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**Date** September 4, 2024 **Report No.** 2024-534  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Dora Pripon  
Development Planner

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### 1.0 Type of Report

Application(s) for Consent and/or Minor Variance [X]  
Item for Consideration or Consent [X]

### 2.0 Topic **Application B32-2024, B33-2024 and A43-2024 – 111 Sherwood Drive & 125 Sherwood Drive**

**Agent -** Corbett Land Strategies Inc. (c/o Nick Wood)

**Applicant/Owner -** KSV Restructuring Inc. (111 Sherwood Drive)  
and Multani Custom Homes (125 Sherwood Drive)

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### 3.0 Recommendation

- A. THAT application A43-2024 seeking relief from Section 10.1.2.1.3 of Zoning By-Law 160-90 to permit a maximum lot coverage of 45% for the retained parcel (111 Sherwood Drive), whereas a maximum of 40% is otherwise permitted, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variance is 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;
- C. THAT Application B32-2024 to sever a parcel of land from the southwest portion of the lands municipally addressed as 111 Sherwood Drive, having

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an area of 0.24 ha to be consolidated with the severed lands of Consent Application B33-2024, and retain a parcel of land with an area of 3.82 ha, BE APPROVED, subject to the conditions attached in **Appendix A**;

- D. THAT Application B33-2024 to sever a parcel of land from the southeast side of the lands municipally addressed as 125 Sherwood Drive, having an area of 0.15 ha to be consolidated with the severed lands of Consent Application B32-2024, and retain a parcel of land having a lot area of 1.96 ha and to create an access easement over the severed lands in favour of the retained lands, BE APPROVED, subject to the conditions attached in **Appendix B**;
- E. THAT the reason(s) for approval of B32-2024 and B33-2024 are as follows: having regard for the matters under Section 51 (24) of the Planning Act, Staff is satisfied that the proposed consent applications are desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties;
- F. THAT pursuant to Sections 53(17)-(18.2) and 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 2024-534.”

#### **4.0 Purpose and Description of Applications**

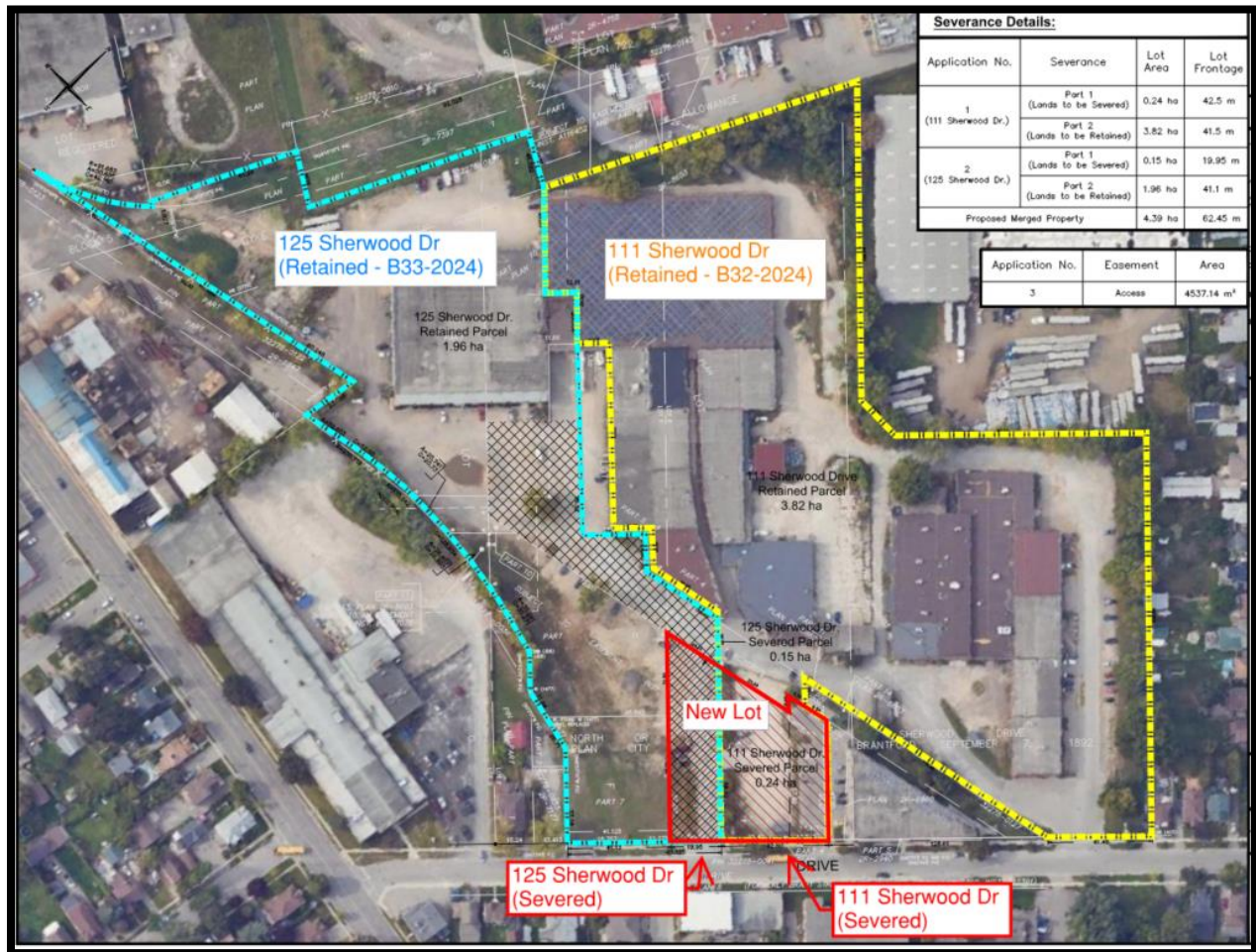
Concurrent consent and minor variance applications have been received for the lands municipally addressed as 111 Sherwood Drive (B32-2024) and 125 Sherwood Drive (B33-2024 & A43-2024). The applicant is proposing to sever the southwest portion of 111 Sherwood Drive as well as sever the southeast portion of 125 Sherwood Drive. The severed parcels from each application are then proposed to be combined to create a new lot for future development. Detailed plans regarding the future development are unknown at this time. The dimensions of both the severed and retained lots are shown in **Table 1** as well as the severance sketch in **Figure 1** below. The applicant is also proposing an access easement on 125 Sherwood Drive in favour of 111 Sherwood Drive, as shown by the hatched section in **Figure 1**.

It is noted that previous almost identical consent applications were approved in 2020 (B19-2020 and B20-2020). However, the conditions were not satisfied within the 2-year period required and as such, those applications have since lapsed. Now the applicant has re-applied.

Table 1 - Lot Dimensions

		111 Sherwood Drive (B32-2024)		125 Sherwood Drive (B33-2024)		
	Required (Current M1 Zone)	Retained	Severed (part of new lot)	Retained	Severed (part of new lot)	New Proposed Lot (merged)
<b>Lot Area</b>	0.2 ha	3.82 ha (Complies)	0.24 ha	1.96 ha (Complies)	0.15 ha	0.39 ha (Complies)
<b>Lot Width</b>	30 m	41.5 m (Complies)	42.5 m	41.1 m (Complies)	19.95 m	62.45 m (Complies)

Figure 1 - Severance Sketch (full scale version attached)



To facilitate the consent application, a minor variance application is also required for lot coverage, as illustrated in **Table 2**.

Table 2 – Minor Variance requested (125 Sherwood Drive)

	Section	Required (Current M1 Zone)	Proposed	Relief requested
<b>Lot Coverage (max)</b>	Section 10.1.2.1.3	40%	45%	+ 5%

## 5.0 Site Features

The subject lands are located on the north side of Sherwood Drive, between Colborne Street West and Catherine Avenue. The lands have a combined total area of approximately 6.17 ha. The 111 Sherwood Drive parcel currently contains a large commercial and industrial mall featuring a variety of uses including an event hall, a fitness centre, a place of worship, etc. The 125 Sherwood Drive parcel currently contains a large commercial and industrial building including uses like a martial arts facility, a dance studio, a products supplier, etc. The front portion of the 125 Sherwood parcel closest to Sherwood Drive is vacant as shown in **Figure 3**.

Several easements currently exist on the subject lands. Relating to this application, an access easement exists on the severed lands of 125 Sherwood Drive in favour of 111 Sherwood Drive. Further, a parking and access easement exists on the eastern portion of the severed lands of 111 Sherwood Drive in favour of the residential building located at 115 Sherwood Drive.

Below is a description of the surrounding built form.

- North**      Single detached dwellings
- South**     Single detached dwelling and industrial building
- East**        Industrial and Commercial Buildings
- West**        Single detached dwellings & low-rise apartment buildings



Figure 2 - Photo of Subject Lands – 111 Sherwood Drive



Figure 3 - Photo of Subject Lands - 125 Sherwood Drive



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## 6.0 Input from Other Sources

### 6.1 Technical Comments

This application was circulated to all applicable departments and agencies on July 22, 2024. Several departments recommended conditions of consent, as shown in **Appendix A** and **Appendix B**. The notable comments are summarized below.

**Building** Staff note that the parcel of land to be severed from 111 Sherwood Drive currently contains required parking for 115 Sherwood Dr. An agreement on title will be required to ensure the required parking for the adjacent property is maintained after consent. This was captured as a condition of consent for 111 Sherwood Drive (B32-2024) in **Appendix A**.

**Transportation** Staff noted that any access easement or parking agreement required will need to be registered on title.

**Economic Development** Staff is supportive of the proposed severance to create a consolidated entranceway for both 111 and 125 Sherwood Drive. Understanding that this site, along with the units at 111 Sherwood Drive offers an opportunity for a unique economic hub with a wide variety of uses that could benefit residents and visitors to the City, Economic Development would welcome the opportunity to meet with the owners on-site to discuss the overall development and the integration of these commercial spaces with those at 111 Sherwood, as well as understand how Economic Development can be of assistance. The applicant has been made aware of these comments.

**Mississaugas of the Credit First Nation** request that a Stage 1 Archaeological Study be conducted on the remaining sites to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. This was captured as a condition of consent in **Appendix A** and **Appendix B**.

### 6.2 Public Comment

A Notice of Public Hearing was issued by personal mail on August 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 Planning Background

The subject lands are designated “General Employment” in the Official Plan, as shown in **Appendix C**. The lands are zoned “Flood – Industrial Commercial Exception 16 Zone (F-M1-16)”, “Flood – Industrial Commercial Exception 17 Zone (F-M1-17)”, “Flood - Industrial Commercial Exception 19 Zone (F-M1-19)” and “Flood – General Commercial Exception 80 Zone (F-C8-80)” in Zoning By-law 160-90, as shown in **Appendix D**.

### 7.2 Consent Application

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 3 - Criteria for Considering a Consent Application

Criteria for Considering a Consent Application	Discussion
1. That the application conforms to the Official Plan	The purpose of the proposed consent applications is to facilitate a lot boundary adjustment and to create one new lot within a General Employment designated area of the City. The Official Plan encourages a wide range of employment uses in this designation, including warehousing, offices, restaurants, personal services establishments, etc. Although the future proposed development of the severed parcel is to be determined, the surrounding environment can accommodate some new employment uses given it's a well-established industrial and commercial neighbourhood. Any future development on the proposed merged lands is subject to Site Plan Control, which will give the City future opportunity to review the development's suitability with the surrounding area.

Criteria for Considering a Consent Application	Discussion
	<p>Section 3.1(d) of the Official Plan promotes the supply of new affordable housing in a variety of locations, dwelling types and tenures.</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>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 style="padding-left: 40px;"><i>h) The maximum number of new lots approved by the City on one property through Consent shall be three (3), where appropriate.</i></p> <p>The proposed consent applications satisfy 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 requirements in the Zoning By-law, as shown in <b>Table 1</b>. The proposed lot areas and widths are consistent with existing lot areas and widths in the area and are similar to lots adjacent to the site along Sherwood Drive.</p>
<p>3. The adequacy of utilities and municipal services</p>	<p>The proposed retained and severed parcels will both have frontage on a municipal roadway and have access to municipal services and utilities. It is noted that 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 <b>Appendix A</b> and <b>Appendix B</b>.</p>

### 7.3 Minor Variance

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



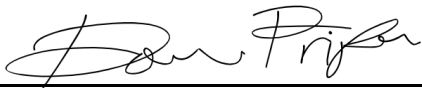
development and use of the land and maintain the general intent and purpose of the Zoning By-law and Official Plan. These tests are discussed in the table below.

Table 4 - Minor Variance tests

Four Tests	Discussion
1. That the requested variance is <b>minor</b> in nature	“Minor” is determined by impact, not by the value of the variance being sought. The proposed increase of 5% in lot coverage will not result in a noticeable impact on the functioning of the site and is to recognize an existing condition as a result of the consent applications. Staff is of the opinion that this relief is minor and still generally consistent with the existing surroundings.
2. That the intent and purpose of the <b>Zoning By-law 160-90</b> is maintained	The intent and purpose of the maximum lot coverage requirement in the Zoning By-law is to ensure the lot is not over-developed and there is adequate space for parking, landscaping, and outdoor amenity space. The retained lot (111 Sherwood Drive) would still meet the requirements for parking, landscape and amenity space. Any proposed development on the newly created lot will be assessed and will have to comply with the Zoning by-law. Therefore, it is Planning Staff’s opinion that the proposed variance maintains the general intent of the Zoning By-law.
3. That the general intent and purpose of the <b>Official Plan</b> is maintained	The subject lands are designated “General Employment”, wherein a range of employment and supporting land uses are intended to serve the residents. The proposed variance would facilitate the creation of a lot in an established employment area, thus creating opportunities for more employment uses, as encouraged by the Official Plan. The proposed variance meets the general intent and purpose of the Official Plan.
4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure	It is the opinion of Planning Staff that the proposal is desirable as it would facilitate the creation of a lot in an established employment area of the City. This would facilitate the type of economic development that is encouraged by the City.

## 7.4 Conclusion

A site inspection was completed on July 29, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested consent and minor variance applications subject to the conditions in **Appendix A** and **Appendix B**. The supported consent applications would facilitate the creation of a lot in an established developed area and will contribute to a broad range of employment uses in the City. For the reasons discussed above, the consent applications satisfy Section 51(24) and the minor variance application satisfies Section 45(1) of the *Planning Act*, and Staff recommends approval of all applications.



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Dora Pripon - Development Planner  
Prepared on: August 29, 2024



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Reviewed By: Sean House, MCIP RPP  
Senior Project Manager

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## Appendix A – Conditions of Consent (B32-2024 – 111 Sherwood Drive)

1. Receipt of a registered Reference Plan showing the severed and retained parcels and any applicable easements.
2. Receipt of confirmation that the decision to approve Application File No. A43-2024 is final and binding and is in full force and effect.
3. Receipt of confirmation that the decision to approve Application File No. B33-2024 is final and binding and is in full force and effect.
4. Receipt of confirmation that all the conditions have been satisfied and the certificate has been issued regarding consent application B33-2024 to the satisfaction of the Manager of Development or his/her designate.
5. Receipt of confirmation that the Application for Consolidation associated with Consent Application B33/2014 has been completed to the satisfaction of the Manager of Development or his/her designate.
6. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
7. Receipt of confirmation that all taxes are paid up to date.
8. Receipt of confirmation that the applicant has submitted 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).
9. Receipt of confirmation from the Applicant's solicitor that Section 50(3) or 50(5) of the *Planning Act* shall apply to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent.
10. Receipt of an undertaking from the Solicitor acting in the transfer confirming that the severed parcels will be merged in title and that a copy of the registered application to consolidate be provided to the City.
11. 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.
12. 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.
13. Receipt of 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 include details of how the severed and retained parcels indicate that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection, to a legal outlet for each parcel of land (severed and retained), and that these services do not cross the proposed severance line, and that these services are connected directly to City infrastructure.

14. Receipt of confirmation from the Manager of Development Engineering or his/her designate, that the Owner/Applicant has taken responsibility, financially and otherwise, for providing sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced.
15. Receipt of 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. Receipt of confirmation that a parking agreement is registered on title to ensure the shared parking for the adjacent property, 115 Sherwood Drive, is maintained after the consent.
17. Receipt of confirmation that copies of all archaeological assessment reports and associated materials, including Ministry Letters indicating that the relevant archaeological assessments have been entered into the Ontario Public Register of Archaeological Reports, that demonstrate that the subject area has no further cultural heritage value or interest with respect to archaeological resources, and that no further archaeological assessment is required.
18. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **September 4, 2026**, after which time the consent will lapse.



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## **Appendix B – Conditions of Consent (B33-2024 – 125 Sherwood Drive)**

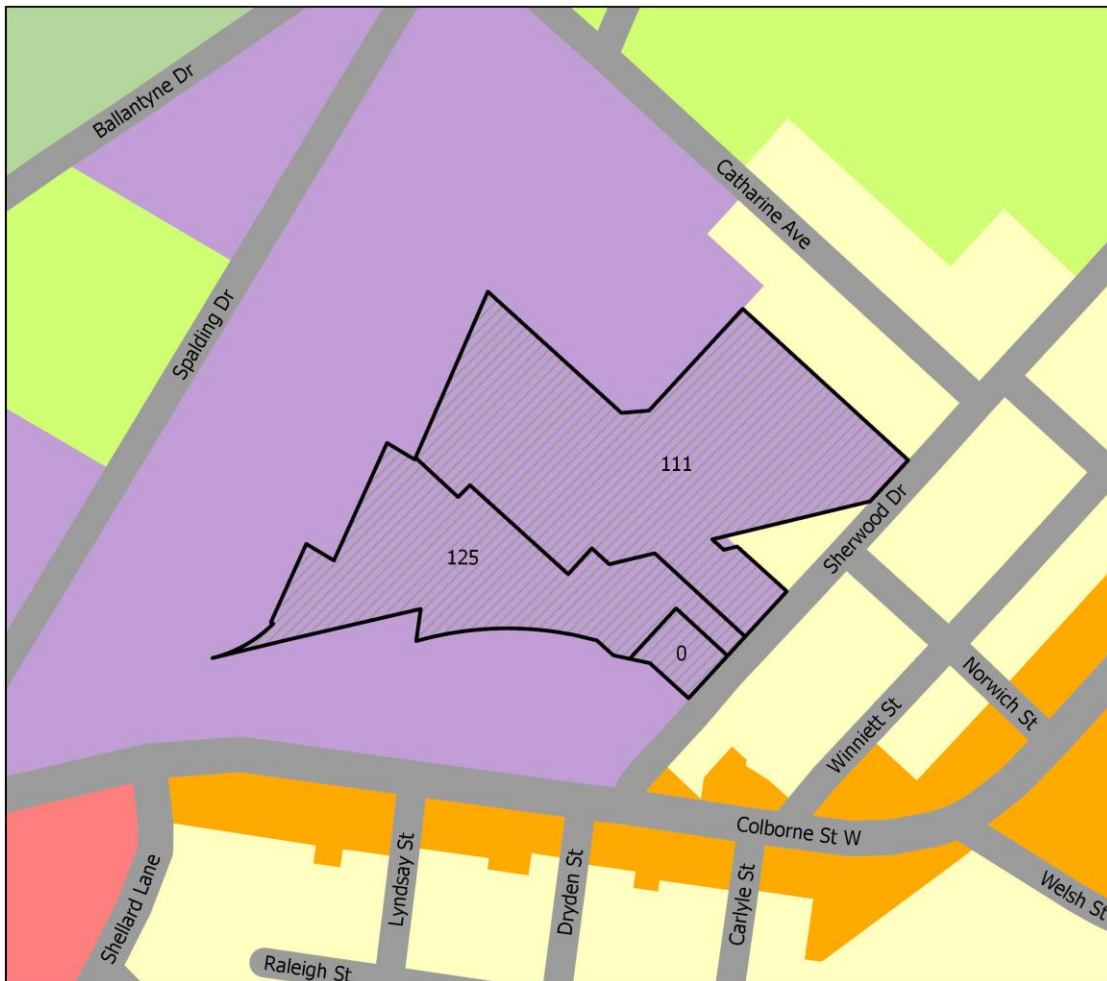
1. Receipt of a registered Reference Plan showing the severed and retained parcels and any applicable easements.
2. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
3. Receipt of confirmation that all taxes are paid up to date.
4. Receipt of confirmation that the applicant has submitted 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).
5. Receipt of an undertaking from the Solicitor acting in the transfer confirming that the severed parcel will be merged in title with the adjacent property and that a copy of the registered application to consolidate be provided to the City.
6. Receipt of an undertaking from the Solicitor acting in the transfer confirming that the severed parcels will be merged in title and that a copy of the registered application to consolidate be provided to the City.
7. 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.
8. 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.
9. Receipt of 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 include details of how the severed and retained parcels indicate that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection, to a legal outlet for each parcel of land (severed and retained), and that these services do not cross the proposed severance line, and that these services are connected directly to City infrastructure.
10. Receipt of confirmation from the Manager of Development Engineering or his/her designate, that the Owner/Applicant has taken responsibility, financially and otherwise, for providing sanitary and storm sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced.

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11. Receipt of 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.
  12. Receipt of confirmation that copies of all archaeological assessment reports and associated materials, including Ministry Letters indicating that the relevant archaeological assessments have been entered into the Ontario Public Register of Archaeological Reports, that demonstrate that the subject area has no further cultural heritage value or interest with respect to archaeological resources, and that no further archaeological assessment is required.
  13. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **September 4, 2026**, after which time the consent will lapse.

## Appendix C – Official Plan

### OFFICIAL PLAN EXCERPT MAP

Application: B32-2024, B33-2024 & A43-2024  
111 & 125 Sherwood Drive



#### 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     |                                 |

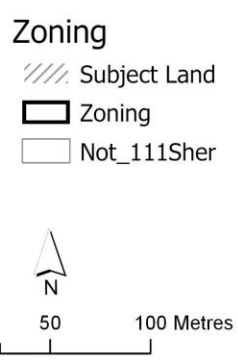
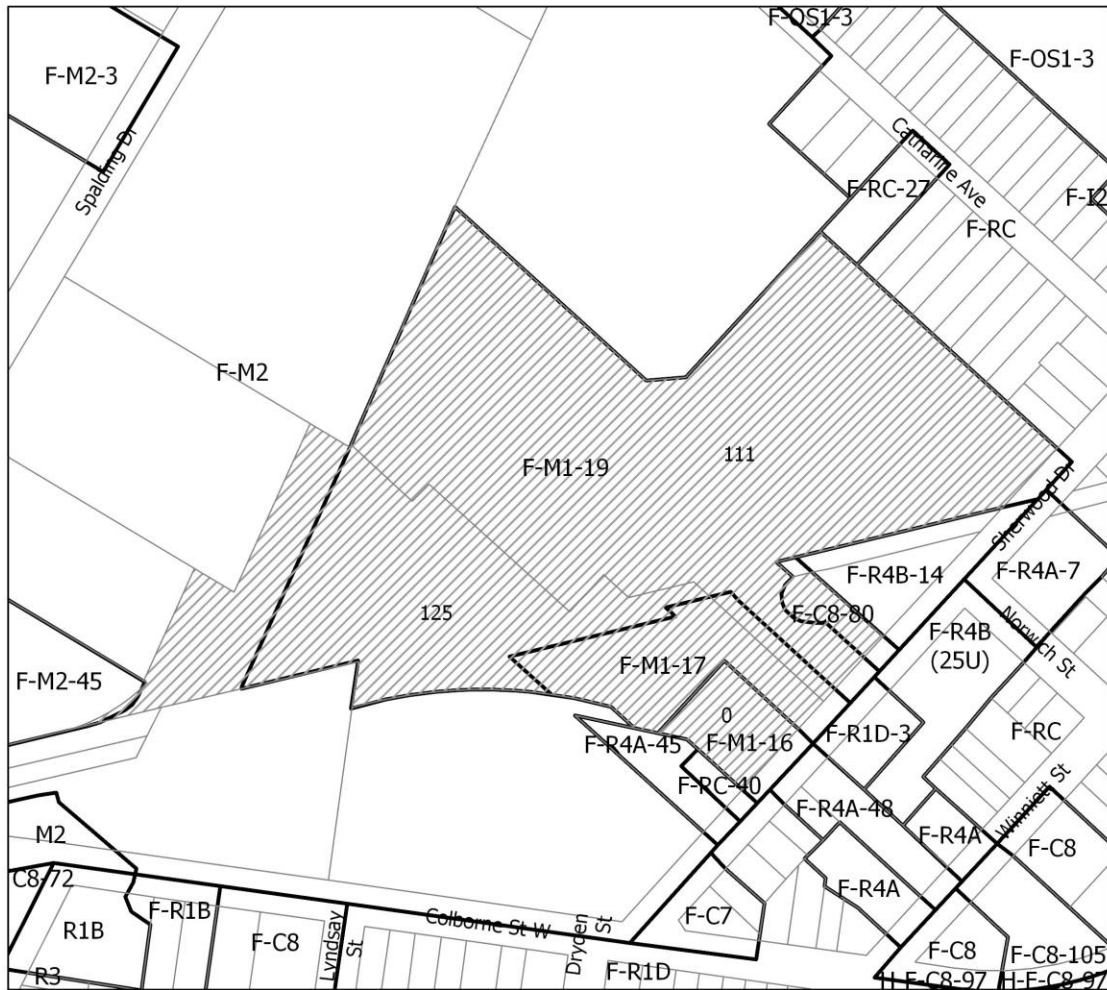


0 75 150 Metres

## Appendix D – Zoning By-law

### ZONING MAP

Application: B32-2024, B33-2024 & A43-2024  
 111 & 125 Sherwood Drive



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

R1B	Residential Type 1B (15 metre)
R1D	Residential Type 1D ( 9 metre)
R3	Residential Type 3
RC	Residential Conversion
R4A	Residential Medium Density Type A
R4B	Residential Medium Density Type B
I2	Institutional School
C7	Convenience Commercial
C8	General Commercial
OS1	Open Space Type 1
M1	Industrial Commercial
M2	General Industrial
H	Holding Provision
F	Floodplain Provision
- #	Exception Number