



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

Date December 6, 2023 **Report No.** 2023-704
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

Application No.: A39/2023
Agent: Cynthia Baycetch, CB Planning
Applicant: Vicano Construction Ltd
Owner: GIZEH Packaging NA Inc.
Location: 40 Fen Ridge Court

3.0 Recommendation

- A. THAT application A39/2023 seeking relief from Section 10.3.2.1.3.2 of Zoning By-law 160-90 to permit a maximum lot coverage of 44%, whereas a maximum lot coverage of 40% is permitted, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variance are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in

nature and is desirable for the appropriate development and use of the subject lands; and,

- C. THAT pursuant to Section 45(8) – (8.2) 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 2023-704.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 40 Fen Ridge Court. The subject lands contain a warehouse building operating as Gizeh Packaging N.A. Inc. The site has received previous planning approvals through site-specific zoning by-law amendments and site plan control applications to implement the various phases of expansion. The applicant is now proposing Phase 4 which includes a 1,409.6 m² warehouse addition and connects the two existing warehouses on site. A site plan amendment will be required to implement this phase. However, to facilitate this proposed expansion, the applicant has submitted a minor variance application to request for relief from the following section of the Zoning By-law 160-90:

- Section 10.3.2.1.3.2 of Zoning By-law 160-90 to permit a maximum lot coverage of 44%, whereas a maximum lot coverage of 40% is permitted,

5.0 Site Features

The subject lands are located on the north side of Fen Ridge Court, west of Oak Park Road and south of highway 403. The surrounding land use is industrial and characterized by warehouses or other manufacturing businesses.

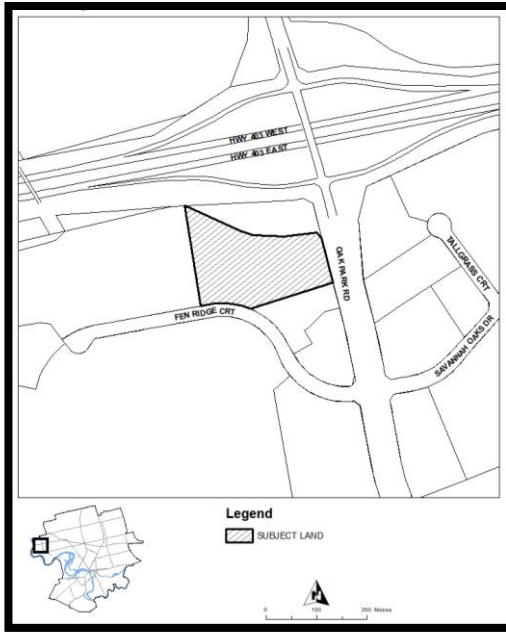


Figure 2 - Location Map



Figure 3 - Aerial Photo



Figure 4 – South-facing of the subject property at the location of the proposed addition.

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies on October 24th, 2023. A summary of the comments/conditions is provided below:

Table 1 - Department and Agency Comments

Agency Name	Agency Comment
Building	Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may be applicable to any new development.
Environmental Services	<p>I have reviewed this application and have no objections to the minor variance, however offer the following comments for the applicant's information only:</p> <p>City records indicate the proposed development lands are located, in part/wholly, within Water Intake Protection Zone #2 (IPZ2); The Applicant must complete and submit a Source Water Protection: Restricted Land Use Declaration Form to the City's Coordinator, Water Compliance;</p> <p>City records indicate the subject property is currently serviced by a combined 250 mm PVC (fire) lateral from the 300 mm PVC main in Fen Ridge Court and a 50 mm cross-linked polyethylene (domestic) lateral branches from the 250 mm (fire) lateral; The service appears to be located 49.6 m Out from the existing building and 51 m left of the left side of same;</p> <p>Only one (1) service connection is permitted to the property. The addition must be serviced through the principal building. This service connection must occur after the water meter and be in accordance with the Ontario Building Code and the City of Brantford's Design and Construction Manual for Linear Municipal Infrastructure;</p> <p>Note: there's a 600 mm CPP transmission main that runs parallel to the west property boundary, outside the subject property, it's imperative that the transmission main is protected at all times and all work shall be a minimum of 3 m away from the transmission main, structures and build footings;</p> <p>Records indicate the 600mm CPP watermain is 6m west of the easterly edge of the easement Part 3. This obvert of the watermain is approximately 2m-2.2m in depth from existing ground. The depth of cover for all water services shall not be less than 1.85 m minimum;</p> <p>If applicable, the City will complete the inspection of all watermains and services associated with this development. The Owner will be required to provide a deposit for the City's inspection fees. The deposit amount will be determined at the time of site plan approval;</p>

Agency Name	Agency Comment
	<p>The development must be metered during construction and the Owner will be required to pay the current fee per cubic metre for the quantity of water used; and</p> <p>All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.</p> <p>Provide an update Functional Servicing Report (FSR) brief outlining the current and future domestic and fire demands for this development using the current 2023 Design and Construction Manual. If applicable, provide details to demonstrate that the existing 250 mm water service is adequate to supply the cumulative fire and domestic demand for this development;</p> <p>The City of Brantford does not collect Commercial, Industrial or Institutional waste materials. The owner must utilize Private Collection services (at property owner's expense) to manage waste material collection;</p> <p>Under Bill 151, Waste Free Ontario Act (WFOA) and "Food and Organic Waste Framework in Ontario", Part B, Waste Policy Statement, new requirements have been established for the future management of food and organic waste materials for residential and commercial locations. The proposed development shall comply will all future requirements of the Provincial Waste Policy Statement; and</p> <p>The Owner is responsible for the management of all waste and recyclables materials during construction.</p>
Development Engineering	No comment
Landscape	No comment
Source Water Protection	40 Fen Ridge is located with IPZ-2, however this minor variance does not require the Restricted Land Use Declaration form for Source Water Protection to be completed. There are no Source Water Protection requirements for this application.
Transportation	No comment
Brant County	No comment
Canada Post	No comment
GRCA	No comment
MTO	<p>Consultation with MTO will be required for 40 Fen Ridge Court. MTO Building and Land Use Permits will be required prior to any alterations of the site.</p> <p>As a condition of MTO permits, the applicant will be required to confirm that all operations integral to the function of the site will be able to operate without encroaching into the 14m setback. MTO will</p>

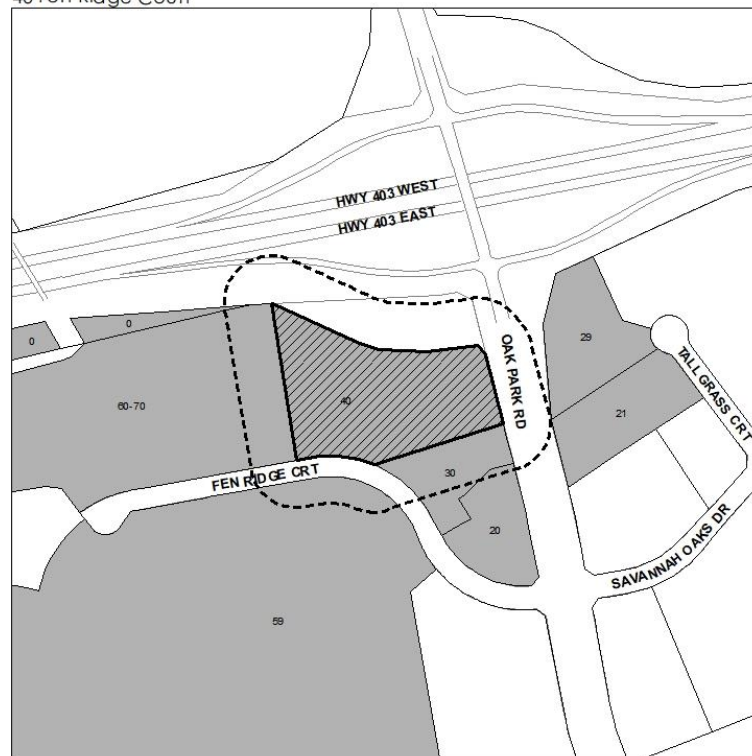
Agency Name	Agency Comment
	require a condition to be provided in the Site Plan Agreement referencing this. MTO looks forward to receiving a Site Plan Application to review.

6.2 Public Response

Notice of public hearing was issued by personal mail (8 notices) on November 16, 2023 to property owners within 60 metres of the subject lands pursuant to the *Planning Act*. No public comments were received.

AREA OF PUBLIC NOTIFICATION

Application: A39/2023
 40 Fen Ridge Court



Legend

-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Figure 4 – South-facing of the subject property at the location of the proposed addition

7.0 Planning Staff Comments and Conclusion

7.1 Policy Context

This application was reviewed in the context of the Provincial Policy Statement, the Growth Plan, the Official Plan and the Zoning By-law. A summary is provided in the table below:

Table 2 – Policy Context and Conformity

Document	Relevant Policy	Conformity
Provincial Policy Statement (PPS) (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)	These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario’s long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.	Planning staff are of the opinion that the proposed minor variance application is consistent with the direction set out in the PPS and Growth Plan.
City of Brantford Official Plan (Envisioning Our City: 2051)	The subject lands are designated Prestige Employment. Section 5.4.1.e states that development within this designation shall “exhibit high-quality design features including built form.”	Planning staff are of the opinion that the proposed minor variance application is consistent with the Official Plan.
City of Brantford Zoning By-law 160-90	Section 10.3.1.1.3.2 of Zoning By-law 160-90 permits a maximum lot coverage of 44%, whereas a maximum lot coverage of 40% is permitted.	Aside from the proposed variances, the proposed site conforms with the Zoning By-law.

7.2 Planning Analysis

When evaluating the merits of a minor variance application, the Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met. To be approved, a minor variance must be minor in nature, desirable for the appropriate development and use of the land, and maintain the general intent and purpose of the Zoning By-Law and Official Plan. These tests are discussed in the table below:

Table 3 – Four Tests of a Minor Variance

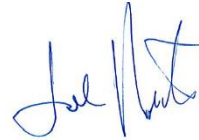
Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. Allowing for an addition between two existing warehouse structures, where required front yards and screening are maintained, is deemed minor.
2. That the intent and purpose of the Zoning By-law is maintained	The purpose of maximum coverage within the Zoning By-law is to ensure that lots are not overdeveloped and that there is consistency between massing the buildings within the given zone.
	Since the proposal is consistent with the surrounding massing and not seen from the public street, Staff are of the opinion that the proposal maintains the purpose and intent of the Zoning By-Law.
3. That the general intent and purpose of the Official Plan is maintained	The subject lands are designated Prestige Employment areas, wherein warehouses are a permitted use.
	It is the opinion of Staff that the proposed variance would maintain the general intent and purpose of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	It is the opinion of staff that the proposal is desirable as it supports the efficient use of the lands and is appropriate development for the area.
	It is the opinion of staff that the addition will not have any adverse impacts on the neighbouring properties as the proposed addition is small in scale, and no impacts assumed.

7.3 Conclusion

A site inspection was completed on November 23rd, 2023. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested variance regarding file A39/2023. The supported minor variance would facilitate an industrial expansion that is in keeping with the surrounding massing and that would not change the view of the warehouse from the street. The proposed additional will require a site plan amendment and all technical matters will be implemented through that process. For the reasons mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and staff recommends approval.



Prepared by: Lindsay King
Planner, Development Planning
Prepared on: November 29, 2023

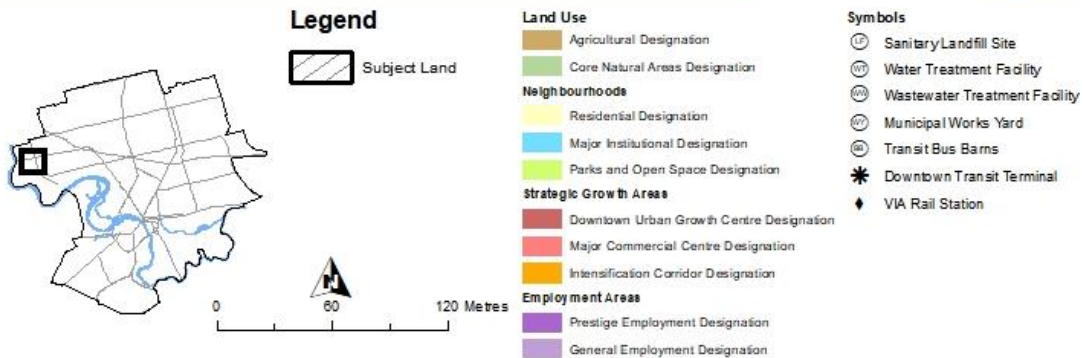


Reviewed by: Joe Muto, MCIP, RPP
Manager of Development Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

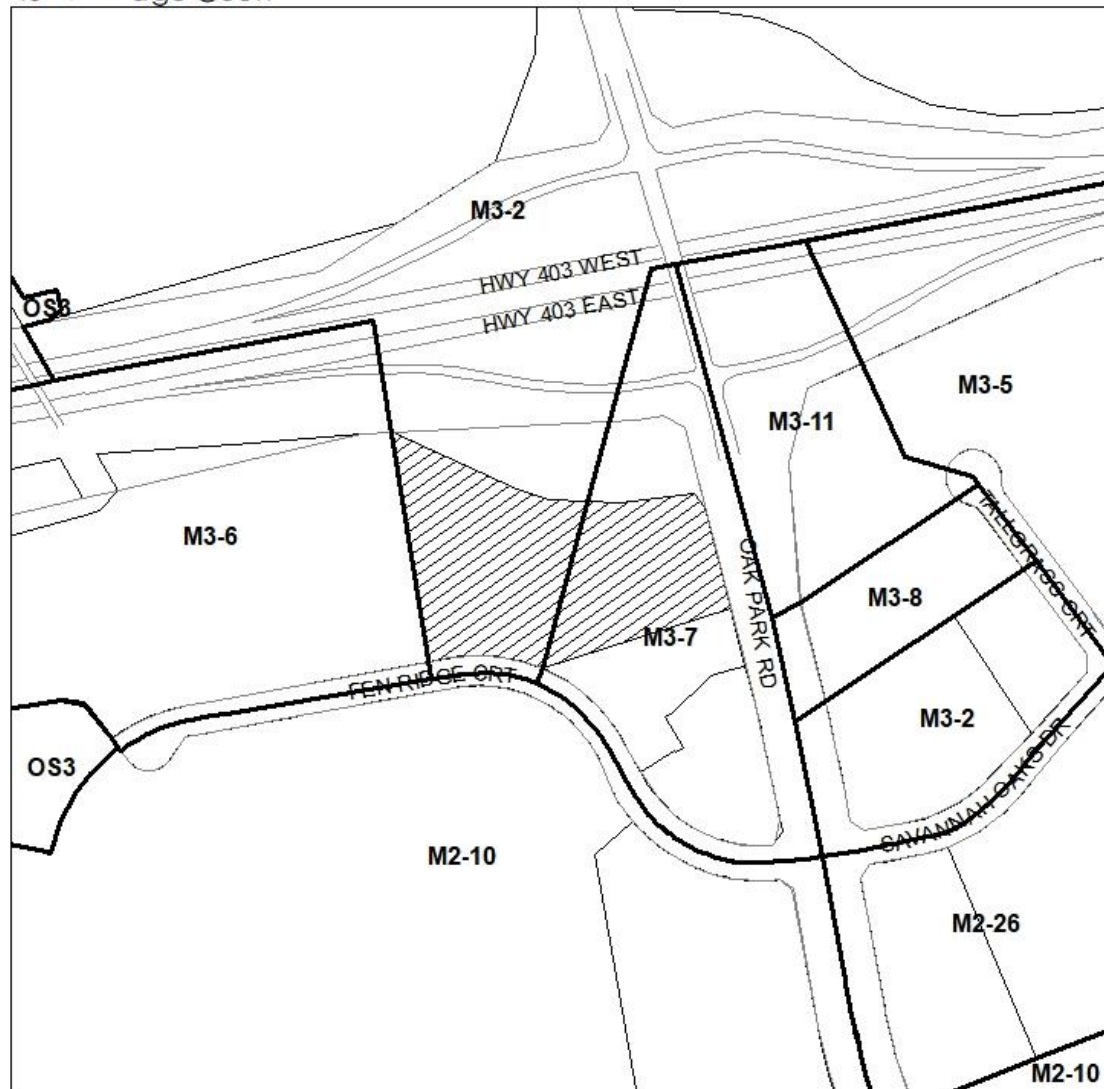
Application: A39/2023
40 Fen Ridge Court



Appendix B – Zoning

ZONING

Application: A39/2023
40 Fen Ridge Court



Legend
Subject Land
Zone Boundary



ZONING (Bylaw 160-90) and County of Brant(61-16)
C8 General Commercial
M2 General Industrial
M3 Business Park Industrial Zone
OS3 Open Space Restricted
-# Exception Number

