and goals are implemented. Section 51(24) of the *Planning Act* lists criteria that Staff must have regard for when considering a consent application, approved under Section 53 of the Act, for approval. Planning Staff have given regard for Section 51 (24) of the *Planning Act*, specifically 51(24)(k) which speaks to having regard to “*the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*”. Planning Staff are satisfied that the application for easement allows for the appropriate conveyance of land for public utilities; is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties.

Planning Staff are also of the opinion that the subject consent application is consistent with Section 51 (24) of the *Planning Act*.

7.2 Provincial Policy Statement (2014)

The subject consent application has been reviewed with respect to the policies contained in the Provincial Policy Statement (PPS). The PPS is issued under the authority of Section 3 of the *Planning Act*, which requires that planning decisions “*shall be consistent with*” policy statements issued under the Act. Additionally,

Planning Staff are of the opinion that this application is consistent with the policies in the PPS.

7.3 Places to Grow – Growth Plan for the Greater Golden Horseshoe (2017)

The subject consent application has been reviewed with respect to the policies contained in the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Section 1.2.1 of the Growth Plan outlines the principle that provide the basis for guiding decision in the Greater Golden Horseshoe on how land is developed, resources are managed and protected and public capital is invested. The proposed easement is consistent with these policies, and rectifies an existing situation. Planning Staff are of the opinion that the proposed easement meets the policies of the Growth Plan.

7.4 City of Brantford Official Plan

The subject lands are designation “Major Institutional” in the City’s Official Plan (**Appendix J**). This designation permits a variety of uses including schools and hospitals. Section 18.9.2 of the City’s Official Plan states that: “*Applications for consents will only be granted where:*

- “*The severance is for the purpose of infilling within existing development;*
- *It is clearly not necessary in the public interest that a plan of subdivision be registered;*
- *The lot can be adequately serviced by roads, sanitary sewage disposal, water supply, and storm drainage facilities;*
- *No extension, improvement or assumption of municipal services is required;*

-
- *The lot will have frontage on an improved public road, and access will not result in traffic hazards;*
 - *The lot will not restrict the ultimate development of adjacent lands;*
 - *The size and shape of the lot conforms to the Zoning By-law, and is appropriate to the use proposed and compatible with adjacent lots; and*
 - *The consent complies with all relevant provisions of this Official Plan.”*

The consent application is for the creation of an easement, and no new lot is being created. The easement makes efficient use of land within a built up area, and it allows for the maintenance of the existing infrastructure located on the property.

7.5 City of Brantford Zoning By-law 160-90

The property is zoned “Institutional Major (I3) Zone” as seen in **Appendix K**. This Zone permits a variety of institutional uses including hospitals and schools. The proposed easement is not a requirement of the Zoning By-law, and complies with all other Zoning regulations.

7.6 Conclusion

A site inspection was completed on March 12, 2019. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. The application is required to reestablish the easement rights of the owner (Brantford Community Healthcare System) of the feeder lines and poles in order to ensure maintenance and access to the existing infrastructure. The easement was originally granted to the Public Utilities Commission, and when ownership of the infrastructure transferred, the rights to the easement did not transfer with it. The additional easement required in favour of the City of Brantford is required as there is an existing watermain in the same corridor of land as the feeder line and poles, and not currently subject to an easement. Through the City’s review of this application, Public Works Staff has requested that this needs to be addressed so that the City has access to the existing watermain for maintenance purposes.

Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the consent application is desirable and compatible

with the surrounding area and will not result in adverse impacts on surrounding properties. The application is consistent with the applicable planning policy framework in the PPS, Growth Plan and Official Plan, specifically the consent policies of Section 18.9.2 of the Official Plan.

Planning Staff recommend that Application No. B07/2019 be approved, subject to the attached conditions.



Written on: March 21 2019
Written by: Brynne O'Neill, MCIP RPP
Development Planner



Reviewed By:
Joe Muto, MCIP RPP
Manager of Development Planning

APPENDIX A
Conditions of Consent – B07/2019

Subject to the following conditions:

1. ☒ Receipt of a registered reference plan showing the easement;
2. ☐ Receipt of payment for cash-in-lieu of parkland. (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018)
3. ☒ Receipt of confirmation that all taxes are paid up to date;
4. ☒ Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer drafts of the Transfer Easement documentation for both required easements, specifically an easement in favour of the Brantford Community Healthcare System for the electrical feeder line and poles, and an easement in favour of the Corporation of the City of Brantford for the existing watermain (Upon registration a final copy of the Transfer Easements shall be provided to the City);
5. ☐ Receipt of confirmation from the Solicitor acting in the transfer that the severed parcel is merged in title with the adjacent property and that Section 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of the separate parcels;
6. ☐ Receipt of confirmation that the Zoning By-law Amendment is in full force and effect;
7. ☐ Receipt of confirmation from the Engineering Department indicating that their requirements have been satisfied;
8. ☐ Receipt of confirmation from the Engineering Department indicating that their requirements have been satisfied concerning the driveway location;
9. ☐ Receipt of confirmation from the Engineering Department indicating that civic addresses have been assigned to the severed and retained parcels;
10. ☐ Receipt of confirmation that the lands to be severed and retained have been, or will be, independently serviced with water and sanitary sewer service by the owner, to the satisfaction of the General Manager of Engineering and Operational Services;
11. ☐ Receipt of confirmation that the 0.3 m reserves have been lifted at the owner's cost to the satisfaction of the General Manager of Public Works Commission;
12. ☐ Receipt of confirmation that the required 4.5 metre daylight corner with 0.3 metre reserve has been dedicated to the City, to the satisfaction of the General Manager of Public Works Commission;

-
13. ☐ Receipt of confirmation that a road widening strip, as required by the Engineering Department, has been conveyed to the City, at no cost to the municipality, with any costs regarding the transfer being borne by the Applicant(s);
 14. ☐ Receipt of confirmation from the General Manager of Public Works Commission confirming their requirements have been satisfied regarding the receipt and approval of a lot grading plan addressing surface water drainage from both the severed and retained lands;
 15. ☐ Receipt of confirmation that survey evidence has been submitted showing that the dwellings and any accessory buildings or structures located on the severed and retained parcel comply with the requirements of the Zoning By-law to the satisfaction of the Chief Building Official;
 16. ☐ Receipt of confirmation that elevation drawings and calculations are provided to the Chief Building Official verifying that the spatial separations requirements of the Ontario Building Code are met relative to the severance line;
 17. ☐ Receipt of confirmation that the Grand River Conservation Authority requirements have been met;
 18. ☐ Receipt of confirmation that the Ministry of Transportation requirements have been met;
 19. ☐ Receipt of confirmation that the existing single detached dwelling and any other existing buildings located on the retained and severed parcels is demolished or otherwise removed to the satisfaction of the Chief Building Official;
 20. ☐ Receipt of confirmation that the Owner has entered into a Site Plan Control Agreement for the retained lands with the City;
 21. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before March 27, 2020, after which time the consent will lapse.

APPENDIX B
Location Map


LOCATION MAP

Application: B07/2019

194 Terrace Hill Street



Legend

 Subject Property

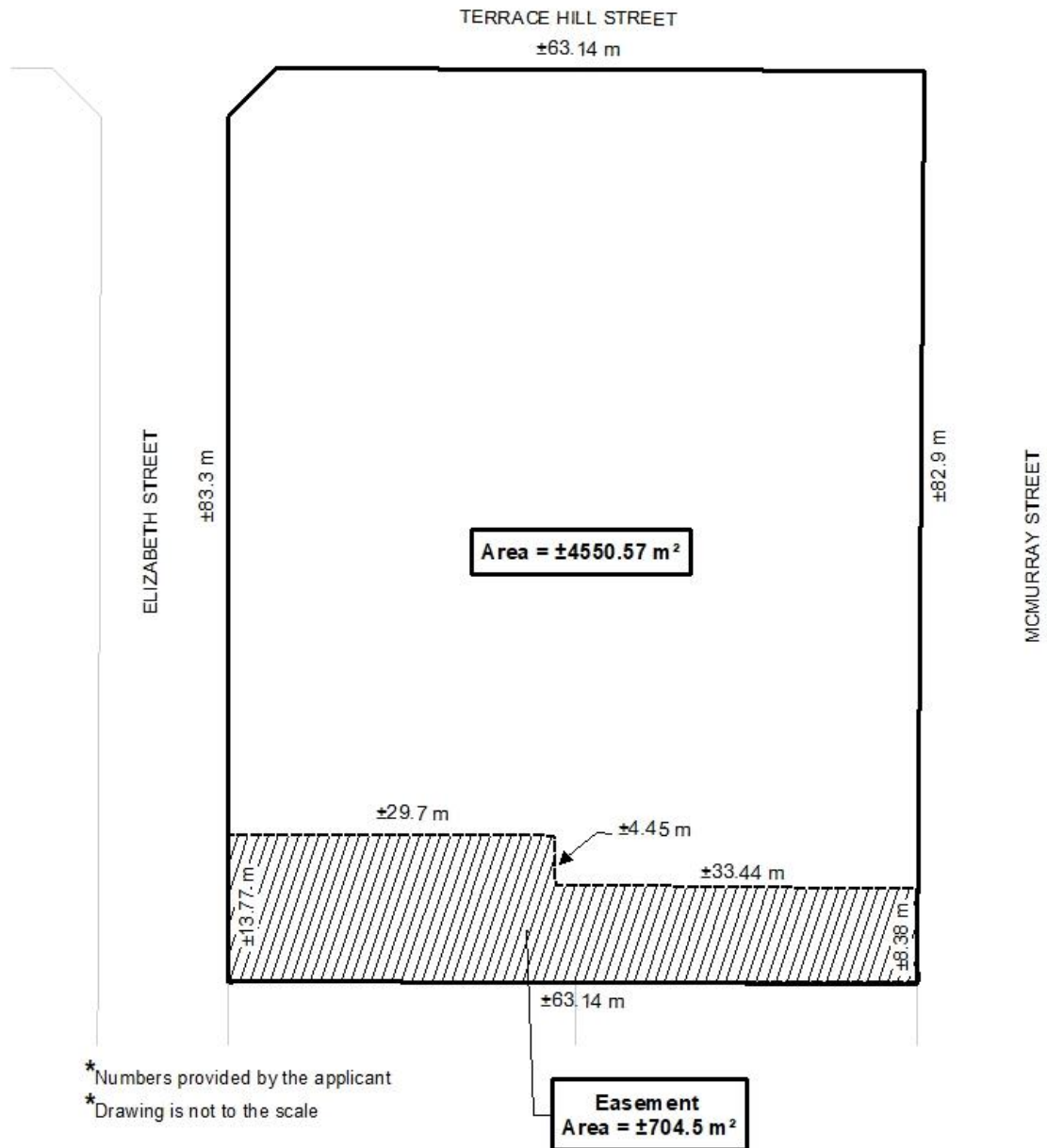
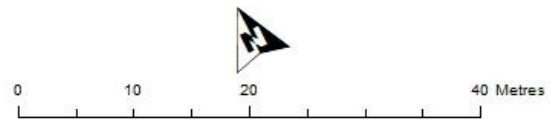


0 40 80 160 Metres

APPENDIX C
Concept Site Plan

SITE PLAN MAP

Application: B07/2019
194 Terrace Hill Street




APPENDIX D
Aerial Photos

AERIAL PHOTO (2017)

Application: B07/2019
194 Terrace Hill Street



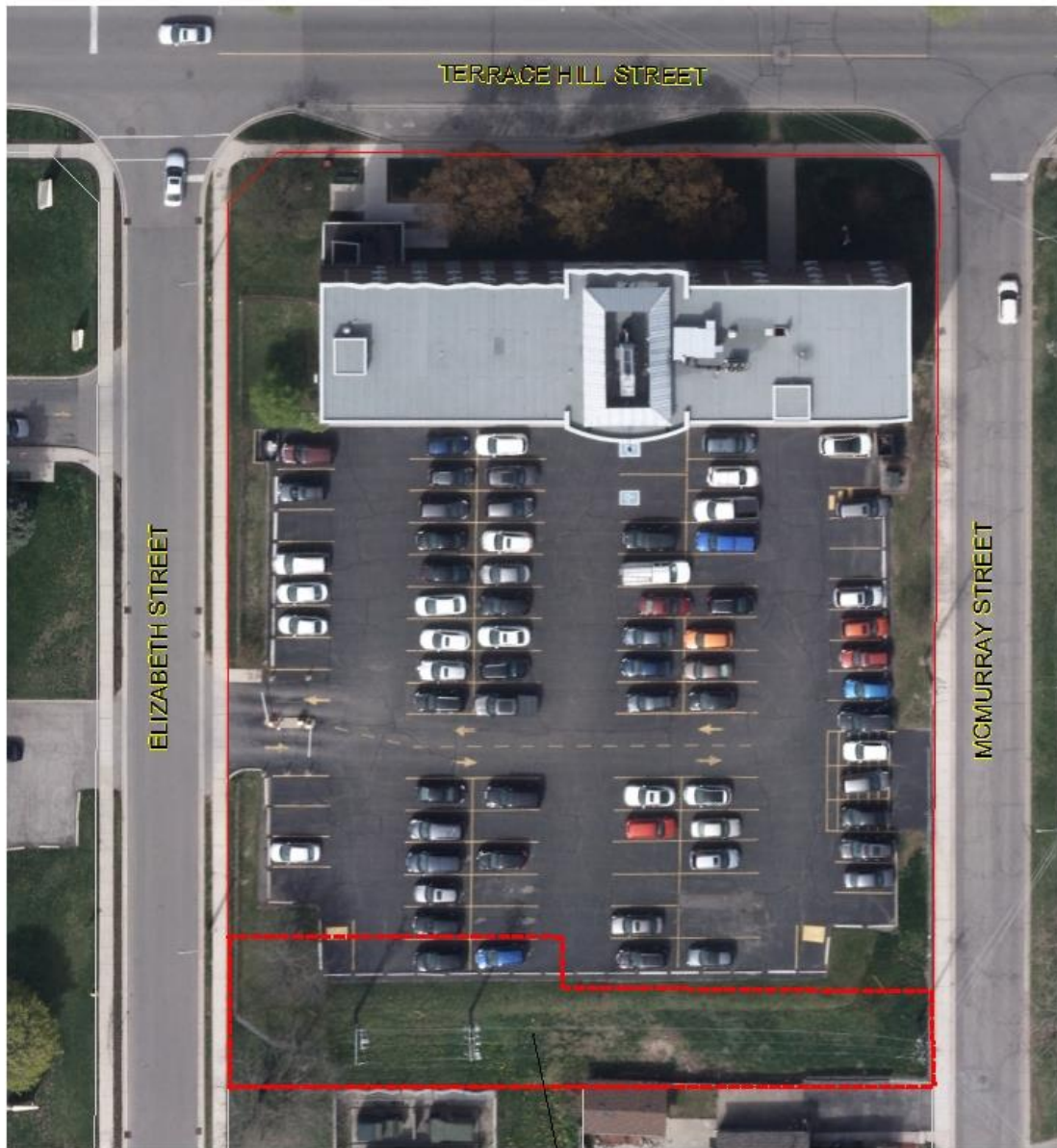
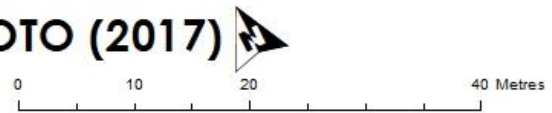
LEGEND

 Subject Property



SITE PLAN MAP - AERIAL PHOTO (2017)

Application: B07/2019
194 Terrace Hill Street



Easement

APPENDIX E
Site Photo

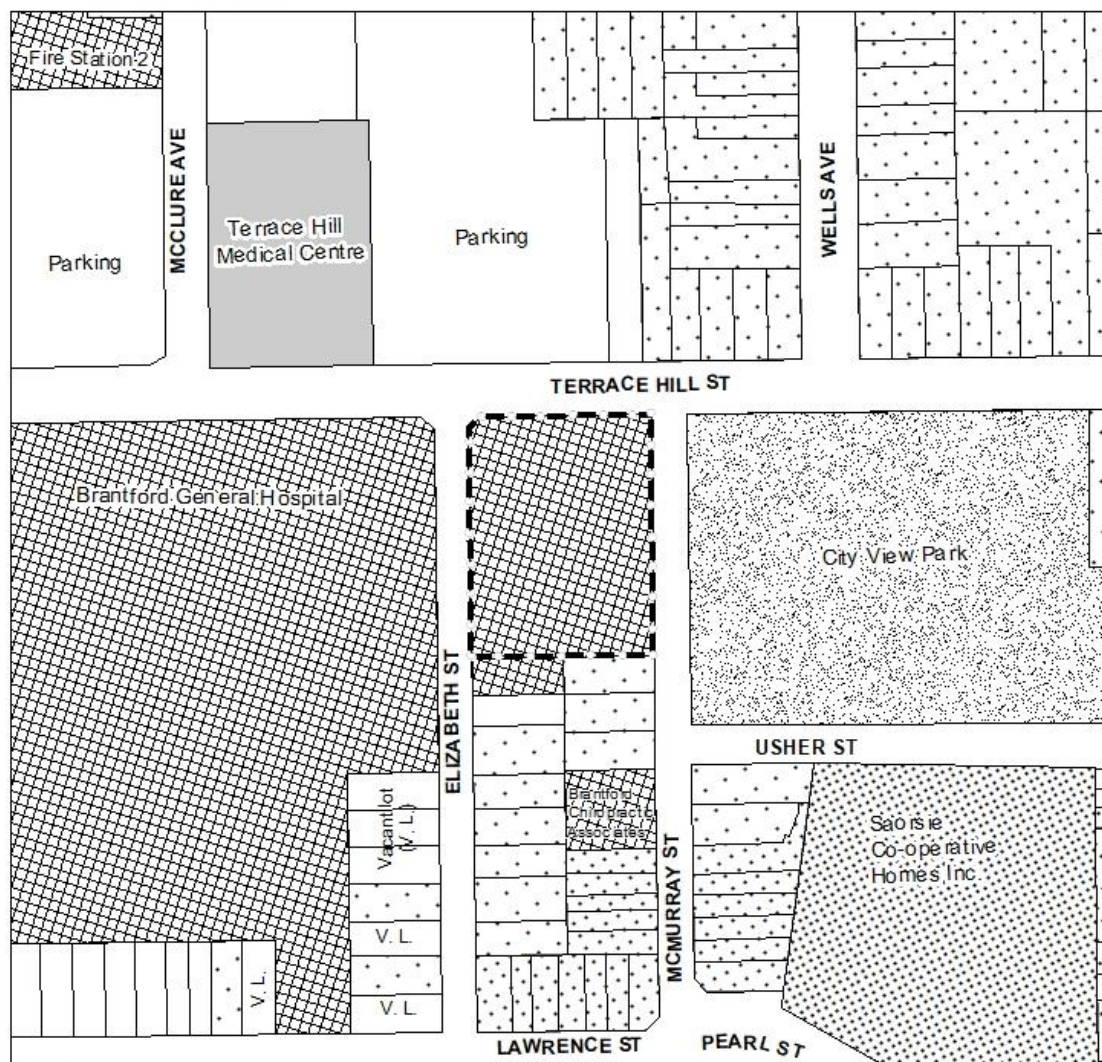


Figure 1: Existing hydro lines within proposed easement area

APPENDIX F Existing Land Uses

LAND USE

Application: B07/2019
194 Terrace Hill Street



LEGEND

- Subject Property
- RESIDENTIAL - Low Density (1 to 3 units)
- RESIDENTIAL - Medium Density (4 units & up to 3 storey high)
- RESIDENTIAL - High Density (4 storey or higher)
- INSTITUTIONAL
- COMMERCIAL
- INDUSTRIAL
- PARK
- VACANT/ AGRICULTURAL

Note : 2 or more assessed residential Units are indicated



APPENDIX G
Building Department Comments



**BUILDING
DEPARTMENT**

PRELIMINARY REPORT TO PLANNING

_____ MINOR VARIANCE	_____ SEVERANCE
_____ DRAFT PLAN OF SUBDIVISION	_____ ZONING BYLAW AMENDMENT
_____ OFFICIAL PLAN AMENDMENT	_____ DRAFT PLAN OF CONDOMINIUM
_____ RENTAL HOUSING PROTECTION ACT	_____ SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N^O **B07-2019**

SITE: **194 Terrace Hill Street**
TO PERMIT: **Consent Application**
APPLICANT: **Brant Community Health Care System**

COMMENTS:

BYLAW: 160-90 ZONE: 13

The Building Department has no objections to this Consent application. It should be noted that the proposed easement includes part of the existing parking lot.

A handwritten signature in black ink, appearing to read "Russ Thomson".

Russ Thomson, MAATO, CBCO, CPSO
Chief Building Official

March 1, 2019

Date

APPENDIX H
Engineering Department Comments

No. B07-2019

COMMITTEE OF ADJUSTMENT APPLICATION
ENGINEERING SERVICES STAFF REPORT

HEARING DATE: FEBRUARY 28, 2019
NAME OF APPLICANT: Brant Community Health Care System
AGENT: Waterous Holden Amey Hitchon LLP
ADDRESS: 194 Terrace Hill Street
NATURE OF APPLICATION: Consent Application

ENGINEERING DEPARTMENT REQUIREMENTS:

1.	Land required for road widening purposes	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.	Ingress and Egress satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3.	Off-street parking satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.	Sanitary sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5.	Storm sewers available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6.	Water Service available and satisfactory	-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

COMMENTS OR REMARKS:

1. TRAFFIC/PARKING

- No transportation comments for this application.

T. KU, P.ENG., PTOE
MANAGER, TRANSPORTATION AND PARKING SERVICES

2. TRANSIT SERVICES

- No issues.

E. VANDERMADE
MANAGER OF TRANSIT

No. B07-2019

COMMITTEE OF ADJUSTMENT APPLICATION
ENGINEERING SERVICES STAFF REPORT

HEARING DATE: FEBRUARY 28, 2019
NAME OF APPLICANT: Brant Community Health Care System
AGENT: Waterous Holden Arney Hitchon LLP
ADDRESS: 194 Terrace Hill Street
NATURE OF APPLICATION: Consent Application

ENGINEERING DEPARTMENT REQUIREMENTS:

- | | | | | | | |
|----|--|---|-----|--------------------------|----|--------------------------|
| 1. | Land required for road widening purposes | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 2. | Ingress and Egress satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 3. | Off-street parking satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4. | Sanitary sewers available and satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 5. | Storm sewers available and satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 6. | Water Service available and satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

COMMENTS OR REMARKS:

3. WATER

I reviewed the consent application and reference plan with Plan No: 2R-2869 dated Feb 12, 1988, on behalf of Environmental Services and have the following conditions:

1. City records indicate that 250mm Cast Iron watermain currently located within the existing easement, approximately 4m north of the southerly property line. No easement rights have been found in the favour of the City of Brantford (City) for the watermain. The City will require an easement agreement to be granted to the City by the property owner for access and maintenance of the existing watermain.

J. SPAGNUOLO, C.E.T.
SENIOR PROJECT MANAGER

4. DEVELOPMENT ENGINEERING

- Development Engineering has no concerns with the noted severance application to re-establish an easement.



G. PEEVER, P. ENG.,
MANAGER, DEVELOPMENT ENGINEERING

March 12, 2019
DATE

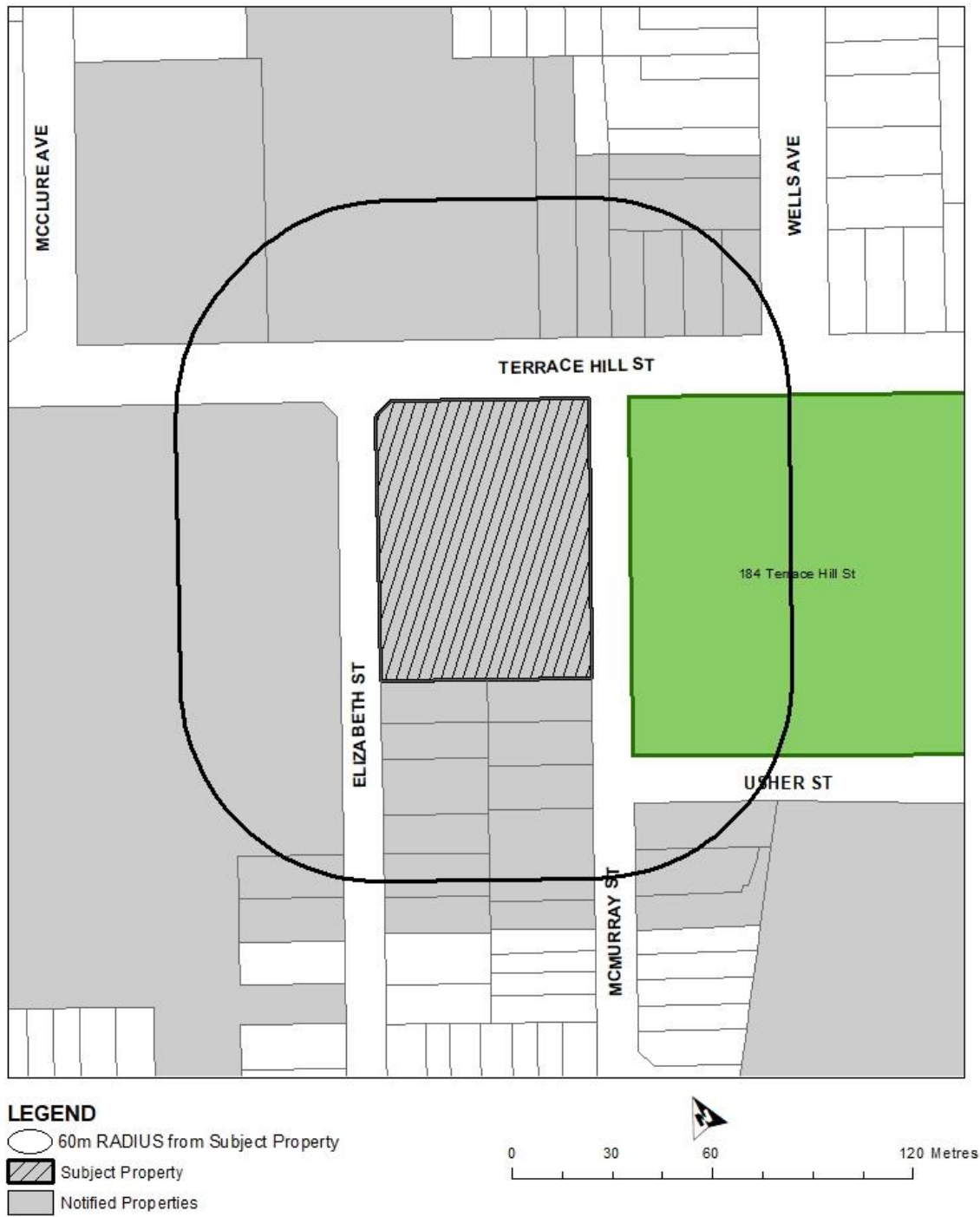


R. LOUKES, P. ENG.,
DIRECTOR, ENGINEERING SERVICES
PUBLIC WORKS COMMISSION

APPENDIX I
Notification Area

AREA OF PUBLIC NOTIFICATION

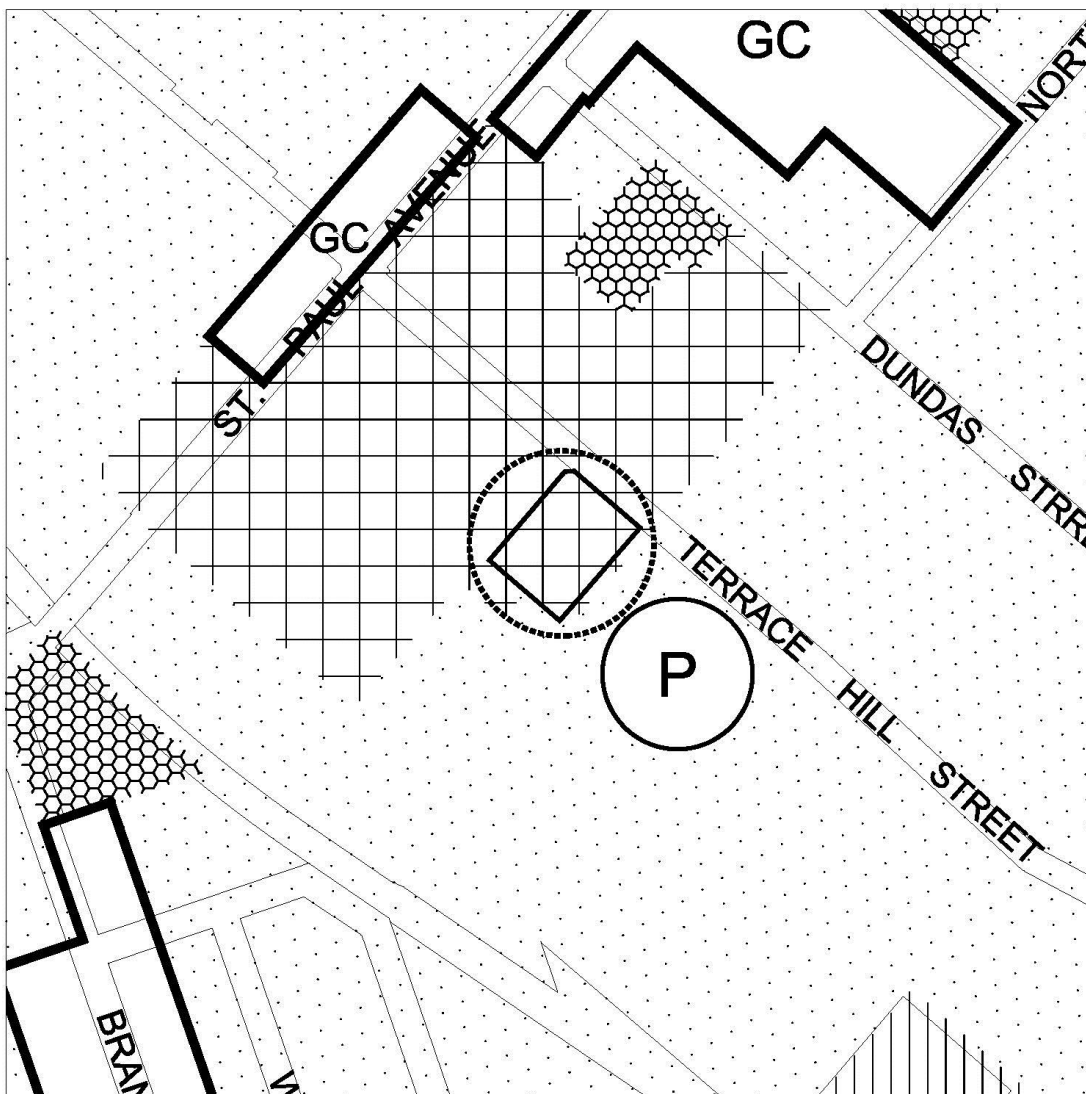
Application: B07/2019
194 Terrace Hill Street



APPENDIX J
Official Plan

OFFICIAL PLAN

Application: B07/2019
194 Terrace Hill Street



LEGEND

SUBJECT LAND

- LOW DENSITY RESIDENTIAL AREA
- MEDIUM DENSITY RESIDENTIAL AREA
- HIGH DENSITY RESIDENTIAL AREA
- GENERAL INDUSTRIAL AREA
- MIXED INDUSTRIAL COMMERCIAL AREA
- BUSINESS PARK AREA
- MAJOR INSTITUTIONAL
- MAJOR OPEN SPACE

- CORE COMMERCIAL AREA
- CC COMMUNITY CENTRE COMMERCIAL AREA
- GC GENERAL COMMERCIAL AREA
- MCR MIXED COMMERCIAL RESIDENTIAL AREA
- DC DISTRICT CENTRE COMMERCIAL AREA
- NC NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HC HIGHWAY COMMERCIAL AREA
- NFC NEW FORMAT COMMERCIAL AREA

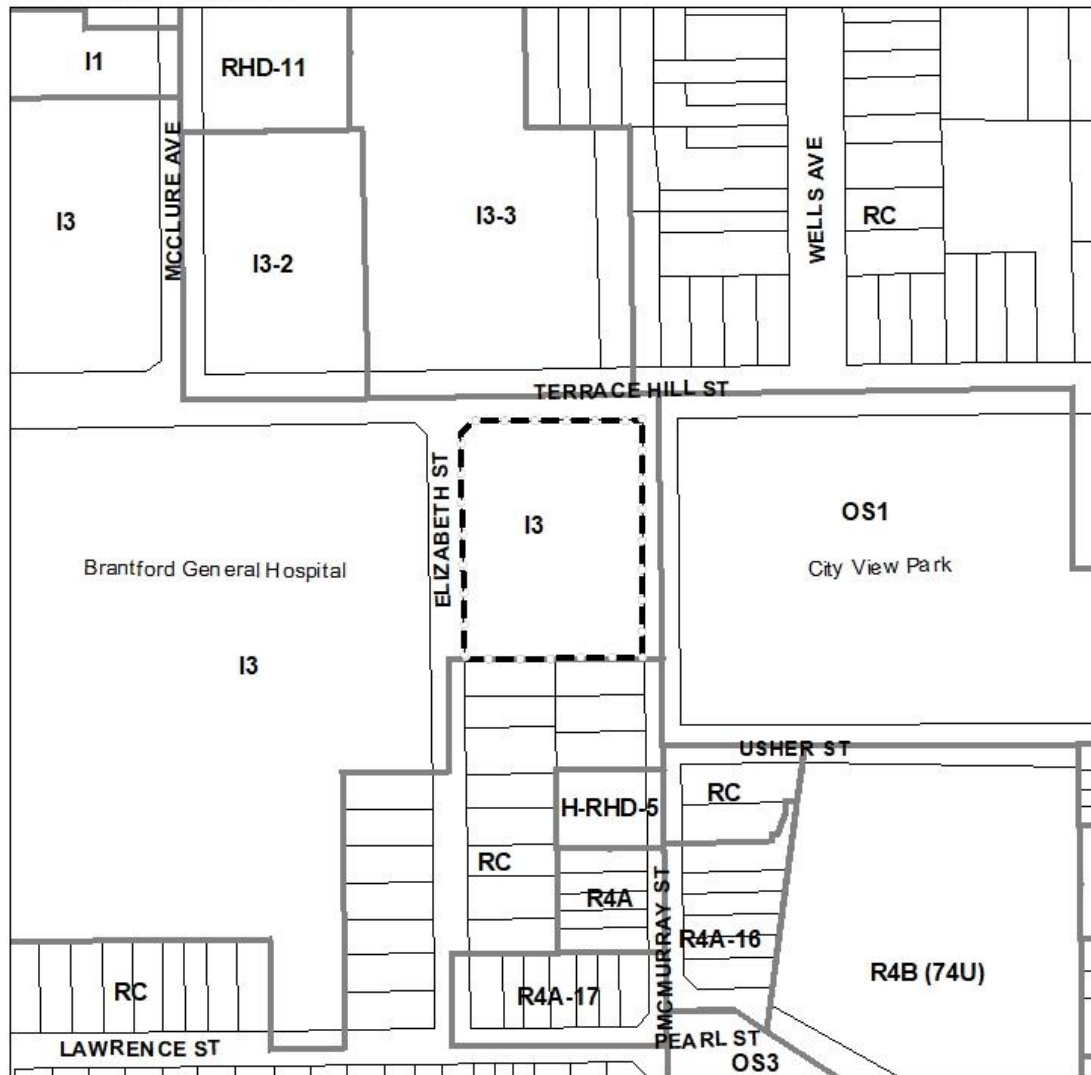
- (C) CEMETERY
- (S) ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- (SP) SPECIALIZED PARK and OPEN SPACE
- (CP) COMMUNITY PARK and OPEN SPACE
- (P) NEIGHBOURHOOD PARK and OPEN SPACE

APPENDIX K Zoning

ZONING BY-LAW

Application: B07/2019

194 Terrace Hill Street



LEGEND

Subject Property

ZONING (Bylaw 160-90) and County of Brant(61-16)

ZONE BOUNDARY

RC RESIDENTIAL CONVERSION

R4A RESIDENTIAL MEDIUM DENSITY Type A

R4B RESIDENTIAL MEDIUM DENSITY Type B

RHD RESIDENTIAL HIGH DENSITY

I1 INSTITUTIONAL SERVICE

I3 INSTITUTIONAL MAJOR

OS1 OPEN SPACE Type 1

OS3 OPEN SPACE RESTRICTED

-3 Exception Number

