



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

Date August 7, 2024 **Report No.** 2024-459
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Intermediate Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding []
Applications for Consent [x]

2.0 Topic

Application No.: B30-2024, B31-2024
Agent: JH Cohoon Engineering Limited (c/o Bob Phillips)
Applicant/Owner: 2298842 Ontario Inc.
Location: 410 Hardy Road

3.0 Recommendation

- A. THAT consent applications B30-2024 and B31-2024 requesting to sever the subject lands municipally addressed as 410 Hardy Road, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-459 as Appendix A (Lot 2) and Appendix B (Lot 3);
- B. THAT the reason(s) for approval of B30-2024 and B31-2024 are as follows: having regard for the matters under Section 51(24) of the *Planning Act*, Staff

are 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. 2024-459.”

4.0 Purpose and Description of Applications

The applicant is proposing to create two new industrial properties, as illustrated in **Figure 1** (severance sketch). The applicant plans to develop a multi-unit industrial building on each severed lot, with the intention of renting out the units. Details of these proposed industrial properties are outlined in **Table 1**.

Figure 1 - Severance Sketch

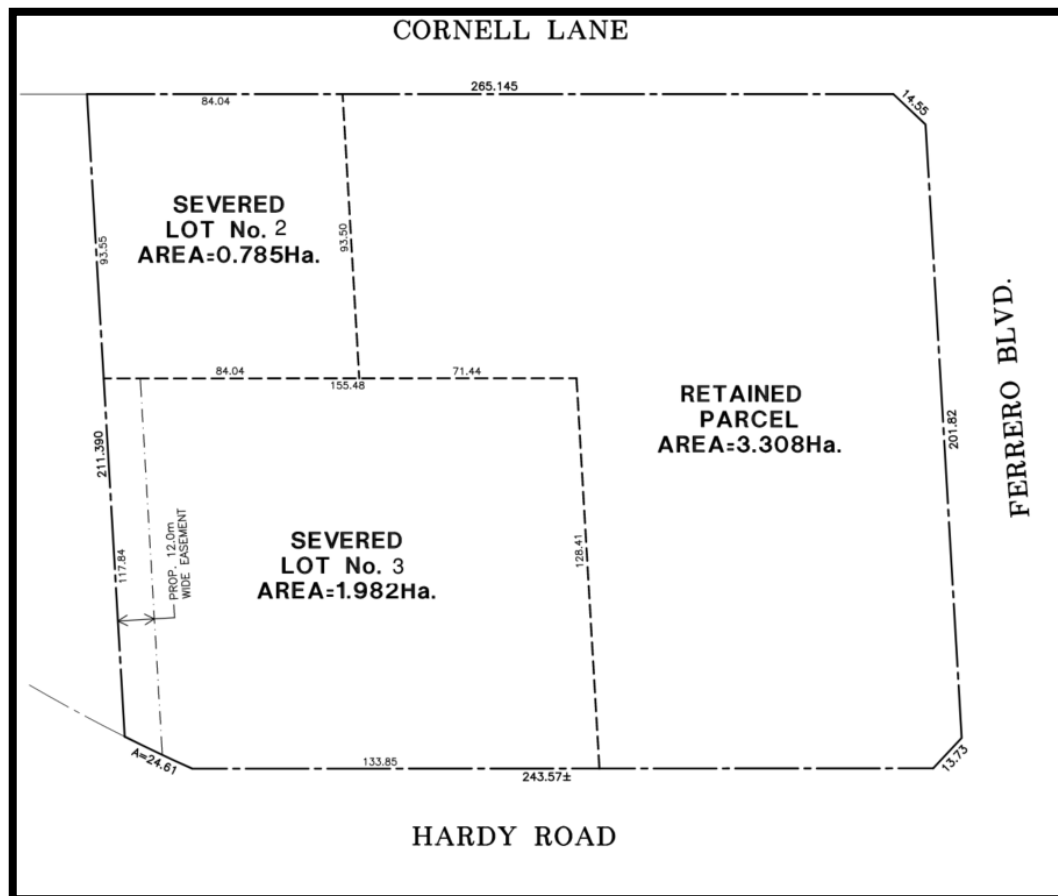


Table 1 - Lot Dimensions

	Required in M2-10	Severed Lot 2	Severed Lot 3	Retained
Lot Area (minimum)	2,000 m ²	7,845.88 m ² (Complies)	19,818.69 m ² (Complies)	~ 33,056.43 m ² (Complies)
Lot Width (minimum)	30 m	84.04 m (Complies)	155.47 m (Complies)	~221.2 m (Complies)
Lot Coverage (minimum and maximum)	15% min 60% max	36.2% (Complies)	46.3% (Complies)	~7.46 % (does not currently comply – existing condition)

The existing industrial buildings, associated with Canadian Sheild Pavement Preservation Products and Cornell Construction Ltd., are proposed to remain on the retained parcel. The two proposed severed lots comply with the relevant zoning provisions, including minimum lot area and minimum lot width. The new lot fronting Hardy Road (Lot 3) is proposed to contain an easement for overland flow of stormwater in favour of Lot 2. The applicant has provided conceptual plans to develop the proposed severed lots, and the plans indicate that the application meets all zoning requirements for minimum setback, lot coverage, and parking. However, conformity with the Zoning By-law will continue to be assessed during the site plan control stage, as the development of both severed lots will be subject to site plan control. As part of the subject consent applications submission, the applicant included an Arborist Report, an Archaeology Study, a Functional Servicing Report, and a Stormwater Management Brief.

5.0 Site Features

The subject lands are bordered by Cornell Lane to the north, Ferrero Boulevard to the east, Hardy Road to the south, and two industrial properties to the west. Currently, the subject lands are used for industrial purposes. The surrounding area is industrial in nature, characterized by large properties with expansive warehouses. The Grand River is located approximately 1 km south of the subject lands. The lands to be severed are currently disturbed, as shown in **Figure 2**.

Figure 2 - East facing site photo from western property line



There are currently several hundred trees on the property including both mature and immature trees. Tree removal and/or replacement will be assessed through the site plan control process.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on June 21, 2024. The notable comments are summarized below.

Canada Post commented that depending on the number of units, Canada Post will review whether mail delivery will be through rural mailboxes or whether a community mailbox will be installed in the area when ready.

Development Engineering requested various conditions including a deposited reference plan, a registered overland flow easement, a Wastewater Allocation Request Form, a Municipal Numbering Assignment Request Form, a Servicing Plan, a Grading and Drainage Plan, and stated that the owner/applicant shall be

responsible, financially and otherwise, for sanitary and storm sewer connections to legal outlets 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.

Environmental Services made technical comments regarding the adequacy of the proposed water service. Planning Staff note that the Functional Servicing Report was not made a submission requirement for the Consent application, but rather that it is required as a condition of approval for Consent. This feedback has been provided to the applicant.

Economic Development staff provided comments in support of the application and presume that the industrial built form is viable on the proposed lot fabric.

Fire Department staff requested additional details regarding the fire access route and the fire route signs. Planning Staff note that this is a submission requirement for the site plan application.

Landscaping staff requested that a Tree Protection Plan be required. Planning Staff that this has been identified as a submission requirement for the site plan application.

Public Works staff requested that a Right-of-Way Activity Permit be approved prior to any works within the public right-of-way.

Six Nations staff requested a 10:1 tree replacement ratio for all trees cut down, regardless of size. Six Nations has also requested an Environmental Impact Study given the proximity to the Grand River and the amount of breeding. The Environmental Impact Study will be a submission requirement for the subsequent site plan application.

Source Water Protection staff stated that the property is located within the Intake Protection Zone (IPZ-2-v.9). As such a Restricted Land Use Declaration form is to be required. Planning Staff note that this is a submission requirement for the subsequent site plan application.

Transportation Staff noted that Hardy Road has an approximate right-of-way of 25 m and is identified in the Official Plan for a road widening to an ultimate right-of-way width of 36 m. Typically, half of the required widening shall be conveyed to the road right-of-way from this property measured from the center of the existing road right-of-way. A reference plan will be required with measurements determined by an Ontario Land Surveyor. Any new driveways along Cornell

Lane must be sufficiently spaced from the neighbouring property at 18 Zatonski Ave. (Lot 2), and the driveway shall be spaced a minimum of 3 m, and the curb return cannot extend beyond the extension of the property line. Similarly, any new driveway access along Hardy Road must be sufficiently spaced from the neighbouring property at 430 Hardy Road. The driveway shall be spaced a minimum of 3 m, and the curb return cannot extend beyond the extension of the property line. Transportation Staff also commented that only one access will be permitted for Lot 3 (fronting onto Hardy Road). All new accesses must meet sufficient sight distance as set out in the TAC Geometric Design Manual. Finally, Transportation Staff state that all driveways and curb returns shall be designed in such a manner to avoid public and private objects and utilities such as utility poles, transit stops, street lighting, boulevard trees, hydrants, telecoms, transformers, mailboxes, etc. Planning Staff note that these requirements can be ensured through site plan control.

6.2 Public Comments

A Notice of Public Hearing was issued by personal mail on July 18, 2024 to property owners within 60 m 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 Planning Analysis

The subject lands are designated “General Employment” in the Official Plan and zoned “General Industrial – Special Exception 11 Zone (M2-11)” in Zoning By-law 160-90, as shown in **Appendix C** and **Appendix D**, 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 **Table 2**.

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:

Criteria for Considering a Consent Application	Discussion
	<p><i>g) 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></p> <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 two. Water and sanitary services are available and will not have to be extended.</p> <p>The proposed severance application satisfies the general intent of the Official Plan regarding the division of land through a consent application.</p>
<p>2. The dimensions and shapes of the proposed lot</p>	<p>The lot width and lot area of the retained lot and severed lots 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 lots.</p>
<p>3. The adequacy of utilities and municipal services</p>	<p>The parcels to be retained and severed all currently have frontage on a municipal roadway and access to municipal services and utilities. As a result of the severance, the individual units will be required to have separate servicing. A Condition of Consent for both Consent applications, as shown in Appendix A and Appendix B respectively, is that the 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.</p> <p>Stormwater infrastructure does exist along the frontage of the retained and proposed severed properties, although one of the conditions of consent, again as shown in Appendix A and Appendix B, is that the open ditch stormwater infrastructure</p>

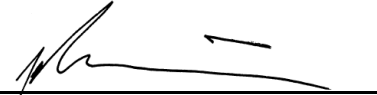
Criteria for Considering a Consent Application	Discussion
	along Hardy Road be updated as a condition of approval at the applicant's expense. Planning Staff have no other concerns regarding the adequate servicing of the proposed severed parcels.

7.2 Conclusion

The proposed consent application aligns with the criteria outlined in Section 9.3(g) of the Official Plan, confirming that the creation of two new lots is appropriate. The application meets the required lot width and lot area as per the Zoning By-law, with no concerns regarding the shape and dimensions of the lots. Adequate municipal services and utilities are available for the retained and severed parcels, and conditions have been set to ensure proper independent servicing. Through the subsequent site plan processes, all technical requirements of the City and/or external agencies will be addressed. In conclusion, Planning Staff recommend approval of Consent applications B30-2024 and B31-2024, subject to the conditions outlined in **Appendix A** and **Appendix B**.



Prepared by:
Lindsay King
Intermediate Planner



Reviewed by:
Jeff Medeiros, MCIP, RPP
Acting Manager of Development
Planning