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Date June 5, 2024 **Report No.** 2024-362
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
Applications for Consent

2.0 Topic

APPLICATION NO.	B23-2024
AGENT	GSP Group Inc. (Caleb Miller)
APPLICANT/OWNER	Rod Aitken
LOCATION	435 Elgin Street

3.0 Recommendation

- A. THAT Consent application B23-2024 requesting to sever the subject lands municipally addressed as 435 Elgin Street, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-362 as **Appendix A**;
- B. THAT the reason(s) for approval of B23-2024 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; 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. 2024-362.”

4.0 Purpose and Description of Application

A Consent application has been received for the lands municipally known as 435 Elgin Street. The purpose of this application is to sever the subject lands into two parcels. The retained parcel will contain the existing building and business, with frontage along Elgin Street. The severed parcel, which will front Hachborn Road, and will remain vacant. The applicant plans to develop the severed lands, but at this time has not provided any specific details regarding the proposed built form. Any future proposed development on the subject lands would be subject to site plan control. The proposed lot dimensions of the lands to be retained and severed comply with the requirements in the City’s Zoning By-law, as shown in **Table 1** below.

Table 1 - Lot Dimensions

	Required (M2-49 Zone)	Retained Lot	Severed Lot
Lot Area (minimum)	0.2 ha	1.4 ha (Complies)	0.3 ha (Complies)
Lot Width (minimum)	30 m	109.9 m (Complies)	62.7 m (Complies)

Figure 1 - Severance Sketch



5.0 Site Features

The subject lands are located north and west of Hachborn Road, south of Elgin Street, and east of Park Road North. The proposed retained lands currently contain an industrial building, as shown in **Figure 3**. While the proposed severed lands currently contain several mature trees, as shown in **Figure 2**. Planning Staff note that the subject lands form part of a larger woodlot to the west, which is situated within the City's Private Tree Woodlot By-law 171-2002; however, the boundary of this by-law does not encompass the limits of the proposed severed lands. By-law 171-2002 does permit exceptions in situations where tree removal is a condition of subdivision, consent or site plan control, or the owner has entered into a subdivision or site plan agreement with the City. At this time, no trees are proposed to be removed as part of this consent application. Options for the removal and replanting of trees for any future development will be reviewed and assessed further during the site plan control phase.

Figure 2 - Photo of lands to be severed – view from Hachborn Rd



Figure 3 - Photo of lands to be retained



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on April 23, 2024. No notable comments or objections were received.

6.2 Public Comment

A Notice of Public Hearing was issued by personal mail on May 16, 2024 to property owners within 60 metres of the subject lands pursuant to the *Planning Act*. No public comments were received at the time of writing this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Consent Application

The subject lands are designated “Prestige Employment Designation” in the Official Plan and zoned “General Industrial Zone - Exception 49 (M2-49)” 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.

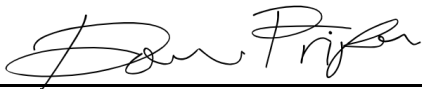
Table 2 - Criteria for Considering a Consent Application

Criteria for Considering a Consent Application	Discussion
1. That the application conforms to the Official Plan	Section 9.3 (g – i) of the Official Plan outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes: g) <i>A Consent to sever land shall only be considered where a Plan of Subdivision is deemed to be unnecessary and where the application conforms to the policies of the Official Plan,</i>

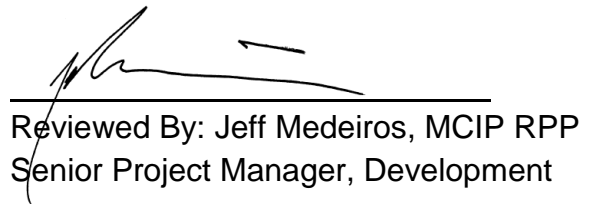
Criteria for Considering a Consent Application	Discussion
	<p><i>h) The maximum number of new lots approved by the City on one property through Consent shall be three (3), where appropriate. New lots shall have frontage on a municipal road, and shall not require that municipal services be extended.</i></p> <p>In this case, a Plan of Subdivision is deemed unnecessary, and the number of new lots created through this consent application is 2. Municipal services will have to be extended but a condition of consent, as shown in Appendix A, is the requirement for the applicant to undertake this extension of services. More information on this is provided in the third column of this table which discusses the adequacy of utilities and municipal services.</p> <p>The proposed severance application satisfies the general intent of the Official Plan regarding the division of land through a consent application.</p>
2. The dimensions and shapes of the proposed lot	The lot width and lot area of the retained lot and severed lot meet the requirements in the Zoning By-law, as shown in Table 1 . Staff has no other concerns pertaining to the shape and dimensions of the retained and severed lot.
3. The adequacy of utilities and municipal services	The parcels to be retained and severed both currently have frontage on a municipal roadway. The parcel to be retained has access to municipal services and utilities, however, the proposed lot to be severed currently does not have access to any sanitary and storm sewers and watermain. Staff do note that services are available along Hachborn Road just to the east of the severed lot. Municipal sewers will need to be extended to accommodate the consent application. As part of the conditions of consent, the applicant will have to provide Plan & Profile Drawings of the municipal sewers being extended within the municipal right-of-way, prepared by a qualified Engineer licensed in the Province of Ontario. The applicant will also need to apply for a Sanitary Lateral Connection Permit for any proposed sanitary service connections. This Permit will be administered by the City's Development Engineering Department. A Servicing Plan and Grading and Drainage Plan will also have to be submitted as part of the conditions of consent, shown in Appendix A .

7.2 Conclusion

A site inspection was completed on May 17, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested severance regarding file B23-2024 subject to the conditions in **Appendix A**. The application would facilitate the severance of an industrial lot planned for future development. For the reasons discussed above, the consent applications satisfy Section 51(24) of the Planning Act, and Staff recommends approval.



Dora Pripon, Development Planner
Prepared on: May 29, 2024



Reviewed By: Jeff Medeiros, MCIP RPP
Senior Project Manager, Development

Appendix A – Conditions of Consent

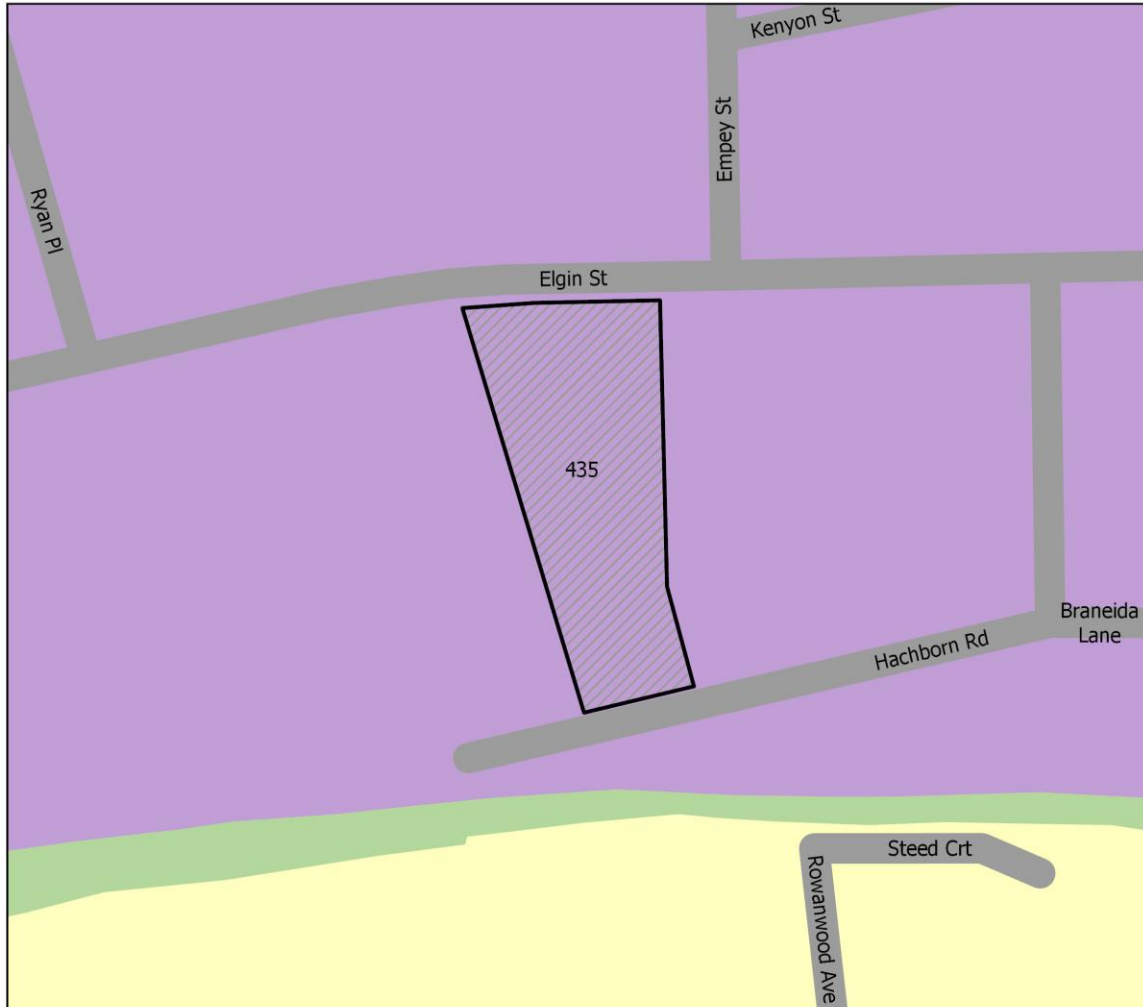
1. Receipt of a registered Reference Plan showing the severed and retained parcels.
2. Receipt of confirmation that all taxes are paid up to date.
3. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*).
4. Receipt of payment for cash-in-lieu of parkland (amount to be determined in accordance with City of Brantford By-law 139-2022).
5. 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.
6. 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.
7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
8. 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.
9. The Owner/Applicant shall provide Plan & Profile Drawings of the municipal sewers being extended within the municipal right-of-way, prepared by a qualified Engineer licensed in the Province of Ontario. The plan/profile drawings shall indicate all sewer information (size, grade, material, inverts at 20m intervals and changes of grade) including manholes, drop structures, insulation, watervalves, watermain bends, reducers, etc. to the satisfaction of the Manager of Development Engineering or his/her designate.
10. The Owner/Applicant shall be responsible, financial, and otherwise, to design and install municipal services (storm and sanitary sewer, watermain) along the entire frontage within the municipal right-of-way to the satisfaction of the Manager of Development Engineering or his/her designate.

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11. The Owner/Applicant shall be responsible, financially, 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.
 12. The Owner/Applicant shall provide a cost estimate for all works completed within the municipal right-of-way to facilitate the development, prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate.
 13. The Owner/Applicant shall enter into an external works agreement for works completed within the municipal right-of-way on Hachborn Road, to the satisfaction of the Manager of Development Engineering or his/her designate.
 14. The Owner/Applicant shall provide a Financial Impact Study to evaluate the growth-related financial impact of the proposed development including; impacts to the City of Brantford Capital and Operating budgets triggered by the proposed development; estimated cost and timing of municipal capital infrastructure required to service the new development (including review of development charge eligibility); estimated revenues generated from the proposed development (DC's, Tax Revenue, User Rates, etc.) against Capital and Operating expenditures. The Financial Impact Study shall be completed to the satisfaction of the Manager of Development Engineering.
 15. 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.
 16. The Owner/Applicant shall be responsible, financial, and otherwise, to urbanize and restore the municipal right of way across the entire frontage of the severed parcel to City of Brantford Standards (Asphalt, Curbs, Boulevard Topsoil and Sod, Street Trees, Driveways, streetlights, etc.) to the satisfaction of the Manager of Development Engineering.
 17. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **June 5, 2026**, after which time the consent will lapse.

Appendix B – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B23-2024
435 Elgin Street



Legend

- | | |
|--|---------------------------------|
| Agricultural Designation | Prestige Employment Designation |
| Core Natural Areas Designation | Commercial Mixed Use Corridor |
| Residential Designation | General Employment Designation |
| Major Institutional Designation | Six Nations Territory |
| Parks and Open Space Designation | VIA Station |
| Downtown Urban Growth Centre Designation | Transit Terminal |
| Major Commercial Centre Designation | Subject Land |
| Intensification Corridor Designation | |

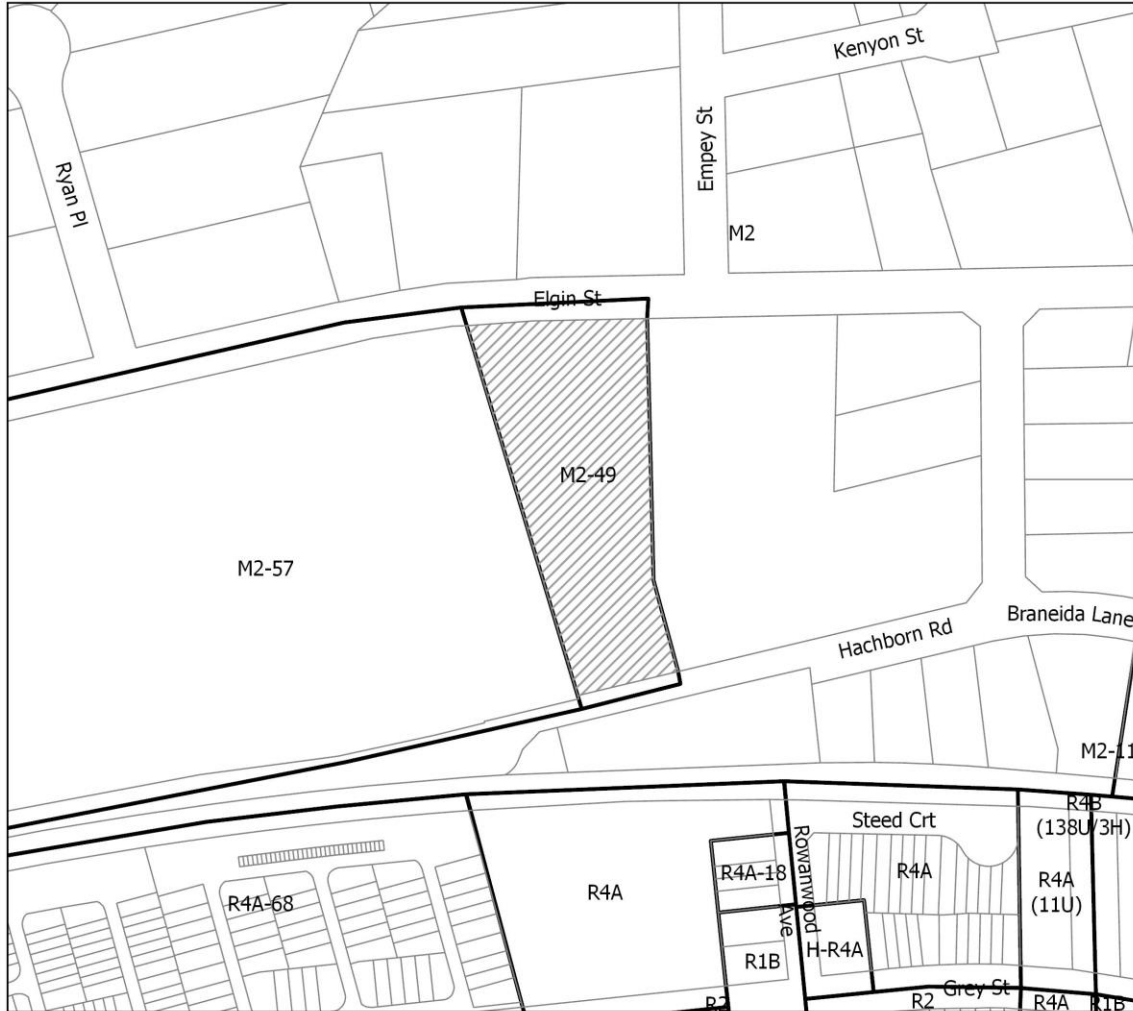


0 60 120 Metres

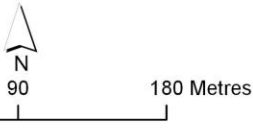
Appendix C – Zoning By-law

ZONING MAP

Application: B23-2024
 435 Elgin Street



Legend
 Subject Land
 Zoning



ZONING (Bylaw 160-90) and County of Brant(61-16)
 R1B Residential Type 1B (15 metre)
 R1B RESIDENTIAL Type 1B (15 metre)
 R2 Residential Type 2
 R4A Residential Medium Density Type A
 M2 General Industrial
 H Holding Provision
 - # Exception Number