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**Date** September 18, 2019 **Report No.** 2019-579

**To** Chair and Members  
City of Brantford Committee of Adjustment

**From** Alexandra Mathers  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

## 2.0 Topic

<b>APPLICATION NO.</b>	B28/2019 & A28/2019
<b>AGENT</b>	David Johnston
<b>APPLICANT/OWNER</b>	2557860 ONTARIO LTD
<b>LOCATION</b>	18 Easton Road and 131 Lynden Road

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## 3.0 Recommendation

- A. THAT Application B28/2019 for a lot boundary adjustment for the eastern portion of the lands municipally known as 18 Easton Road be severed to add 0.491 ha to the abutting lot at 131 Lynden Road, and to retain a parcel of land having a lot area of 0.496 ha BE APPROVED subject to the conditions attached in **Appendix A** in Report No. 2019-579; and
- B. THAT Application A28/2019 requesting relief from Section 6.18.7.8 in accordance with Table 6.1 to reduce the parking space requirement to a minimum of 24 spaces BE REFUSED for the property municipally

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addressed as 18 Easton Road, shown as Part 1 on **Appendix C** in Report No. 2019-579; and

- C. THAT Application A28/2019 requesting relief from the Section 6.23.6.3 in accordance with Table 6.2 to permit a minimum of one Type B loading space for 1,897 m<sup>2</sup> GFA, whereas two Type B loading spaces are required BE APPROVED for the property municipally addressed as 18 Easton Road, shown as Part 1 on **Appendix C** in Report No. 2019-579; and
- D. THAT the reason(s) for approval are as follows: having regard for the matters under Section 51(24) of the *Planning Act*, Staff is satisfied that the proposed boundary adjustment is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties, The applications are in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90, specifically Section 18.9 of the Official Plan respecting consent applications including boundary adjustments within the City of Brantford and consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and
- E. THAT pursuant to Section 53(17)-(18.2) and Section 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2019-579.”*

#### 4.0 Purpose and Description of Applications

A consent and minor variance applications have been received for the lands municipally addressed as 18 Easton Road. A location map, and proposed severance sketch are attached as **Appendix B and C**. The applicant is proposing a boundary adjustment to facilitate the redevelopment and expansion of the Brantford Volkswagen Dealership at 131 Lynden Road. If the Committee of Adjustment approves the applications, the redevelopment and expansion of Brantford Volkswagen will require an application for Site Plan Control. The consent application proposes a lot boundary adjustment for the eastern portion of 18 Easton Road. Application B28/2019 proposes to add a portion of the lands at 18 Easton Road with an area of 0.491 ha (see Part 2 on **Appendix C**) to the northern portion 131 Lynden Road (see Part 3 on **Appendix C**), and retain a

parcel with an area of 0.496 ha at 18 Easton Road. The proposed lot dimensions are detailed below:

	<b><i>Lands to be severed (added to 131 Lynden Road) (Receiving Lands)</i></b>	<b><i>Lands to be Retained (18 Easton Road) (Retained Lands)</i></b>
<i>Width:</i>	<i>76.2 m</i>	<i>64.224 m</i>
<i>Depth:</i>	<i>64.2 m</i>	<i>77.367 m</i>
<i>Area:</i>	<i>0.491 ha</i>	<i>0.496 ha</i>

In order to facilitate the lot adjustment as proposed, a minor variance application is required for the proposed retained lands at 18 Easton Road. The application seeks relief from Zoning By-law 160-90 in order to reduce the minimum required number of loading spaces from two loading spaces to one loading space for 1,897 m<sup>2</sup> of gross floor area (GFA) for the existing vacant industrial building on the retained lot.

The applicant also applied for a reduction in total parking space requirement to a total of 24 parking spaces for the retained lands. Staff has informed the applicant and agent respecting the limitation of parking spaces on the proposed retained lands (if approved) at 18 Easton Road will restrict some of the permitted uses on the retained lands due to the reduced amount of parking spaces which can be provided if the consent application is approved, this is further discussed in Section 7.5 of this Report. Staff is of the opinion that no minor variance is required for the number of parking spaces to be provided on the proposed retained parcel. It is also important to note that the applicant currently owns, 18 Easton Road, 131 Lynden Road and the lands south of the 18 Easton Road at 10 Easton Road. With respect to permitted uses or redevelopment plans at 18 Easton Road, land assembly is an option. Further planning applications may be necessary to facilitate any future redevelopment of the retained lands. Staff has informed the applicant of this.

There is currently an access easement between the lands at 10 Easton Road (Beverly Tire) and 131 Lynden Road (Brantford Volkswagen Dealership) which is illustrated as Part 4 on **Appendix C** of this Report. The agent has advised that

the Owner is proposing to reconfigure the boundary lines between the two properties through land assembly and is not part of this application.

The subject lands at 18 Easton Road are designated “General Industrial” in the City’s Official Plan and zoned “General Industrial (M2) Zone” in Zoning By-law 160-90. The lands at 131 Lynden Road are designated “General Commercial” in the Official Plan and zoned “General Commercial (C8) Zone” in the Zoning By-law. The lands to be merged with the existing Volkswagen property are to remain designated and zoned as General Industrial at this time, which is further discussed in Section 7.5 of this Report.

## **5.0 Site Features**

The property at 18 Easton Road is located on the east side of Easton Road, north of Lynden Road. A vacant industrial building is located on the subject lands. The industrial building at 18 Easton Road was most recently a pool manufacturing and distributing company, Pleasure Way Pools. The property at 131 Lynden Road is located on the north side of Lynden Road, east of Easton Road, and is occupied by the Brantford Volkswagen Dealership. The proposed lot adjustment will provide additional storage for automobiles and area for the redevelopment and expansion of the Volkswagen Dealership at 131 Lynden Road. The properties are northeast of Lynden Park Mall and north of Highway 403. An aerial photograph and photographs of the subject lands are attached as **Appendices D and E**.

## **6.0 Input from Other Sources**

### **6.1 Technical Comments**

This Application was circulated to all applicable departments and agencies and no adverse comments or objections were received from the commenting agencies.

At Planning Staff’s request, the applicant provided some functional concept plans to ensure the retained lands could continue to function. Transportation and Parking Services Staff provided comments on the truck turning plan for the retained parcel at 18 Easton Road, they advised that truck movements would not function as proposed without the vehicle mounting both the driveway curb and front curb. As a condition of the lot adjustment, the applicant will be required to provide and implement a solution for large vehicles to turnaround on the retained lands or through a joint access agreement between the two properties. Transportation and Traffic Services Staff further advises that the changes to the

existing driveway can be made through the Site Alteration Permit or Driveway Permit process.

Development Engineering Staff requested that the applicant will need to provide the existing sanitary demand for the property at 18 Easton Road, which will be required as a condition of the boundary adjustment.

The remaining comments provided by Development Engineering and Environmental Services Staff are for information purposes and relate to the future requirements for a Site Plan Control application for 131 Lynden Road. All comments will be addressed through the Site Plan Control process.

Detailed comments from the Building Department and Engineering Department are attached as **Appendices F** and **G**.

## **6.2 Public Response**

A notice of public hearing was issued by personal mail (13 notices) and by posting a notice sign on-site at both 18 Easton Road and 131 Lynden Road. Attached as **Appendix H** is a plan illustrating the notification area. Planning Staff have not received any written submission at the time of drafting this Report.

## **6.3 Grand River Notification**

Circulation and notice of public meeting for the consent application was issued to representatives of the Six Nations of the Grand River and the Mississaugas of the Credit First Nation, with no response received to date.

## **7.0 Planning Staff Comments and Conclusion**

### **7.1 Planning Act, R.S.O 1990**

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 criteria that Staff must have regard for when considering a consent application for approval. Planning Staff have given regard for Section 51 (24) of the *Planning Act* and are satisfied that the applications are desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Specifically, the proposal conforms to the Official Plan, there are adequate utilities and services, and the dimensions and shapes of the proposed severed and retained lots are appropriate.

Planning Staff are also of the opinion that the subject consent and minor variance applications are consistent with Section 51 (24) of the *Planning Act*.

## **7.2 Provincial Policy Statement**

The subject consent and minor variance application has been reviewed with respect to the policies contained in the Provincial Policy Statement. The PPS is issued under the authority of Section 3 of the *Planning Act*, which requires that planning decisions “shall be consistent with” policy statements issued under the Act.

The PPS encourages “*an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemetery and long-term care homes), recreation and park and open space, and other uses to meet long-term needs.*”

Staff is of the opinion that the proposed consent application for a lot boundary adjustment and minor variance application are consistent with the direction set out in the PPS.

## **7.3 A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2019)**

The subject application has been reviewed with respect to the policies contained in the Growth Plan for the Greater Golden Horseshoe (2019). Section 2.2.5.1 of the Growth Plan indicates that Economic development and competitiveness in the GGH will be promoted by making efficient use of existing, vacant and underutilized employment lands and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

Planning Staff is of the opinion that the proposal is consistent with the Growth Plan. The proposed boundary adjustment will facilitate the expansion of Brantford Volkswagen Dealership and represents an investment in an established business in Brantford, while the minor variance will allow continue to allow industrial uses to exist on the subject lands at 18 Easton Road.

## **7.4 City of Brantford Official Plan**

The subject lands at 18 Easton Road are currently designated “General Industrial” in the City’s Official Plan (see **Appendix I**). The “General Industrial”

designation is intended to provide for an extensive range of industrial activities such as manufacturing, warehousing, fabricating of goods and materials, and repair and service operations. The existing industrial building at 18 Easton Road is currently vacant but was most recently a pool distribution and manufacturer, a permitted use within the designation.

The lands at 131 Lynden Road are designated “General Commercial” in the City of Brantford Official Plan (see **Appendix I**). The “General Commercial” designation is intended to include a variety of retail and service commercial uses. The existing Brantford Volkswagen Dealership is a permitted commercial use. The lands to be added to the 131 Lynden Road are designated as “General Industrial” and will continue to be used for industrial uses as the portion of the dealership includes the automotive service bays and accessory used car sales associated with the Brantford Volkswagen Dealership on the lands designated “General Industrial” at 131 Lynden Road, these uses are permitted in this designation.

Section 18.9.2 of the City’s Official Plan states that: *“Applications for consents will only be granted where:*

- 1. “The severance is for the purpose of infilling within existing development;*
- 2. It is clearly not necessary in the public interest that a plan of subdivision be registered;*
- 3. The lot can be adequately serviced by roads, sanitary sewage disposal, water supply, and storm drainage facilities;*
- 4. No extension, improvement or assumption of municipal services is required;*
- 5. The lot will have frontage on an improved public road, and access will not result in traffic hazards;*
- 6. The lot will not restrict the ultimate development of adjacent lands;*
- 7. The size and shape of the lot conforms to the Zoning By-law, and is appropriate to the use proposed and compatible with adjacent lots; and*
- 8. The consent complies with all relevant provisions of this Official Plan.”*

The boundary adjustment application is for the purpose of expanding the existing Brantford Volkswagen Dealership located at 131 Lynden Road. No

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extension or improvement of municipal services is required. The proposed boundary adjustment will not result in additional traffic hazards. The size and shape of the proposed severed parcel at 18 Easton Road conforms to the requirements under the Zoning By-law, and is compatible with adjacent lots. It is Planning Staff's opinion that the proposed boundary adjustment meets the intent of the Official Plan. The applicant has provided a functional site plan for the retained lands and Staff is of the opinion that this lot boundary adjustment will not restrict the ultimate development of the adjacent lands.

Section 18.11.2 of the Official Plan addresses minor variances and states that *"The Committee of Adjustment will consider applications for minor variances on the basis of conformity to the following or other criteria:*

- 1. The applicant cannot acquire additional property to comply with the minimum requirements of the Zoning Bylaw;*
- 2. Adequate provision is made for vehicular access and off-street parking on the lot;*
- 3. Building coverage is not excessive and adequate landscaping can be provided on the lot;*
- 4. The lot size and design of the proposed building or structure are in keeping with adjacent development and the general intent of the provisions in the Zoning Bylaw."*

It is Planning Staff's opinion that the proposed minor variance conforms with the policies of Section 18.11.2 of the Official Plan, as vehicular access will be improved in order to accommodate the turning movement of a large truck as a condition of the boundary adjustment. While the existing building on the subject site at 18 Easton Road is currently vacant, the applicant has applied to reduce the total amount of parking spaces on site to a maximum of 24 spaces. In Planning Staff's opinion the variance for the reduction in number of loading spaces is adequate for the size of the industrial building on the retained parcel, however, cannot support a total of 24 parking spaces on the retained lands. This is further analyzed in Section 7.5 of this Report.

It is important to note that the City of Brantford is currently in the process of a Municipal Comprehensive Review which is a Provincial requirement when preparing a new Official Plan. As part of the Municipal Comprehensive Review some areas of the City which are currently identified as employment area (industrial uses) are being contemplated as potential areas for redesignation and



to be converted to commercial uses under the new Official Plan, if approved by Council. The lands and area surrounding 18 Easton Road was identified in the Municipal Comprehensive Review as having potential for redesignation and conversion to commercial land uses. This may provide additional opportunity for redevelopment of the lands at 18 Easton Road as commercial uses, if the Official Plan is approved by Council, and the applicant will subsequently need to apply for a change in zoning, which will also require Council approval.

## **7.5 Zoning By-law 160-90**

The subject lands (retained) at 18 Easton Road are zoned “General Industrial (M2) Zone” in the Zoning By-law 160-90 (see **Appendix J**). This Zone permits a variety of industrial uses including manufacturing, autobody repair service, warehousing and other industrial uses. The receiving lands at 131 Lynden Road are zoned “General Commercial (C8) Zone” which permits a variety of commercial uses (see **Appendix J**). The lands to be added to 131 Lynden Road will continue to be zoned as General Industrial (M2) Zone and proposed uses on those lands will include repair and service bays and accessory used motor vehicle sales associated with the commercial Brantford Volkswagen Dealership at 131 Lynden Road, which are permitted uses in the M2 Zone

To facilitate the boundary adjustment, application A28/2019 seeks relief from Section 6.23.6.2 in accordance with Table 6.2 to permit a minimum of one loading space, whereas two are required for a total gross floor area of over 1,850 m<sup>2</sup> up to 3,700.0 m<sup>2</sup> for the retained parcel at 18 Easton Road. Under Section 6.23.7.2 loading spaces for industrial uses, retail warehouses and commercial uses with a gross floor area of 1,000 m<sup>2</sup> are required to have a larger Type B loading space. The intent of this section of the Zoning By-law is to ensure that larger industrial and commercial uses have additional and appropriately sized loading spaces to meet their needs. The existing building at 18 Easton is approximately 1,897 m<sup>2</sup> in size, approximately 47 m<sup>2</sup> over the gross floor area requirement for one loading space for industrial uses. It is Planning Staff’s opinion that the request for a reduction in one loading space is minor in nature.

A total of 24 parking spaces are illustrated on retained lands at 18 Easton Road (see **Appendix C**). If the application for consent (lot boundary adjustment) is approved, the number of parking spaces on the proposed retained lands will be limited to an estimated total of 24 parking spaces. In this regard, only eight of the permitted uses under the M2 Zone will be able to function on the site as per the required parking calculations, if one use is to be used for the entire 1,897 m<sup>2</sup>

of the building. The applicant is aware that by reducing the size of the lot at 18 Easton Road, the lands may limit some uses that can function on the site. The table below outlines the parking standards for industrial uses which would be able to function on the retained parcel at 18 Easton Road:

Proposed Use of Building	Zoning By-law requirements	Total Parking Spaces Required
Warehouse Use	2.0 space, plus 1.0 space per 1,000 m <sup>2</sup> GFA	4
Wholesale use	1.0 space per 80.0 m <sup>2</sup> GFA	24
Transportation Terminal	6.0 spaces, plus 1 space per 1,000 m <sup>2</sup> GFA	8
Manufacturing Use	1.0 space per 100 m <sup>2</sup> GFA	19
Impound Yard	6.0 spaces, plus 1 space per 1,000 m <sup>2</sup> of GFA and of open storage	8
Autobody Repair Shop	4 spaces per service bay	A total of 6 service bays
Public Garage	4 spaces per service bay	A total of 6 service bays
Liquid Waste Transfer Station	6.0 spaces, plus 1 space per 1,000 m <sup>2</sup> GFA	8

The applicant is aware that by continuing with the proposed boundary adjustment that the proposed retained parcel at 18 Easton Road will restrict some industrial uses based on the parking standards for permitted uses under the M2 Zone. However, as mentioned earlier in this Report, the applicant owns additional lands along Easton Road. Although uncommonly used, under the existing M2 Zone regulations, Section 6.18.3.2 of the Zoning By-law permits required parking to be provided on another lot within 150.0 m within the C1, C2 or M2 Zone, provided an agreement is entered into with the City and is registered against both parcels of land. As indicated, the Owner of the lands at 18 Easton Road also owns lands within the immediate area, including the lands at 131 Lynden Road (the receiving lands), which may provide for the opportunity for a parking agreement to be made, if additional parking is required for the retained lands.

Through the Municipal Comprehensive Review process, these lands have been contemplated for redesignation and conversion to commercial land uses in the future Official Plan, if approved by Council. The conversion to commercial uses may provide additional opportunity for redevelopment of the lands at 18 Easton Road, if the Official Plan is approved by Council, and the applicant applies for a change in zoning, which is also subject to Council approval. The proposed retained parcel meets all other requirements under the M2 Zone.

It is Planning Staff's opinion that the proposed minor variance for the reduction in one loading space and consent for lot boundary adjustment maintain the general intent of the Zoning By-law 160-90, however the minor variance request for a minimum of 24 parking spaces does not.

## **7.6 Site Plan Control and Site Alteration Permit**

Site Plan Control will apply to the proposed redevelopment of the Volkswagen Dealership at 131 Lynden Road. All technical comments relating to 131 Lynden Road will be addressed through the Site Plan Control process. The requirement for the retained lands include truck maneuvering on site which will be addressed as a condition of the lot boundary adjustment (see **Appendix A**). If the lands at 18 Easton Road are ever redeveloped, further planning applications may be required.

## **7.7 Conclusion**

A site inspection was completed on August 30, 2019. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. If approved, the boundary adjustment will allow for the expansion of the Brantford Volkswagen Dealership at 131 Lynden Road, while still allowing the retained lands at 18 Easton Road to continue to be used for industrial land uses.

Having regard for the matters under Section 51(24) of the *Planning Act*, Staff is satisfied that the consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on the surrounding properties. The proposal will contribute to the broad range of industrial and commercial uses in Brantford and is in accordance with the applicable planning policy framework in the PPS, Growth Plan and Official Plan. The application is also consistent with the consent policies of Section 18.9.2 of the Official Plan.

It is the opinion of Planning Staff that the proposed variance for one loading space for the retained parcel at 18 Easton Road is minor in nature and will not

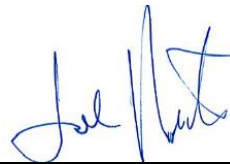
result in adverse impacts or restrict development on any adjacent property. The minor variance is desirable for the appropriate development and use of the land as the lot will be able to function with only one loading space. The minor variance meets the general intent and purpose of Zoning By-law 160-90 and the Official Plan are maintained. In conclusion, Staff is of the opinion that the proposed minor variances meet the four tests of Section 45(1) of the *Planning Act*.

Planning Staff recommend that consent application B28/2019 be approved, subject to the attached conditions in **Appendix A** of this Report, and that the request for minor variance for one Type B Loading Space be approved, and that the request for a reduction in the parking spaces to a minimum of 24 parking spaces be refused in application A28/2019.



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Prepared on: September 12, 2019  
Prepared by: Alexandra Mathers MSc.PI.  
Development Planner



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

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## Appendix A

### Conditions of Consent (lot boundary addition) – B07/2018

Subject to the following conditions:

- ☒ Receipt of confirmation that the related minor variance application A28/2019 has received final approval;
- ☒ Receipt of a registered reference plan showing the receiving lands, lands to be transferred, and retained lands;
- ☒ Receipt of confirmation that all taxes are paid up to date;
- ☒ 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);
- ☒ 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;
- ☒ Receipt of confirmation from the Solicitor acting in the transfer that the lands identified as Part 2 on Appendix B (Report No. 2019-579), 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;
- ☒ Receipt of confirmation from the Engineering Department indicating that their requirements have been satisfied;
- ☒ Receipt of confirmation from the Engineering Department indicating that a truck maneuverability plan which appropriately implements the City's standards related to the ingress / egress of the Type B Loading Space on the retained lands at 18 Easton Road has been provided;
- ☒ Receipt of confirmation from Development Engineering Staff indicating that the existing sanitary demand calculations have been provided for the retained parcel;
- ☒ Receipt of confirmation that a site alteration has been received through Development Engineering for any changes/modifications made to the retained parcel at 18 Easton Road as defined under Site Alteration Bylaw 28-2011;

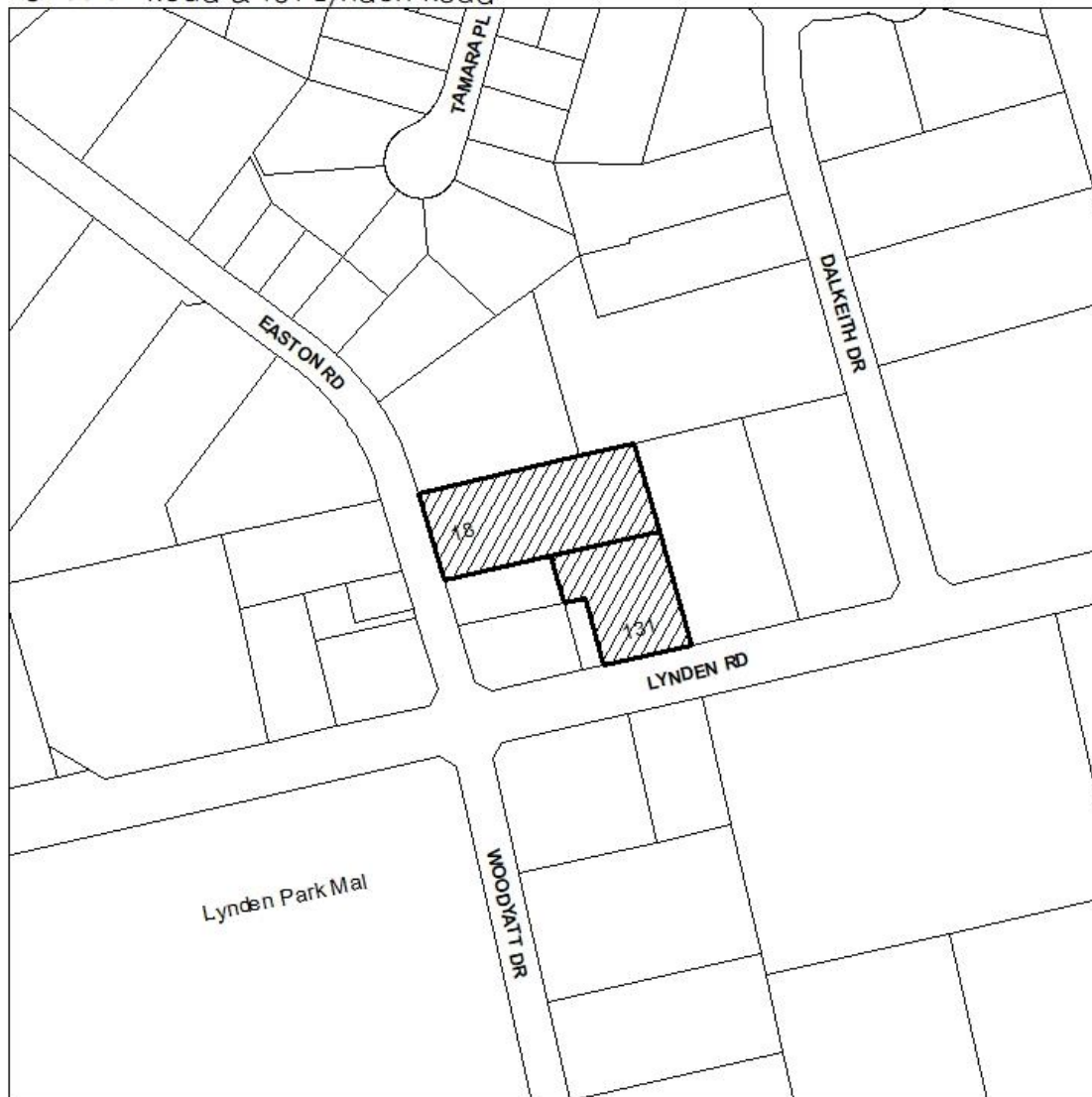
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☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before September 18, 2020, after which time the consent will lapse.

## Appendix B – Location Map

### LOCATION MAP

Application: B28-2019 & A28-2019  
18 Easton Road & 131 Lynden Road

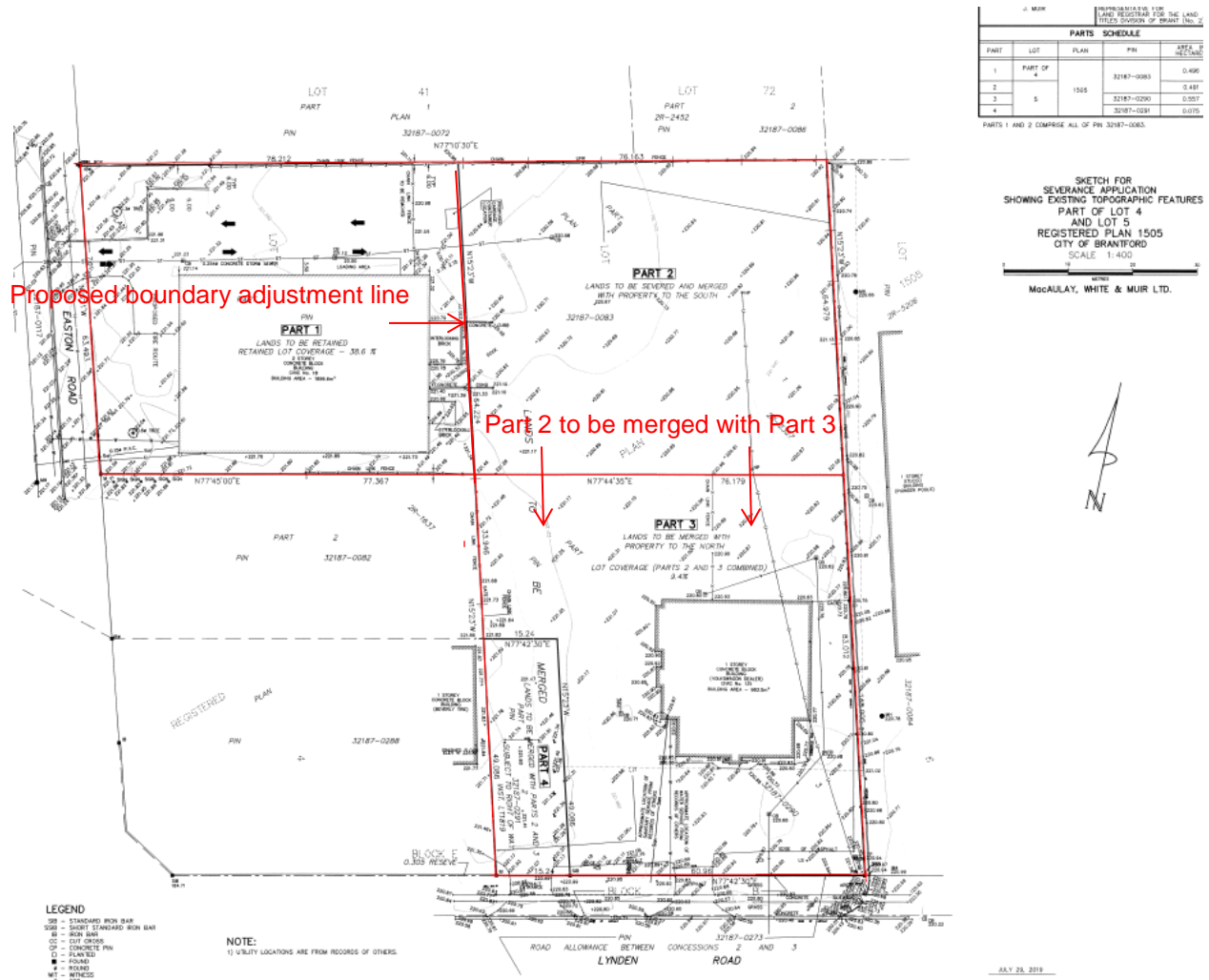


#### Legend

 SUBJECT LAND



## Appendix C – Conceptual Site Plan






## Appendix D – Aerial Photo

### AERIAL PHOTO

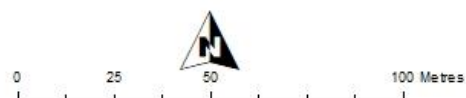
Application: B28-2019 & A28-2019  
18 Easton Road & 131 Lynden Road



#### Legend

 Subject Land

Aerial Photo from Spring 2017



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## Appendix E – Site Photos



Image 1: Photo of vacant industrial building at 18 Easton Road



## Appendix F – Existing Land Uses

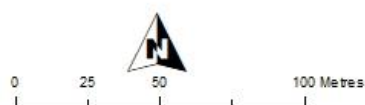
### LAND USE

Application: B28-2019 & A28-2019  
18 Easton Road & 131 Lynden Road



#### Legend

Subject Land (908-914 Colborne Street)



	Residential - Low Density (1 to 3 units)
	Residential - Medium Density (4 units/3 storey)
	Residential - High Density (4+ storey)
	Institutional
	Commercial
	Industrial
	Park/Open Space
	Vacant Land

## Appendix G – Building Department Comments



### BUILDING DEPARTMENT

#### PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/> MINOR VARIANCE	<input checked="" type="checkbox"/> SEVERANCE
<input type="checkbox"/> DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/> ZONING BYLAW AMENDMENT
<input type="checkbox"/> OFFICIAL PLAN AMENDMENT	<input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/> RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/> SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N<sup>o</sup> ..... A28/2019 & B28/2019

*SITE:* **18 Easton Road**  
*TO PERMIT:* **Severance, reduced parking and loading**  
*APPLICANT:* **Bill Kennedy**

*COMMENTS:*

BYLAW: 160-90      ZONE: M2

There are no active permits or orders against this property. This proposal appears to comply with the development regulations for the noted zone with the exception of the reduced parking and loading as proposed.

There are no objections to this proposed severance.

A handwritten signature in black ink, appearing to read "Rob Porteous".

Rob Porteous, CBCO  
Senior Plans Examiner

September 11, 2019

## Appendix H – Engineering Department Comments

No. B28/2019 & A28/2019

### COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: AUGUST 23, 2019  
NAME OF APPLICANT / OWNER: Bill Kennedy (2257860 Ontario Ltd)  
AGENT: David Johnson  
ADDRESS: 18 Easton Road and 131 Lynden Road  
NATURE OF APPLICATION: Consent and Minor Variance Application

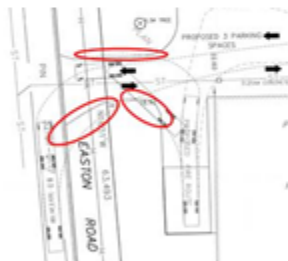
#### ENGINEERING DEPARTMENT REQUIREMENTS:

- |                                                |     |                          |    |                          |
|------------------------------------------------|-----|--------------------------|----|--------------------------|
| 1. Land required for road widening purposes -  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 2. Ingress and Egress satisfactory -           | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 3. Off-street parking satisfactory -           | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4. Sanitary sewers available and satisfactory- | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 5. Storm sewers available and satisfactory -   | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 6. Water Service available and satisfactory -  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

#### COMMENTS OR REMARKS:

##### 1. TRAFFIC/PARKING

1. Inconsistencies are noted between the site plan drawing and drawing that includes truck turning analysis. These inconsistencies are related to aspects including, but not necessarily limited to, loading space location and on-site parking.
2. The applicant is encouraged to register on-title an agreement and/or easement for shared access between the two properties permitting access via Easton Road and via Lynden Road for both.
3. The turning movement analysis provided indicates conflicts with the existing site layout (circled in diagram below) that should be addressed prior to severance.



4. The applicant should be aware that the proposed limit to on-site parking is expected to decrease future usability of the property such that some of the typically permitted uses may not be permitted based on the existing building gross floor area (GFA).

T. KU, B.ENG., PTOE  
MANAGER, TRANSPORTATION AND PARKING SERVICES

##### 2. TRANSIT SERVICES

- Transit has no issues.

E. VANDERMADE  
MANAGER OF TRANSIT

## Appendix H – Engineering Comments Continued

No. B28/2019 & A28/2019

### COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: AUGUST 23, 2019  
NAME OF APPLICANT / OWNER: Bill Kennedy (2257860 Ontario Ltd)  
AGENT: David Johnson  
ADDRESS: 18 Easton Road and 131 Lynden Road  
NATURE OF APPLICATION: Consent and Minor Variance Application

#### ENGINEERING DEPARTMENT REQUIREMENTS:

1. Land required for road widening purposes -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2. Ingress and Egress satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3. Off-street parking satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4. Sanitary sewers available and satisfactory-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5. Storm sewers available and satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6. Water Service available and satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

#### COMMENTS OR REMARKS:

##### 3. WATER

I reviewed the consent and minor variance applications and accompanying site plan—as prepared by Weis & Associates Inc. and MacAulay, White & Muir Ltd.—on behalf of Environmental Services and have no comments or objections regarding the proposed severance or variances; however, I would like to reiterate the following informational comments provided during pre-consultation:

1. City records indicate 131 Lynden Road is located, in part, within Water Intake Protection Zone #3 (IPZ3). The Applicant will be required to complete and submit a Source Water Protection: Restricted Land Use Declaration Form to the City's Coordinator, Water Compliance;
2. City records indicate 131 Lynden Road is serviced by a 150 mm Ductile Iron lateral from the 300 mm Asbestos Cement watermain in Lynden Road with a branched 25 mm domestic lateral. City records indicate the curb stop for the domestic lateral is located 1.2 m left of the left side of the existing building and 10.4 m out from same. City records indicate the service valve for the 150 mm lateral is located 3.7 m Right of the fire hydrant (H1b/b) across the road and 3 m Out from same;
3. Provide detailed site servicing plans for review, comment and approval;
4. Provide a detailed Functional Servicing Report (FSR) outlining the proposed domestic and fire demands for the development, in accordance with the latest version of the City's Linear Design & Construction Manual Watermains. The FSR should speak to the adequacy of the existing water service as it relates to the demands for proposed dealership;
5. If determined to be inadequate, the Owner will be required to remove the existing water services and valves during demolition of the existing dealership. The services must be removed from the main to preserve water quality and prevent leaks and the curb stops removed to avoid confusion;
6. If applicable, the Owner will be required to submit a deposit for removal of the water services at the time of Demolition Permit application; the deposit will be based on the current Corporation approved rate. The Owner can apply to the City's Water Customer Service Department to have the deposit returned once the water service removals are inspected to the satisfaction of the City;
7. If applicable, any section of the 300 mm AC watermain exposed during construction, including all points where a service crosses or connects to the AC main, shall be replaced with Polyvinyl Chloride pipe. Any section of watermain placed on fill shall have joints restrained for the full width of the fill area;
8. If applicable, the Owner must obtain a street excavation permit prior to commencing any work in the City's road right-of-way;
9. The Owner shall obtain a Water Service Connection Permit and pay all applicable fees prior to commencing any work to replace the existing water service or reconnect the existing service to the new dealership;

Continued

## Appendix H – Engineering Comments continued

No. B28/2019 & A28/2019

COMMITTEE OF ADJUSTMENT APPLICATION  
ENGINEERING SERVICES STAFF REPORT

HEARING DATE: AUGUST 23, 2019  
NAME OF APPLICANT / OWNER: Bill Kennedy (2257860 Ontario Ltd)  
AGENT: David Johnson  
ADDRESS: 18 Easton Road and 131 Lynden Road  
NATURE OF APPLICATION: Consent and Minor Variance Application

ENGINEERING DEPARTMENT REQUIREMENTS:

- |    |                                             |     |                          |    |                          |
|----|---------------------------------------------|-----|--------------------------|----|--------------------------|
| 1. | Land required for road widening purposes -  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 2. | Ingress and Egress satisfactory -           | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 3. | Off-street parking satisfactory -           | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4. | Sanitary sewers available and satisfactory- | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 5. | Storm sewers available and satisfactory -   | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 6. | Water Service available and satisfactory -  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

COMMENTS OR REMARKS:

3. WATER ~~con't~~
10. If applicable, the City will complete the inspection of all ~~water~~watermains and appurtenances within the development; the Owner must pay the City's inspection time. The Owner will be required to pay a deposit for the inspections; once the final design is approved, the City will determine the estimated deposit;
11. The development must be metered during construction; the Owner is responsible to pay the current fee per cubic ~~metre~~ for the quantity of water used; and
12. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.

J. SPAGNUOLO, C.E.T.  
SENIOR PROJECT MANAGER

## Appendix H – Engineering Comments Continued

No. B28/2019 & A28/2019

### COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: AUGUST 23, 2019  
NAME OF APPLICANT / OWNER: Bill Kennedy (2257860 Ontario Ltd)  
AGENT: David Johnson  
ADDRESS: 18 Easton Road and 131 Lynden Road  
NATURE OF APPLICATION: Consent and Minor Variance Application

#### ENGINEERING DEPARTMENT REQUIREMENTS:

1.	Land required for road widening purposes -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.	Ingress and Egress satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3.	Off-street parking satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.	Sanitary sewers available and satisfactory-	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5.	Storm sewers available and satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6.	Water Service available and satisfactory -	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

#### COMMENTS OR REMARKS:

##### 4. DEVELOPMENT ENGINEERING

- Site Plan Control will be required for any proposed new development.
- A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 28-2011.
- Lands to be severed and retained have been, or will be, independently serviced with water and sanitary sewer service by the owner, to the satisfaction of the City of Brantford.
- Provide the existing sanitary demand for 18 Easton Road to verify it is less than or equal to the new wastewater allocation available due to the proposed severance.

Existing Wastewater Allocation				
	Land Use Type	Area (ha)	Peak Flow (L/s)	Note
Part 1	Industrial	0.557	0.973	
Part 2	Industrial	0.491	0.860	
Part 3	Commercial	0.557	0.746	
Part 4	Commercial	0.075	0.000	Unserviced

- An application for Wastewater Allocation may be required for any proposed additional wastewater generation as per City of Brantford Wastewater Allocation Policy.
- A Driveway Permit will be required for any new proposed driveways.
- A Road Cut Permit will be required for any proposed excavation within the municipally owned road.
- A Road Occupancy Permit will be required for any proposed work within the municipally owned road.
- A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections.
- Access easement agreement on title over Part 4 for #10 Easton Road.
- Any storm sewer and associated structures that service 18 Easton Road (Part 1) that are on the severed parcel shall be removed from the severed parcel to the property line of 18 Easton Road. The severed parcel (Part 2) shall be re-graded, such that, all stormwater that is generated on the 131 Lynden Road property (Part 2, 3, and 4) will be contained within the new property boundaries.
- Any above ground infrastructure or additional underground infrastructure, apart from the storm sewer, from 18 Easton Road (Part 1) that is on the severed parcel (Part 2) shall be removed from the severed parcel to the property line of 18 Easton Road.

Continued



## Appendix H – Engineering Comments Continued

No. B28/2019 & A28/2019

COMMITTEE OF ADJUSTMENT APPLICATION  
ENGINEERING SERVICES STAFF REPORT

HEARING DATE: AUGUST 23, 2019  
NAME OF APPLICANT / OWNER: Bill Kennedy (2257860 Ontario Ltd)  
AGENT: David Johnson  
ADDRESS: 18 Easton Road and 131 Lynden Road  
NATURE OF APPLICATION: Consent and Minor Variance Application

ENGINEERING DEPARTMENT REQUIREMENTS:

- |    |                                            |   |     |                          |    |                          |
|----|--------------------------------------------|---|-----|--------------------------|----|--------------------------|
| 1. | Land required for road widening purposes   | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 2. | Ingress and Egress satisfactory            | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 3. | Off-street parking satisfactory            | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4. | Sanitary sewers available and satisfactory | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 5. | Storm sewers available and satisfactory    | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 6. | Water Service available and satisfactory   | - | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

COMMENTS OR REMARKS:

4. DEVELOPMENT ENGINEERING con't

- Approval of a proposed grading plan and site servicing plan is required for Part 1 to ensure the stormwater generated on this site will be contained and controlled onsite.
- Approval of a proposed grading plan for Part 2 is required to ensure the stormwater generated on this site will be contained and controlled onsite.



G. PEEVER, P. ENG.,  
MANAGER, DEVELOPMENT ENGINEERING

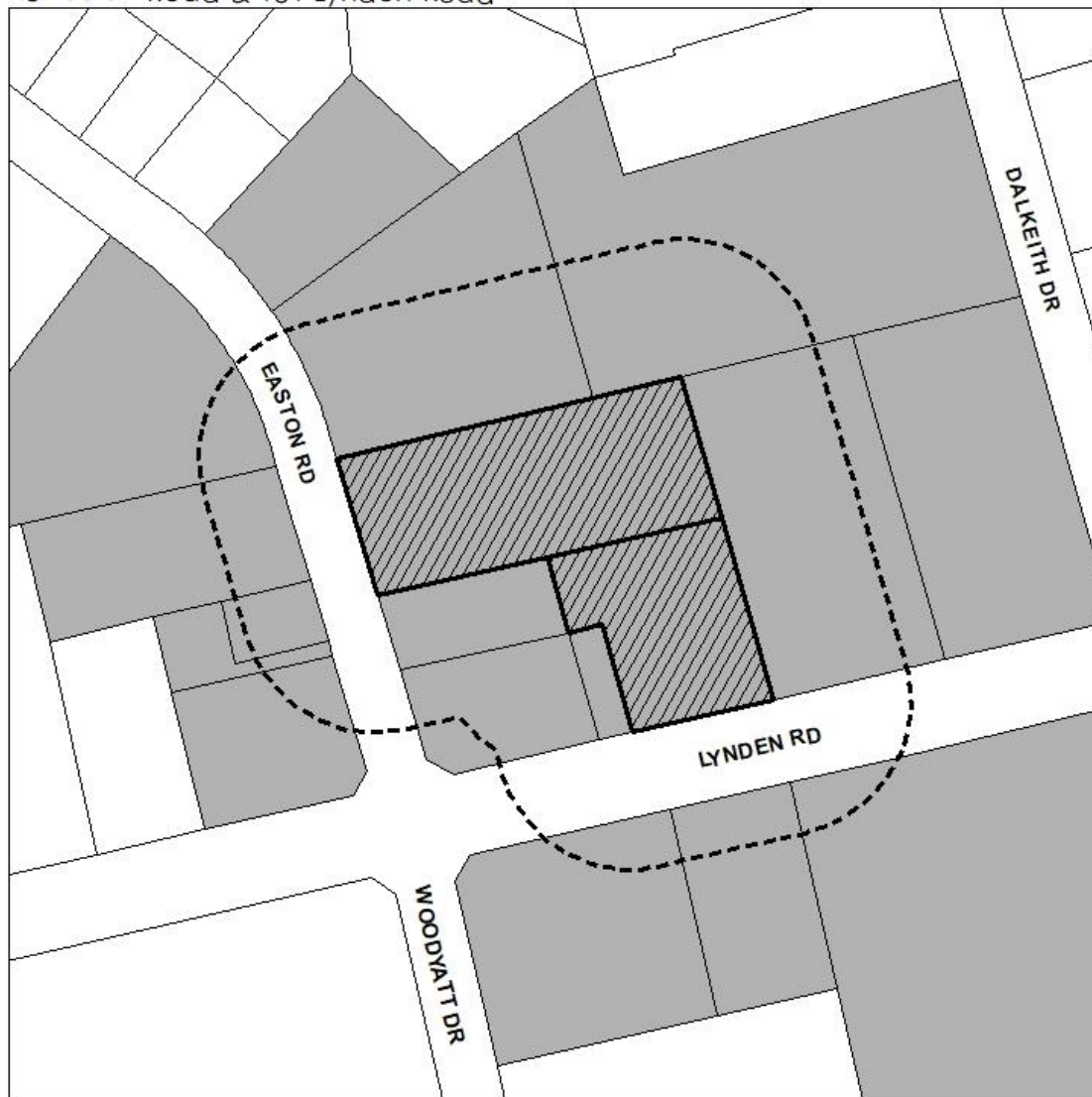
September 6, 2019  
DATE

  
I. HANS, P. ENG., PMP  
ACTING DIRECTOR, ENGINEERING SERVICES  
PUBLIC WORKS COMMISSION

## Appendix I – Notification Area

### AREA OF PUBLIC NOTIFICATION

Application: B28-2019 & A28-2019  
18 Easton Road & 131 Lynden Road



#### Legend

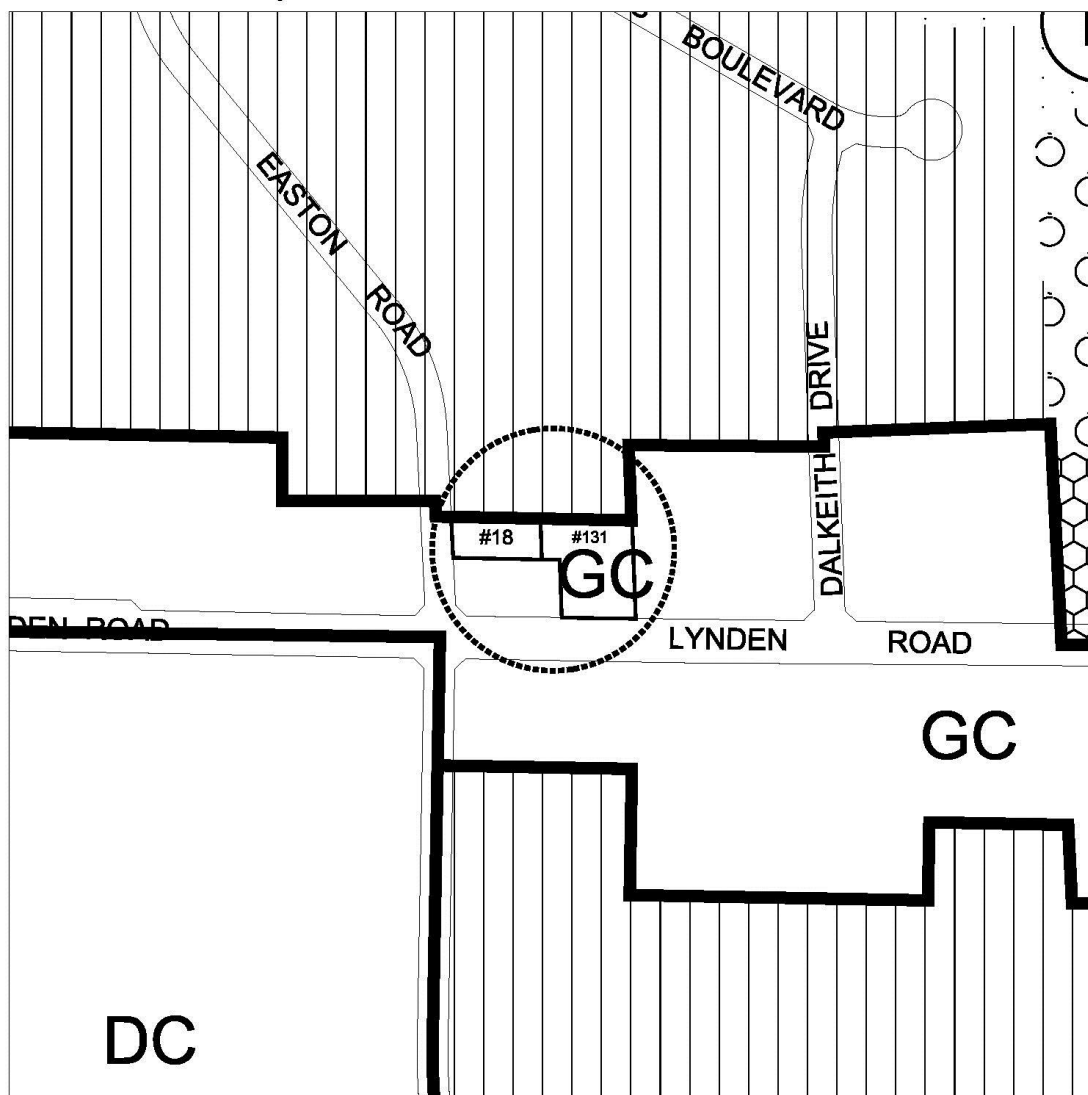
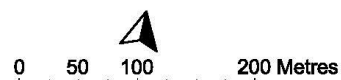
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



## Appendix J – Official Plan

### OFFICIAL PLAN

Application: B28-2019 & A28-2019  
18 Easton Road & 131 Lynden Road



#### LEGEND



- LOW DENSITY RESIDENTIAL AREA
- MEDIUM DENSITY RESIDENTIAL AREA
- HIGH DENSITY RESIDENTIAL AREA
- GENERAL INDUSTRIAL AREA
- MIXED INDUSTRIAL COMMERCIAL AREA
- BUSINESS PARK AREA
- MAJOR INSTITUTIONAL
- MAJOR OPEN SPACE

- CORE COMMERCIAL AREA
- COMMUNITY CENTRE COMMERCIAL AREA
- GENERAL COMMERCIAL AREA
- MIXED COMMERCIAL RESIDENTIAL AREA
- DISTRICT CENTRE COMMERCIAL AREA
- NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HIGHWAY COMMERCIAL AREA
- NEW FORMAT COMMERCIAL AREA

- CEMETERY
- ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- SPECIALIZED PARK and OPEN SPACE
- COMMUNITY PARK and OPEN SPACE
- NEIGHBOURHOOD PARK and OPEN SPACE



## Appendix K – Zoning

### ZONING

Application: B28-2019 & A28-2019  
18 Easton Road & 131 Lynden Road



#### Legend

-  Subject Land
-  Zone Boundary

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

- C8 General Commercial
- C11 District Centre Commercial
- M2 General Industrial
- 3 Exception Number

