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Date November 6, 2024 **Report No.** 2024-629
To Chair and Members
City of Brantford Committee of Adjustment
From Ashley Timbs
Development Planner

1.0 Type of Report

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

2.0 Topic **Application B36-2024 – 344 Henry Street**
Agent – Antech Design & Engineering Group c/o
Candice Micucci
Applicant/Owner - MCI Corp. c/o Jang Panag

3.0 Recommendation

- A. THAT consent application B36-2024 to establish blanket easements on Condominium No. 86 (340 Henry Street), and the future new Condominium (legally described as BRANTFORD CON 4 PT LOTS 40 AND 41 RP 2R6989 PARTS 2 AND 3), BE APPROVED, subject to the conditions listed in **Appendix A** of Report No. 2024-629;
- B. THAT the reasons for approval of the consent application are as follows: the proposed consent has regard for the matters under Section 51(24) of the *Planning Act* and Staff are satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts

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on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning By-law; and,

- C. THAT pursuant to Sections 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:

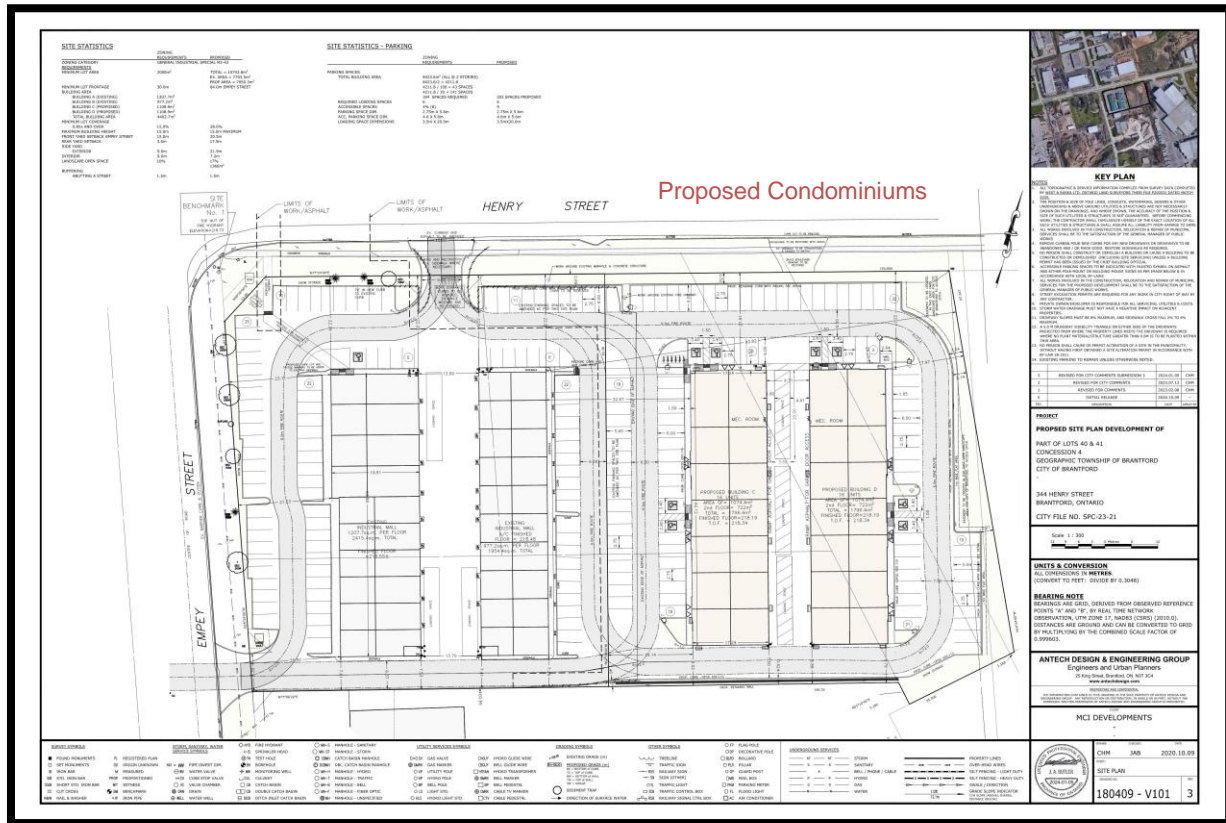
“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 5.2 of Report No. 2024-629”.

4.0 Purpose and Description of Application(s)

Table 1 - Description of Application(s)

Application Details	
Type of Application	Consent (Easement)
Purpose of Application	To add a blanket easement, as shown in Figure 1 . The purpose of the easement is to provide access (entrance/exit), to facilitate shared parking between the existing industrial condominiums at 340 Henry Street and the proposed industrial condominiums, and to provide full legal access for the City of Brantford over both parcels of land (existing condo and proposed). The applicant also requested the easement encompass shared servicing.
Additional Relevant Information	
Previous Applications	SPC-23-21
Concurrent Planning Applications	N/A
Any other relevant information	N/A

Figure 1 – Site Plan



(see Attachment for larger resolution)

Table 2 – Information on the Subject Lands

Site Details							
Site Features	<p>The site features on the subject lands include:</p> <ul style="list-style-type: none"> • Vacant undeveloped lot • Existing adjacent industrial condominiums (340 Henry Street) <p>See Figures 2 & 3 - Photo of the Subject Lands</p>						
Surrounding Context	<p>The following are the surrounding features/uses of the subject lands:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">North</td> <td>Industrial</td> </tr> <tr> <td style="padding-right: 20px;">South</td> <td>Industrial</td> </tr> <tr> <td style="padding-right: 20px;">East</td> <td>Industrial</td> </tr> </table>	North	Industrial	South	Industrial	East	Industrial
North	Industrial						
South	Industrial						
East	Industrial						

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	<p style="text-align: center;">West Industrial</p>
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Figure 2 – Photo of Subject Lands



Figure 3 – Photo of Subject Lands



5.0 Input from Other Sources

5.1 Technical Comments

The application was circulated to all applicable departments and agencies on September 20, 2024.

The notable comments are summarized below:

Table 3 - Technical Comments

Department/Agency	Comments
Environmental Services	<p>Servicing plans indicate the existing connection to 344 Henry St. extends from the subject parcel. Service to the existing 344 Henry St. must extend directly to the watermain in Henry St. Water service connections across private property lines must be removed: the existing service to 344 Henry St. shall extend from the 300mm main in Henry St.</p> <p>Only one (1) water service is permitted per property. The City has no record of the ex. 150 mm service shown at the Northeast corner of the servicing plan; however, if this service is found to exist the Owner will be required to remove the service and rebuild the main in Henry St.</p>
Development Engineering	Requested conditions, which are incorporated in Appendix A .

5.2 Public Comments

This application was circulated for public comment on October 18, 2024, to property owners within 60 m of the subject lands pursuant to the *Planning Act*.

At the time of writing this report, no public comments on this application have been received.

6.0 Planning Staff Comments and Conclusion

The Subject Lands are designated “General Employment” in the City’s Official Plan and zoned “General Industrial Zone (M2)” and “General Industrial Exception 43 Zone (M2-43)” in Zoning By-law 160-90, as shown in **Appendix B** and **Appendix C** respectively.

6.1 Planning Analysis for Consent

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.

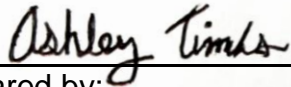
Table 4 - Consent Criteria

Criteria for Considering a Consent Application	Discussion
1. That the plan conforms to the Official Plan	<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> <ul style="list-style-type: none"> h. 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 <i>Planning Act</i>. <p>This application for easement meets all the above criteria.</p>
2. The dimensions and shapes of the proposed lot	The subject application does not propose any physical changes to the lot.
3. The adequacy of utilities and municipal services	<p>The parcel is located at the intersection of Empey Street and Henry Street, and directly adjacent to Henry Street. The property can connect to servicing from Henry Street. It is also noted that a condition of approval of this consent application requires that each parcel of land is serviced independently to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate, as listed in Appendix A.</p>

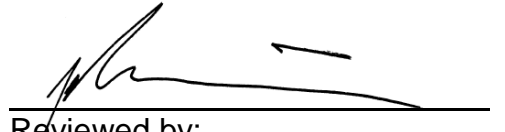
6.2 Conclusion

Staff recommends approval of the subject application(s) for the following reasons:

- The application(s) satisfies Section 51(24) of the *Planning Act*, as detailed above.
- The easements will facilitate the development of the proposed industrial condominiums on the vacant parcel.
- A site inspection was completed on October 11, 2024, and no issues were found.



Prepared by:
Ashley Timbs, Development Planning
October 31st, 2024



Reviewed by:
Jeff Medeiros, MCIP, RPP, Acting
Manager of Development Planning
October 30, 2024

APPENDIX A – Conditions of Consent (B36-2024)

1. Receipt of a registered Reference Plan showing the severed and retained parcels and any applicable easements required by the City.
2. Receipt of confirmation that the decision to approve Application File No. B36-2024 is final and binding and is in full force and effect.
3. Receipt of confirmation that all taxes are paid up to date.
4. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer easement documentation for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*).
5. Receipt an undertaking provided from the applicant's solicitor confirming that all applicable easements will be registered on title for the properties.
6. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary/storm sewer connections to each parcel of land to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
7. The Owner/Applicant shall be responsible, financial and otherwise, to provide water connections to each parcel of land to ensure each parcel has been independently serviced to the satisfaction of the City;
8. Receipt of a letter of confirmation from the Condominium Board stating they are aware of, and consent to the consent application for easements, to the satisfaction of the Chief Planner or his/her designate, if applicable.
9. Receipt of confirmation that a Parking Agreement has been executed with the Owners of 340 Henry Street and the property legally described as BRANTFORD CON 4 PT LOTS 40 AND 41 RP 2R6989 PARTS 2 AND 3 as parties, registered on title.
10. 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.
11. 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.
12. The applicant shall provide full legal access to the Corporation of the City of Brantford in order to service municipal drainage infrastructure located adjacent to BRANTFORD CON 4 PT LOTS 40 AND 41 RP 2R6989 PARTS 2 AND 3 (the "Parcel") from a Public Highway to the satisfaction of the Chief Planner. For clarity,

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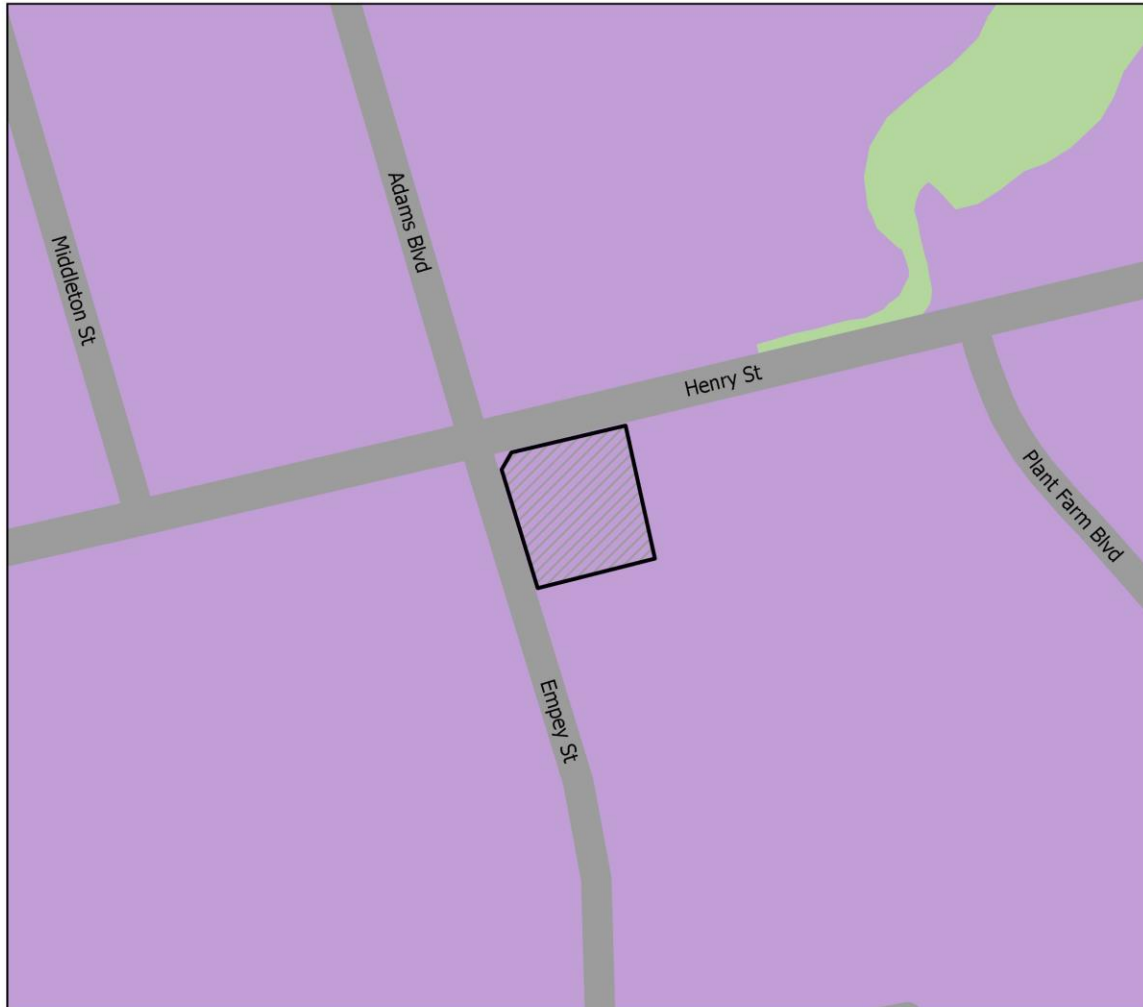
this condition may be fulfilled through either the provision of easements in favour of the City over both 340 Henry Street and the Parcel, or through the construction of a legal driveway access point to the Parcel and the provision of an easement in favour of the City over the Parcel.

13. The applicant shall provide to the Manager of Development Engineering or his/her designate, draft easement schedules to all easements proposed in relation to Application B36-2024, for approval by the City.
14. The applicant shall together with the final version of the easement schedules, provide to the City Solicitor an undertaking indicating that:
 - i. The easement schedules approved by the City are the final schedules to be submitted for registration, subject only to changes requested by the Land Registrar;
 - ii. The City will be notified of any required changes prior to registration; and
 - iii. Forthwith following registration of the easements, a copy of the instruments will be provided to the City.
15. That the above conditions be fulfilled, and the Certificate of Consent be issued on or before **November 8, 2026**, after which time the consent will lapse.

APPENDIX B – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B36-2024
344 Henry Street



Legend

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

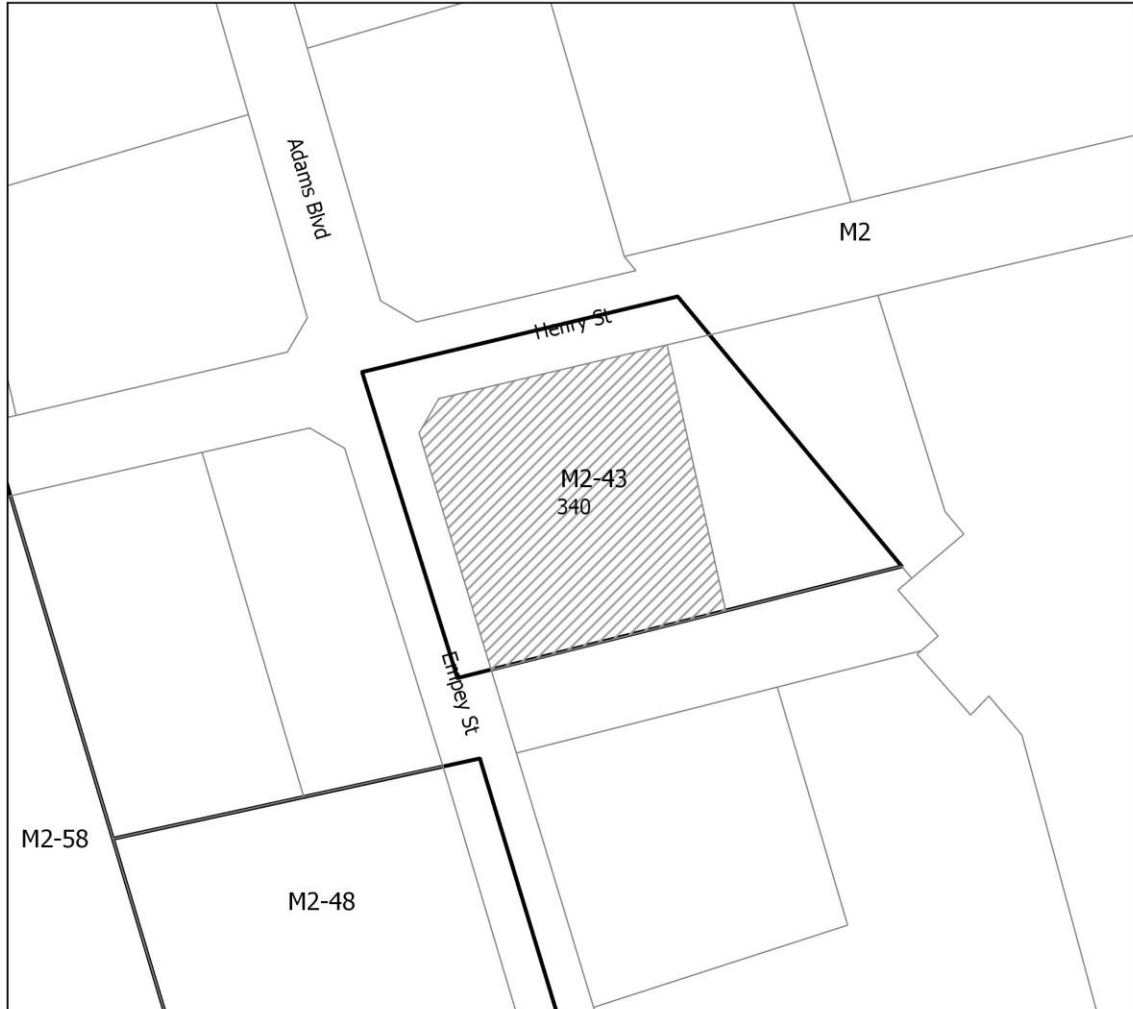


0 75 150 Metres

APPENDIX C – Zoning By-law

ZONING MAP

Application: B36-2024
344 Henry Street



Zoning

- //// Subject Land
- Zoning

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

- M2 General Industrial
- # Exception Number



0 50 100 Metres