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Date May 1, 2024 **Report No.** 2024-205
To Chair and Members
City of Brantford Committee of Adjustment
From Dora Pripon
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding
Application for Consent

2.0 Topic

APPLICATION NO. B13-2024
AGENT ACI Construction Management c/o Joseph Awad
APPLICANT/OWNER 2027982 Ontario Inc. c/o Ahmed Al-Ali
LOCATION 70 – 73 Wadsworth Street

3.0 Recommendation

- A. THAT Consent application B13-2024 requesting a boundary adjustment to sever 2,803 m² from the northwest corner of 70 Wadsworth Street, and merge with the lands at 73 Wadsworth Street and retain a parcel of land having a lot area of 4,090 m², BE APPROVED subject to the Conditions of Consent, attached to Report 2024-205 as **Appendix A**;
- B. THAT the reason(s) for approval of B13-2024 are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied

that the proposed consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties;

- 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 2024-205.”

4.0 Purpose and Description of Application

A consent application (boundary adjustment) has been received for the lands municipally addressed as 70 and 73 Wadsworth Street. The applicant is proposing to sever a portion of 70 Wadsworth Street and add the parcel of land to the neighbouring lot at 73 Wadsworth Street. This application also involves merging the severed lot (Part 1) with Parts 2, 3, 4, 5, and 6, as shown on **Figure 1 – Severance Sketch**. Parts 4 and 6 will remain the access easement between 70 and 73 Wadsworth (Instrument A52525 & Instrument AA363566). The purpose of these easements is to provide access to the shared driveway for both 70 and 73 Wadsworth Street.

The purpose of this application is to separate ownership of the subject lands and allow for the new businesses to occupy the existing industrial buildings. The proposal also intends to create two formalized parking areas off of Sydenham Street, as shown in **Figure 2 – Revised Conceptual Site Plan**. The proposed parking areas meet all of the required provisions in the Zoning By-law. The footprints of the existing buildings on the subject lands will remain unchanged under this application.

Below is a table outlining the dimensions of the proposed parcels which contains the severed lot on its own (Part 1) as well as the dimensions of the severed lot with the merged Parts 2, 3, 4, 5, and 6 is proposed. All lot dimensions comply with the requirements in the Zoning By-law.

Table 1 - Lot Dimensions

	Required (M2 Zone in Zoning By-law 160-90)	Retained Lot – 70 Wadsworth St (Part 7)	Severed Lot – 73 Wadsworth St (Part 1)	Severed Lot - 73 Wadsworth St (Merged with Part 2, 3, 4, 5 and 6)
Lot Area	0.2 ha (2000 m ²)	4090 m ² (Complies)	2803 m ² (Complies)	3848 m ² (Complies)
Lot Width	30 m	30.33 m (Complies)	30.45 m (Complies)	30.45 m (Complies)

A previous concurrent Consent and Minor Variance applications were received for the subject lands in 2020. The Consent application ([B09-2020](#)) proposed a boundary adjustment similar to the current application, with slightly differently lot areas (2,880 m² instead of 2,803 m² and 4,269 m² instead of 4,091 m²). These applications were approved, subject to conditions. However, the approval has since lapsed as the Conditions of Consent were not satisfied by the due date, August 13, 2021.

Figure 1 - Severance Sketch

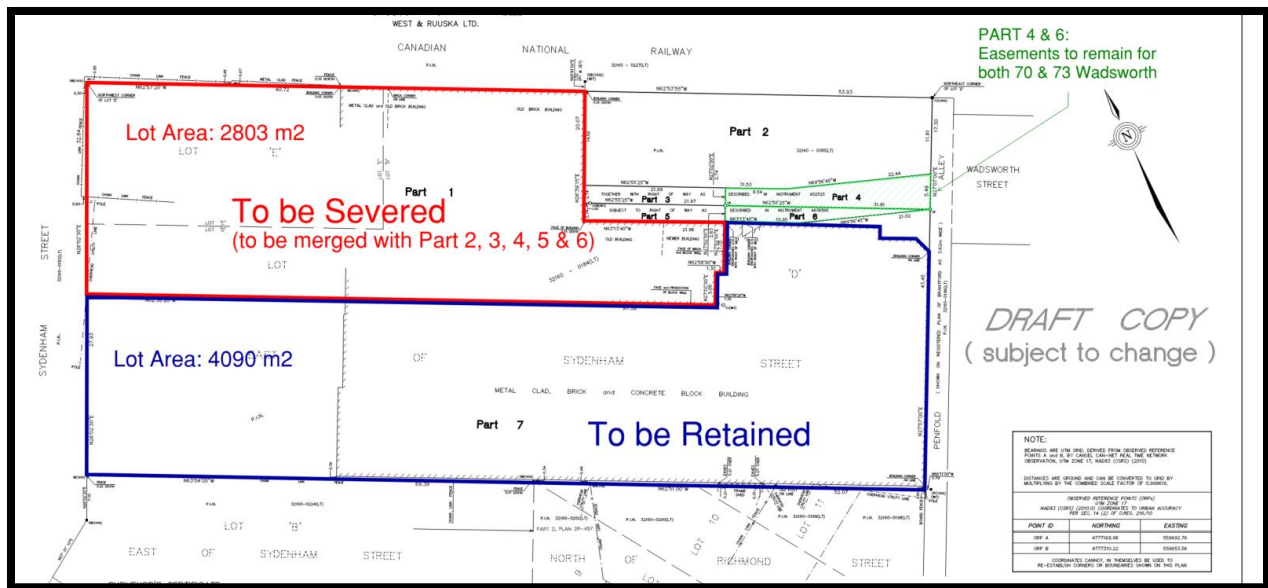
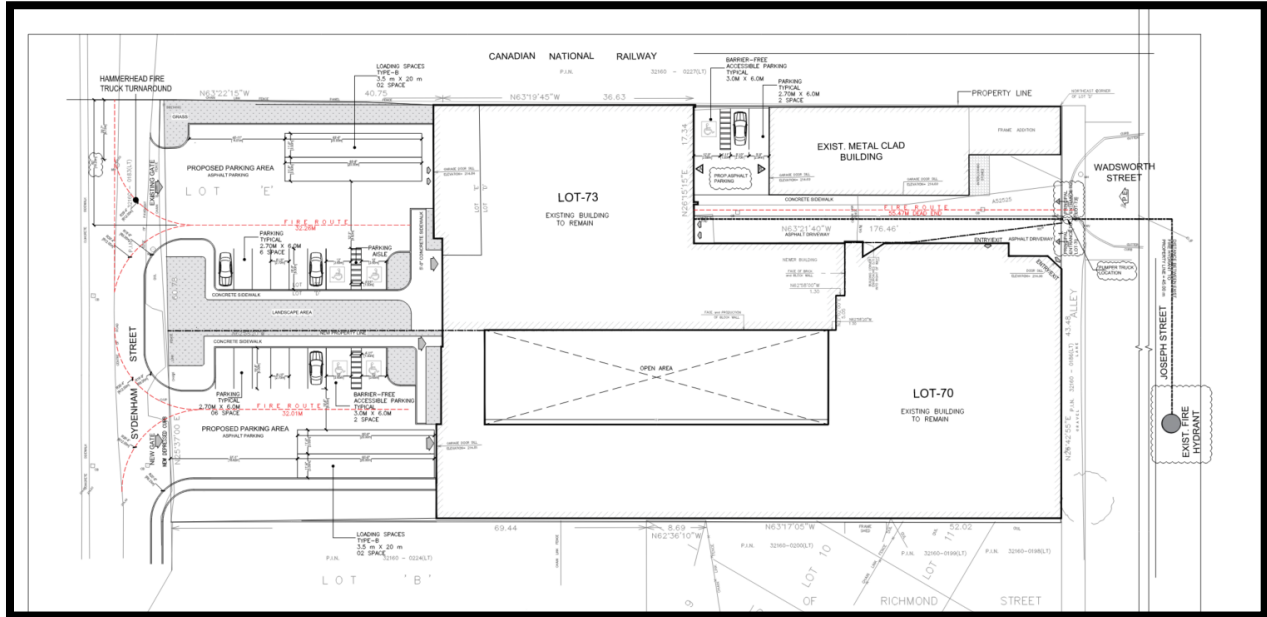


Figure 2 - Revised Conceptual Site Plan (March 2024)



5.0 Site Features

The subject lands are located at the west terminus of Wadsworth Street. Both 70 Wadsworth Street and 73 Wadsworth Street currently contain industrial buildings that are currently vacant, as verified by the owners. The following is a description of the land use surrounding the subject lands.

- North** CN Rail corridor
- South** Open Space (zoned M2-27) and single detached dwellings
- East** Single detached dwellings and Industrial building
- West** Open Space (zoned M2-27)

Figure 3 - Subject Lands from Wadsworth Street



Figure 4 - Subject Lands from Sydenham Street



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on February 16, 2024. Several departments provided comments and the following is a brief summary of notable comments.

Fire Department Staff requested that the new fire access routes & principal entrances (for both buildings) are in place prior to this severance approval. The applicant updated the concept site plan to show the fire access routes, see **Figure 2 - Revised Conceptual Site Plan (March 2024)**. This comment was also captured in **Appendix A – Conditions of Consent**.

Transportation Staff requested that all vehicular traffic shall enter and exit the public roadway in a forward motion to minimize any negative impacts to safety and operation of the public roadway. Continuous path turning movement analysis should be provided for any large vehicle that will require access to the site. Analysis should include all critical movements starting from the travelled portion of the adjacent roadway, accessing appropriate areas of the site, and returning to the public roadway. Analysis should be completed with applicable TAC standard vehicle types. This comment was captured in **Appendix A – Conditions of Consent**.

Building requested that since the proposed severance will subdivide the existing building; compliance with the following OBC articles should be addressed;

- 3.1.3.1 Separation of Major Occupancies
- 3.2.3 Spatial Separation and Exposure Protection
- 3.2.5 Provisions for Firefighting

These comments have been captured in **Appendix A – Conditions of Consent**.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on March 15, 2024 to property owners (21 Notices) within 60 metres of the subject lands pursuant to the *Planning Act*. No public comments were received at the

time of writing this Report. The previous applications that went before Committee did not raise any concerns with the public and no members of the public participated in the previous public meeting.

7.0 Planning Staff Comments and Conclusion

7.1 Background

The Minor Variance application submitted in 2020 ([A13-2020](#)) sought relief from Section 10.2.2.7.1.2 of the Zoning By-law to permit an interior side yard of 0 m for the southern lot line of 73 Wadsworth Street, whereas 3.0 m in otherwise required. That application was approved and is still in force and effect today. In the Staff Report regarding the previous applications ([2020-352](#)), Staff noted the following reasoning for approval of the variance application.

“The intent of a required side yard is to ensure there is appropriate access to the rear of a property, and that there are no privacy issues between properties. Due to the industrial nature of both 70 & 73 Wadsworth Street, the proposed 0 m interior side yard does not present any privacy issues.”

Planning Staff is of the opinion that this minor variance is still appropriate for this currently boundary adjustment application. The proposed boundary adjustment and proposed parking areas satisfy all of the provisions in the M2 zone, thus, no further minor variance applications are necessary.

7.2 Planning Analysis

The subject lands are designated “Residential” in the Official Plan and zoned “General Industrial Zone (M2)” in Zoning By-law 160-90, as shown in **Appendix B** and **Appendix C**, respectively.

The *Planning Act* sets the standard to which provincial and local interests, policies, and goals are implemented. Section 51(24) of the *Planning Act* lists the criteria that the Committee of Adjustment must have regard for when considering a consent application, as summarized in the table below.

Table 2 - Criteria for Considering a Consent Application

Criteria for Considering a Consent Application	Discussion
<p>1. That the application conforms to the Official Plan</p>	<p>The subject lands “Residential” designation in the Official Plan permits a variety of residential uses, but does not permit any industrial uses. However due to the General Industrial (M2) zoning on the property the property is deemed to conform to the Official Plan and the industrial uses can continue to exist. Section 3.2 of the Official Plan outlines general goals for promoting a strong economic development strategy. This application will help to help attract and retain a diverse and skilled labour force by facilitating the ongoing development of appropriate employment generating land uses, as promoted in the Official Plan.</p> <p>Section 9.3 (g – i) of the Official Plan outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes:</p> <p style="padding-left: 40px;">i) <i>Consents may be permitted for the creation of up to three (3) new lots, to create easements, boundary adjustments, rights-of-way, lot additions and long-term leases in accordance with the provisions of the Planning Act.</i></p> <p>Planning Staff feel as though the proposed boundary adjustment application satisfies the general intent of the Official Plan.</p>
<p>2. The dimensions and shapes of the proposed lot</p>	<p>The dimensions and lot area of the retained and severed lot satisfy the provisions in the M2 zone (see Table 1 – Lot Dimensions).</p>
<p>3. The adequacy of utilities and municipal services</p>	<p>The retained parcel and severed lots will have frontage on a municipal roadway and have access to municipal services and utilities. Engineering Staff note that each property have co-dependency on one another (i.e. existing services cross property lines as well as drainage and access). The applicant will be responsible for ensuring appropriate easements are registered on title to each property to delineate separate servicing for each property. A condition of approval of this consent application is that a Servicing Plan prepared by a qualified Engineer licensed in the Province of Ontario, be submitted to the satisfaction of the Manager of Development Engineering or his/her designate, as listed in Appendix A – Conditions of Consent.</p>

7.3 Conclusion

A site inspection was completed on March 19, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested severance regarding file B13-2024 subject to the conditions in **Appendix A**. The applicant is aware of these conditions. The supported boundary adjustment would allow for a more orderly lot pattern and would facilitate the addition of parking for an existing industrial building. The proposal is in keeping with the vision of the Official Plan and provisions in the Zoning By-law. For the reasons discussed above, the consent application satisfies Section 51(24) of the *Planning Act*, and Staff recommends approval.



Dora Pripon – Development Planner
Prepared on: April 24, 2024



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

Appendix A – Conditions of Consent

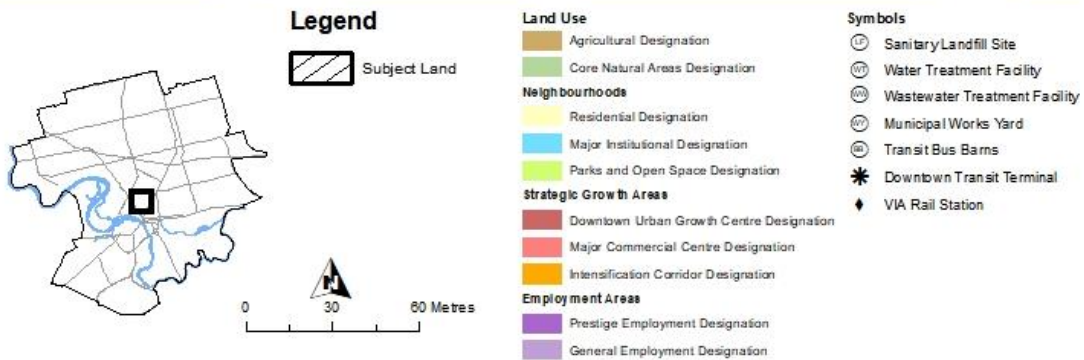
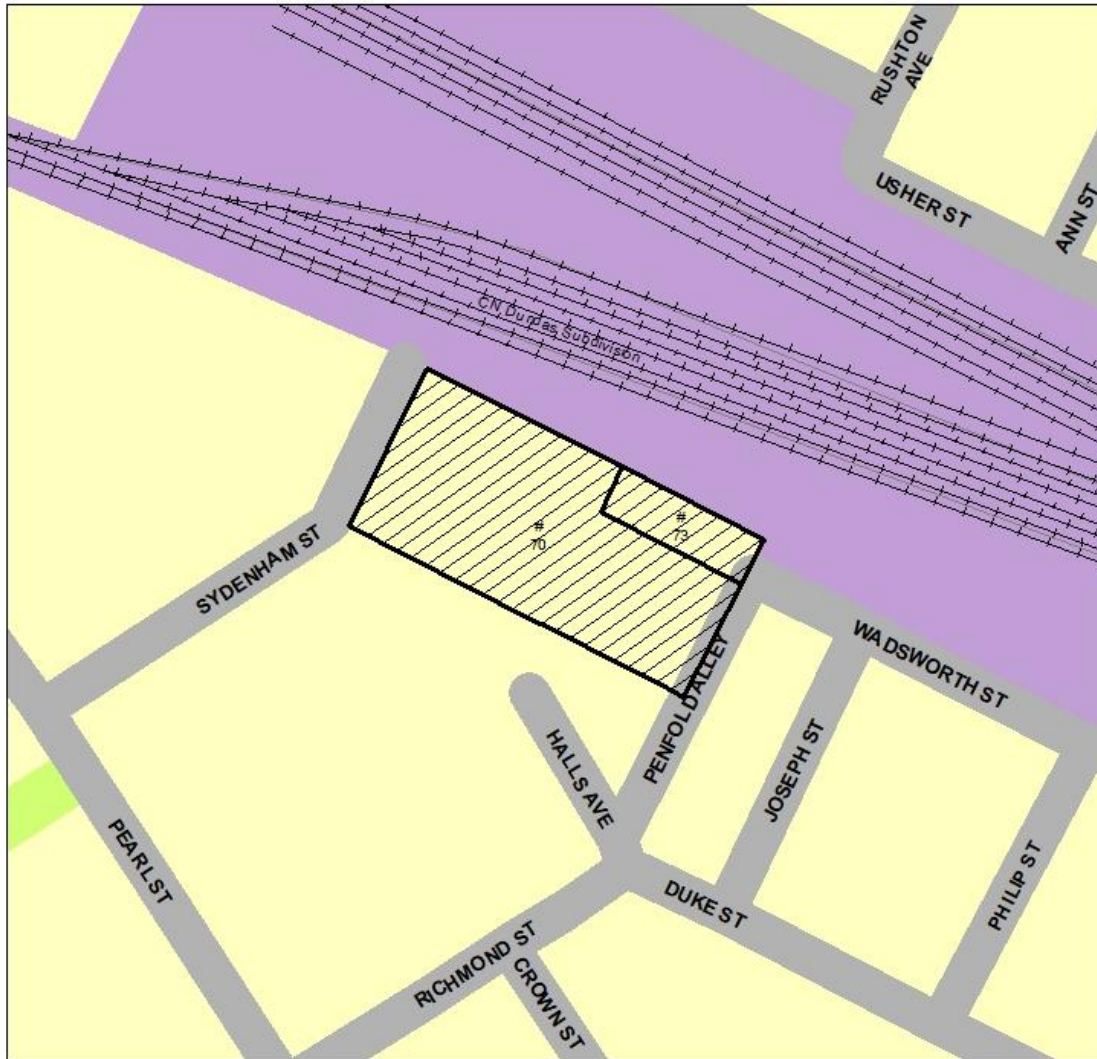
1. Receipt of a registered Reference Plan showing the severed and retained parcels, and access easements.
2. Receipt of confirmation that all taxes are paid up to date.
3. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*).
4. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited Reference Plan showing the severed and retained parcels of land has been received.
5. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
6. The Owner/Applicant shall provide a Servicing Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate. The Servicing Plan shall indicate that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection to a legal outlet and that these services do not cross the proposed severance line(s) and are connected directly to City infrastructure.
7. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary and storm sewer connections to a legal outlet for each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
8. The Owner/Applicant shall provide a Grading and Drainage Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate.
9. Receipt of confirmation that compliance with OBC articles 3.1.3.1. Separation of Major Occupancies; 3.2.3. Spatial Separation and Exposure Protection; and 3.2.5. Provisions for Firefighting have been addressed to the satisfaction of the Building Department.
10. Receipt of confirmation that servicing will remain within the easement, and that the City shall be added as a third party to the easement agreement, and shall be granted access to the water servicing, to the satisfaction of the Environmental Services Department.
11. Receipt of confirmation that new fire access routes and principal entrances (for both buildings) are in place to the satisfaction of the Fire Department.

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12. Receipt of confirmation that the Continuous Path Turning Movement Analysis has been provided to the satisfaction of the Manager of Development Engineering.
 13. Regarding full public services, the Owner/Applicant shall construct, or replace if damaged (sidewalk, boulevards, driveway approaches, etc.). If the City boulevard is damaged, please ensure the area is restored to a grassed boulevard per City of Brantford standards, to the satisfaction of the Manager of Development Planning.
 14. Receipt of confirmation that the proposed parking areas as shown on Figure 2 of Report 2024-205 have been permitted via a site alteration permit and constructed to the satisfaction of the Manager of Development Engineering.
 15. Receipt of a letter of undertaking 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.
 16. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **May 1, 2026**, after which time the consent will lapse.

Appendix B – Official Plan

OFFICIAL PLAN EXCERPT MAP

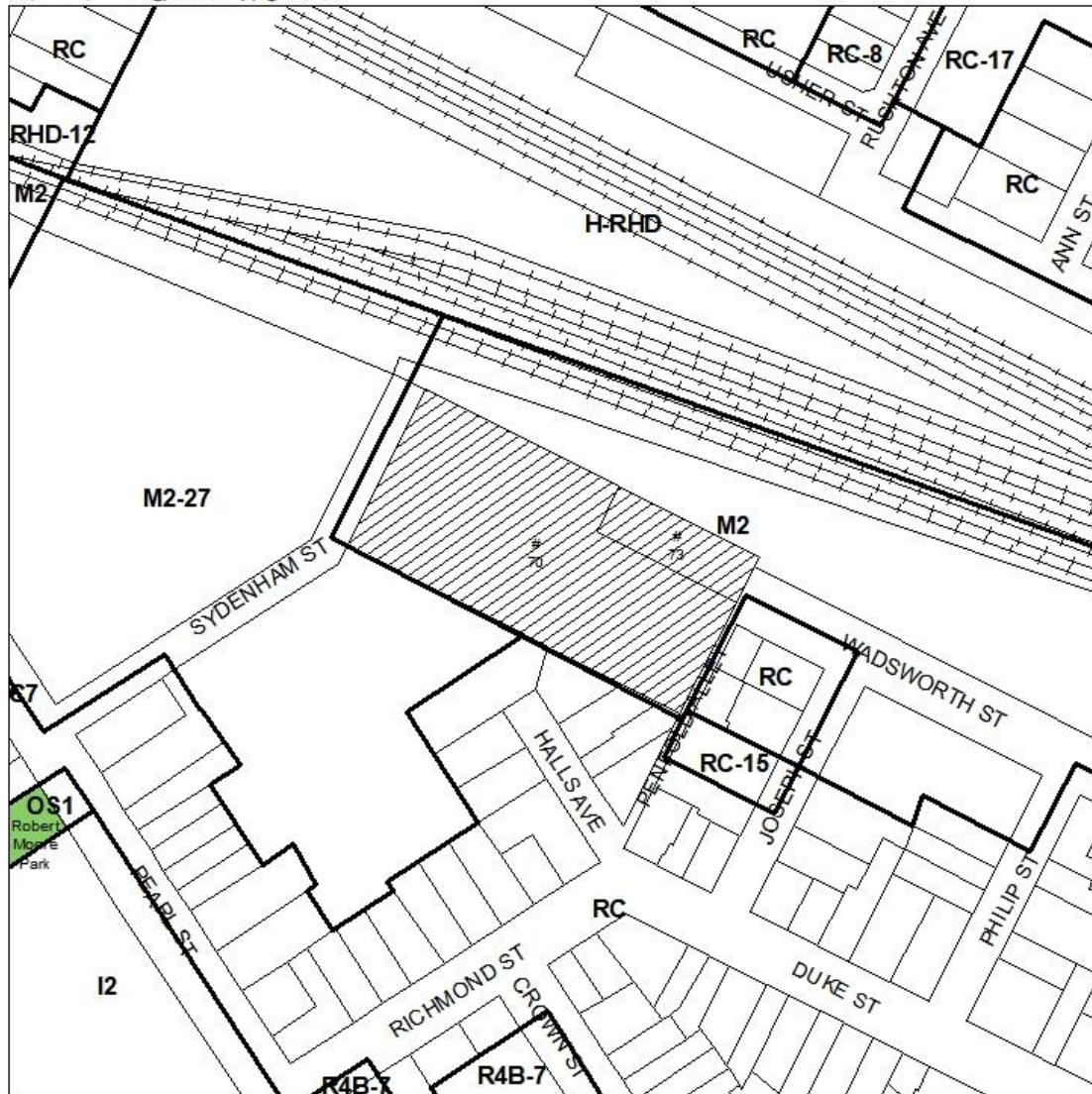
Application: B13/2024
 70 - 73 Wadsworth Street



Appendix C – Zoning By-law 160-90

ZONING

Application: B13/2024
 70 - 73 Wadsworth Street



Legend
 Subject Land
 Zone Boundary

ZONING (Bylaw 160-90) and County of Brant(61-16)
 RC Residential Conversion
 R4B Residential Medium Density Type B
 RHD Residential High Density
 M2 General Industrial
 H Holding Provision
 - # Exception Number

