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Date January 22, 2020 **Report No.** 2020-47

To Chair and Members
City of Brantford Committee of Adjustment

From Alexandra Mathers
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

APPLICATION NO.	B26/2019, B27/2019 & A27/2019
AGENT	J.H. Cohoon Engineering Ltd.
APPLICANT/OWNER	Frank J. Zamboni & Co Limited
LOCATION	38 Morton Avenue East

3.0 Recommendation

- A. THAT Application B26/2019 to sever a parcel of land from the western portion of the lands municipally addressed as 38 Morton Avenue East, having a lot area of 10,699 m² (Lot 2) and retain a parcel of land having a lot area of 99,747 m² (these retained lands are subject to Application B27/2019), and create two abutting 5 m wide access easements, one on each of the lots created through application B26/2019 (as identified on **Appendix C** in Report 2020-47) , BE APPROVED subject to the conditions attached in **Appendix A1** of Report No. 2020-47; and

-
- B. THAT Application B27/2019 to sever a parcel of land from the southern portion of the lands municipally addressed as 38 Morton Avenue East, having a lot area of 78,403 m² (Lot 3) and retain a parcel of land having a lot area of 21,344 m² (Lot 1) (as identified on **Appendix C** in Report 2020-47) BE APPROVED, subject to the conditions attached in **Appendix A2** of Report No. 2020-47; and
- C. THAT reason(s) for approval are as follows: Having regard for matters under Section 51(24) of the *Planning Act*, Staff is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law, specifically Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford, conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the Provincial Policy Statement; and
- D. THAT Application A27/2019 to facilitate the creation of the Lots 1 and 2 through Application B26/2019 as on the illustrated on Survey Sketch #19-186 prepared by MacAulay, White & Muir Ltd., (see **Appendix C** of Report 2020-47), BE APPROVED, in accordance with the following:
- Relief from Section 6.23.4.2 to permit a driveway of 5 m for two-way traffic access to a loading space on each lot, whereas 7 m is required;
- E. THAT the reason(s) for approval are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the land; and
- F. 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 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. 2020-47.”*

4.0 Purpose and Description of Applications

Two consent applications and a minor variance application have been received for the lands municipally addressed as 38 Morton Avenue East. A location map, survey sketch, overall concept plan and site development plans for the proposed lots are attached as **Appendices B, C, D1, D2, and D3**. The applicant is

proposing to sever the current parcel into three (3) individual lots. The first consent application (B26/2019) is for the northwestern portion of the subject lands fronting Morton Avenue East. The proposed lot dimensions are detailed below:

Application B26/2019	<i>Lands to be Severed (Lot 2)</i>	<i>Lands to be Retained</i>
<i>Width:</i>	<i>68.70 m</i>	<i>+/- 98.6 m</i>
<i>Depth:</i>	<i>153.04 m</i>	<i>Varies</i>
<i>Area:</i>	<i>10,699 m²</i>	<i>99, 747 m²</i>

Application B26/2018 proposes to sever 10,699 m² of land (Lot 2 on **Appendix C**) for the purpose of an industrial lot. As part of this severance (B26/2019), the applicant is proposing two abutting 5 m wide access easements on proposed Lots 1 and 2 (**Appendix C**) in order to create a 10 m wide driveway aisle in favour of both lots. No access will be granted through the access easements to the lot created through application B27/2019 (Lot 3 in **Appendix C**).

In order to facilitate the lots created through Application B26/2019, the applicant has submitted a minor variance for the retained and severed lands seeking relief from Section 6.23.4.2 to permit a 5 m drive aisle on each lot whereas, 7 m is required for two-way traffic access to loading spaces on each lot. While a total width of 10 m will be provided as access through the proposed access easements, the variance is required for the severed parcel as only 5 m is provided on the lot. The applicant has advised that the minor variance would facilitate access for larger trucks on the retained lands.

The second severance (B27/2019) is for the southern portion of the lands retained in Application B26/2019 to create a lot fronting onto Craig Street. The proposed lot dimensions are detailed below:

Application B27/2019	<i>Lands to be Severed (Lot 3)</i>	<i>Lands to be Retained (Lot 1)</i>
<i>Width:</i>	<i>Existing: 62.56 m</i>	<i>+/- 98.6 m</i>
<i>Depth:</i>	<i>Varies: 247.7 m and 221.2 m</i>	<i>Varies: 197.71 m and 153.06 m</i>
<i>Area:</i>	<i>78, 403 m²</i>	<i>21, 344 m²</i>

5.0 Site Features

The subject lands are located on the south side of Morton Avenue East, east of Craig Street terminus. An aerial photo and site photographs are attached as **Appendices E** and **F**. A one-storey industrial building used for manufacturing and the distribution of ice resurfacing machines 'Frank J. Zamboni & Co. Limited' occupies the proposed retained lands. The property has frontage along Morton Avenue East and Craig Street. Canadian National main and spur rail lines abut the property to the south. A variety of industrial and commercial uses exist to the north, south and east of the subject lands. A townhouse development exists west of the subject lands on Craig Street. Highway 403 is further to the north.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies and no objections were received.

Transportation and Parking Services and Development Engineering Staff have advised that the existing terminus of Craig Street does not meet current Engineering Design Standards. In order to provide proper access to the proposed lot (Lot 3) prior to development, the Owner will be required to construct a cul-de-sac which meets these standards.

In this regard, a condition of the consent application will require that the applicant design a cul-de-sac to the satisfaction of the General Manager of

Public Works, and that the required lands for the cul-de-sac are subsequently conveyed to the City prior to the Certificate of Official being provided. The cul-de-sac design provided on the Concept Site Plan (**Appendix D3**) will need to be revised to satisfy this condition.

Further, to ensure the construction of the future cul-de-sac, Staff recommend that a 0.3 m reserve be placed along the majority of the conveyed lands, while leaving a 1.5 m wide access to Craig Street in order to provide legal frontage on a highway and restricting vehicular access until the cul-de-sac is built, to the satisfaction of the City. No development will be permitted until this matter has been addressed accordingly. For Committee's information, the applicant's agent was made aware of the proposed reserve along the future frontage of Lot 3 and is not in agreement with the City's approach. This condition is further discussed in Section 7.4 of this Report.

Additionally, Development Engineering Staff has requested that the applicant illustrate the proposed storm and sanitary laterals for Lot 3 to verify the ground cover is adequate and that the site is functionally serviceable, as outlined in the attached conditions (see **Appendix A2**).

Transportation and Parking Services Staff has also requested a continuous path and turning movement plan illustrating the ingress and egress of the proposed driveway for Lot 1 and 2 in order to ensure the functionality of the access and to avoid any additional Planning applications to revise the proposed access easements after the Certificate of Official has been issued. The condition will apply to application B26/2020 and is outlined in **Appendix A1** of this Report.

The Building Department requested a building code matrix including spatial separation calculations as it applies to the existing building on proposed Lot 1 and the proposed severance lines. Staff recommend as a condition of approval that the applicant be required to provide a building code matrix and spatial separation calculations for the existing building in relation to the proposed severance lines.

Detailed comments from Building and Engineering Departments are attached as **Appendices G** and **H**.

6.2 Public Response

Notice of public hearing was issued by personal mail (19 notices) and by posting two signs on-site. A plan illustrating the notification area is attached as **Appendix I**. As of the date of the preparation of this Report, Planning Staff have received two phone calls from members of the public. The abutting property owner to the east on Morton Avenue East had concerns regarding traffic congestion, water run-off and flooding issues onto their property and sewer backup concerns. Planning Staff explained that if approved, the proposed lots would be required to go through the Site Plan Control process. For Committee's information, a Transportation Impact Study will be required at Site Plan Control to determine and analyze potential impacts or improvements based on the specific land uses proposed at the time of development. Planning Staff are of the opinion that any issues regarding the existing building and the neighbouring property is a civil matter. Planning Staff explained that if approved, proposed Lots 1 and 2 would also be required to go through the Site Plan Control process. The neighbour to the west of the subject lands had also contacted Staff about a civil matter regarding access to the subject lands for truck turnaround.

6.3 Grand River Notification

Notice of public meeting 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 Provincial Policy Context

Applications B26/2019, B27/2019 and A27/2019 were reviewed in the context of Provincial Policy, including the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario's long term prosperity, environmental health and social well-being depends on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis of guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and

protected, and public dollars are invested. Planning Staff is of the opinion that the proposed consent and minor variance applications are consistent with the direction set out in the PPS and conforms to the Growth Plan.

7.2 City of Brantford Official Plan

The subject lands are designated in the City's Official Plan as "General Industrial Area" and are subject to Modified Policy Area (MPA 17) (**Appendix J**). The "General Industrial Area" designation permits an extensive range of industrial activities including manufacturing, warehousing and service operations. Modified Policy Area 17 encourages the infilling of industrial uses within the area, specifically south of Morton Avenue, north of Charing Cross Street and east of West Street (subject lands). Staff is of the opinion that the proposed applications conform to the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "General Industrial Zone (M2)" under Zoning By-law 160-90 (**Appendix K**). The M2 Zone permits industrial uses including the existing manufacturing and warehousing use. The M2 Zone also establishes development standards including minimum lot area, lot width and minimum front, rear and side yards. All proposed lots meet all other provisions of the Zoning By-law.

7.4 Planning Analysis

The *Planning Act* sets the standard to which provincial and local interests, policies and goals are implemented.

Part VI of the *Planning Act* (Sections 50-57) regulates the subdivision of land, and Section 53 specifically addresses consents applications. Subsection 53(12) refers back to subsection 51(24) which lists the criteria that the Committee of Adjustment must have regard for when considering a consent application for approval. These criteria include that: the plan conforms to the Official Plan, having regard for the dimensions and shapes of the proposed lots, and the adequacy of utilities and municipal services. Section 18.9.2 of the Official Plan also lists criteria for consent applications including if the severance is for the purpose of creating an infill lot, that no extension or improvement of municipal services are required, and that the lot must have frontage on a public road.

The consent applications are for the purpose of creating three new industrial lots within an existing employment area, and for creating a shared driveway through two access easements for the lots fronting Morton Avenue East (Lots 1 and 2). The proposed lot areas and widths are consistent with the regulations for industrial lots under Zoning By-law 160-90. The proposed consent applications will create one lot with frontage onto Craig Street and two with frontage on Morton Avenue East. Planning Staff has considered the criteria under Section 51(24) of the *Planning Act*, specifically subsection 51(24) e) which states that regard must be had for the adequacy of the highway. In this regard, Staff recommend that a condition including the design of the cul-de-sac, subsequent conveyance of the lands and the creation of the 0.3 m reserve along the majority of the frontage of Lot 3 (see **Appendix C**) which will ensure that adequate width and functionality of the highway (Craig Street) is addressed. Under Section 51(25) b) of the *Planning Act*, the approval authority may impose conditions including the conveyance of lands for highways. This opportunity is not available at the Site Plan Control stage as Craig Street is not described on Schedule 5-2 of the Official Plan, which by Section 41(9) of the *Planning Act* would allow the municipality to address this matter at that time. Since this is not the case, it is the opinion of Planning Staff that the consent application is the most appropriate opportunity for the conveyance of land for the future cul-de-sac and is required in order for the severed lot (Lot 3) to meet the criteria listed under Section 51(24) e) of the *Planning Act* and Section 18.9.2 of the Official Plan. The consent applications are consistent with the criteria of Section 51(24). Legal frontage to the property will still be provided through a 1.5 m break in the reserve along the northwestern portion of the conveyed lands, meeting the consent policies under Section 18.9.2 of the Official Plan.

The Committee of Adjustment must also be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met when evaluating the merits of a minor variance application. To be recommended for approval, a minor variance must maintain the general intent and purpose of the Official Plan and Zoning By-law, be minor in nature, and desirable for the appropriate development and use of the land.

The proposed variance maintains the general intent and purpose of the Official Plan. The site is located in Modified Policy Area 17, which encourages the infilling of industrial uses within the area and specifically on the subject lands. Further, the Official Plan refers to the Zoning By-law for the detailed standards required for industrial lots and building

requirements. The proposed variance will facilitate the infilling of industrial uses within the area.

The intent of the 7 m wide driveway width set out in Section 6.23.4.2 of Zoning By-law 160-90 is to ensure that large vehicles can appropriately access the loading spaces on the site. In order to provide a wide enough driveway for larger vehicles to access the proposed loading spaces at the rear of Lot 2, the applicant is proposing a 5 m access easement over the retained parcel (Lot 1) in favour of the subject lands. The applicant is also proposing an access easement over Lot 2 in favour of Lot 1. This will create a 10 m wide drive aisle for both lots and provides a wider driveway than what is required by the Zoning By-law, and will provide appropriate access to the loading spaces by larger vehicles, which maintains the intent of the Zoning By-law.

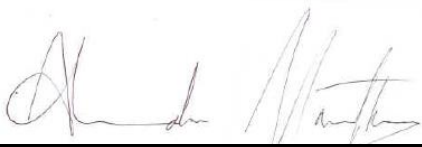
The variance is minor in nature and desirable for the development of the lands, as Lots 1 and 2 will have adequate access to the loading spaces through the proposed access easements and will allow for industrial infill lots without creating additional driveways onto Morton Avenue East.

All lots created through the consent process are subject to Site Plan Control. If approved, both Lots 2 and 3 will be subject to Site Plan Control prior to any development on these lands. If the retained lands are ever further developed, planning applications including a Site Plan Amendment may be required.

7.5 Conclusion

A site inspection was completed on January 9, 2020. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the applications. The applications will facilitate the creation of industrial infill lots within the City of Brantford in accordance with the applicable planning policy framework in the PPS, Growth Plan and Official Plan.

For reasons mentioned above, the applications satisfy the criteria of Sections 53(24) and 45(1) of the *Planning Act*, and Staff recommend that applications B26/2019, B27/2019 and A27/2019 be approved subject to the conditions in **Appendix A1** and **A2** of this Report.



Prepared by: Alexandra Mathers, MSc.PI.
Development Planner
Prepared on: January 16, 2020



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

Appendix A1

Conditions of Consent – B26/2019

Subject to the following conditions:

1. ☒ Receipt of confirmation that the related minor variance application A27/2019 has received final approval;
2. ☒ Receipt of a registered reference plan showing the retained and severed lands and proposed access easements;
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 deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*);
5. ☒ Receipt of payment for cash-in-lieu of parkland. (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018);
6. ☒ Receipt of confirmation from General Manager of Public works confirming their requirements have been satisfied regarding the receipt and approval of a continuous path and turning movement plan respecting the ingress/egress at the proposed shared access easement;
7. ☒ Receipt of confirmation from the Engineering Department indicating that civic addresses have been assigned to the severed parcel;
8. ☒ Receipt of confirmation from the Chief Building Official confirming their requirements have been satisfied regarding the receipt and approval of a building code matrix including spatial separation calculations as it applies to the existing building faces in relation to the proposed severance lines;
9. ☒ Receipt of confirmation that the lands to be severed and retained lots have been, independently serviced with water and sanitary sewer service by the owner, to the satisfaction of the General Manager of Engineering and Operational Services; and,
10. ☒ That the above conditions be fulfilled and the Certificate of Official be issued on or before January 22, 2021, after which time the consent will lapse.

Appendix A2

Conditions of Consent – B27/2019

Subject to the following conditions:

1. ☒ Receipt of a registered reference plan showing the retained and severed lands, lands to be conveyed, and a 0.3 m by 0.3 m reserve along the majority of the conveyed lands of Lot 3 with a 1.5 m break along the northwestern part of the frontage (on **Appendix C** of Report 2020-47);
2. ☒ Receipt of confirmation from the Engineering Department that the design of the cul-de-sac meets the required design standards;
3. ☒ Receipt of confirmation that the lands required for the proposed cul-de-sac as required by the Engineering Department, have been conveyed to the City, at no cost to the municipality and free and clear of any encumbrances, with any costs regarding the transfer be borne by the applicant/owner;
4. ☒ Receipt of confirmation that a 0.3 m by 0.3 m reserve has been place along the majority frontage of Lot 3, with a 1.5 m break along the most northwestern portion of the frontage (on **Appendix C** of Report No. 2020-47) and is conveyed to the City, at no cost to the municipality and free and clear of any encumbrances, with any costs regarding the transfer being borne by the applicant/owner;
5. ☒ Receipt of payment for cash-in-lieu of parkland. (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018);
6. ☒ Receipt of confirmation that all taxes are paid up to date;
7. ☒ 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*);
8. ☒ Receipt of confirmation from the Engineering Department that the invert elevations for the proposed storm and sanitary laterals for the proposed Lot 3 are shown at the property line to verify the cover would be adequate and the site is functionally serviceable has been satisfied;
9. ☒ Receipt of confirmation from the Engineering Department indicating that civic address has been assigned to the severed parcel;
10. ☒ Receipt of confirmation from the Engineering Department indicating that their requirements have been satisfied;

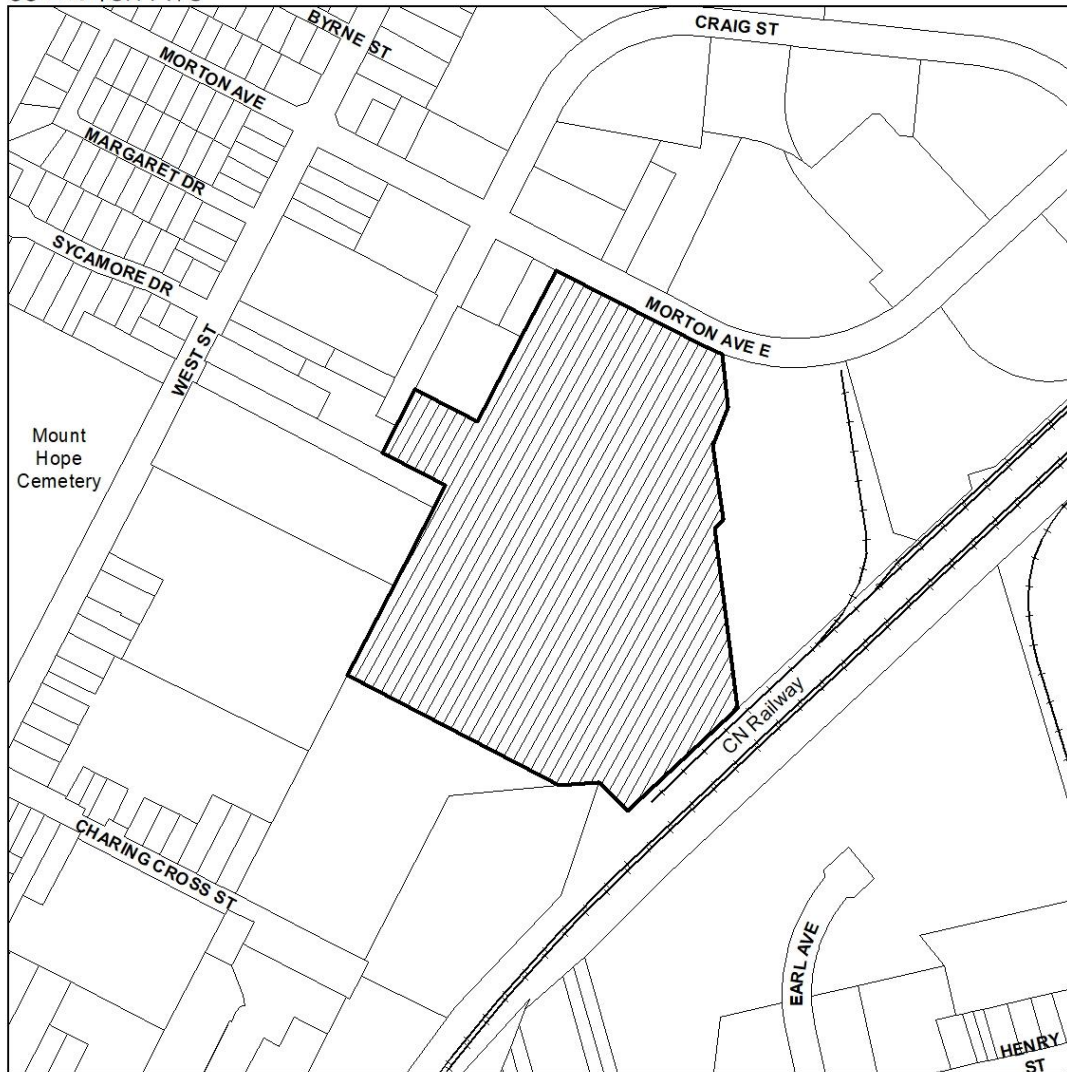
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11. ☒ Receipt of confirmation that the lands to be severed and retained have been, or will be, independently serviced with water and sanitary sewer service by the owner, to the satisfaction of the General Manager of Engineering and Operational Services;
 12. ☒ That the above conditions be fulfilled and the Certificate of Official be issued on or before January 22, 2021, after which time the consent will lapse.

Appendix B Location Map


LOCATION MAP

Application: B26-2019, B27-2019 & A27-2019

38 Morton Ave



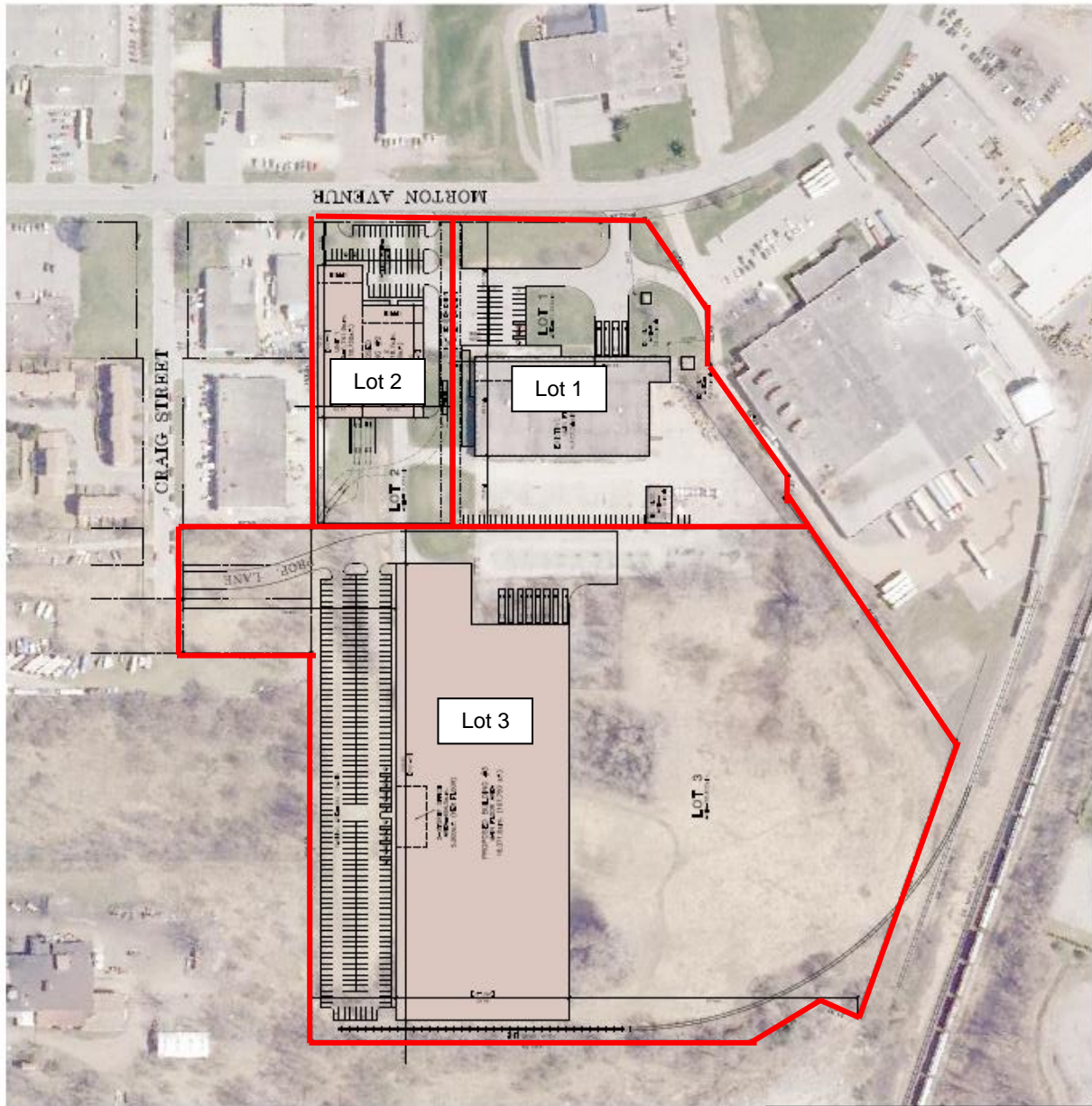
Legend

 SUBJECT LAND



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Appendix D1
Proposed Concept/Lot Plan

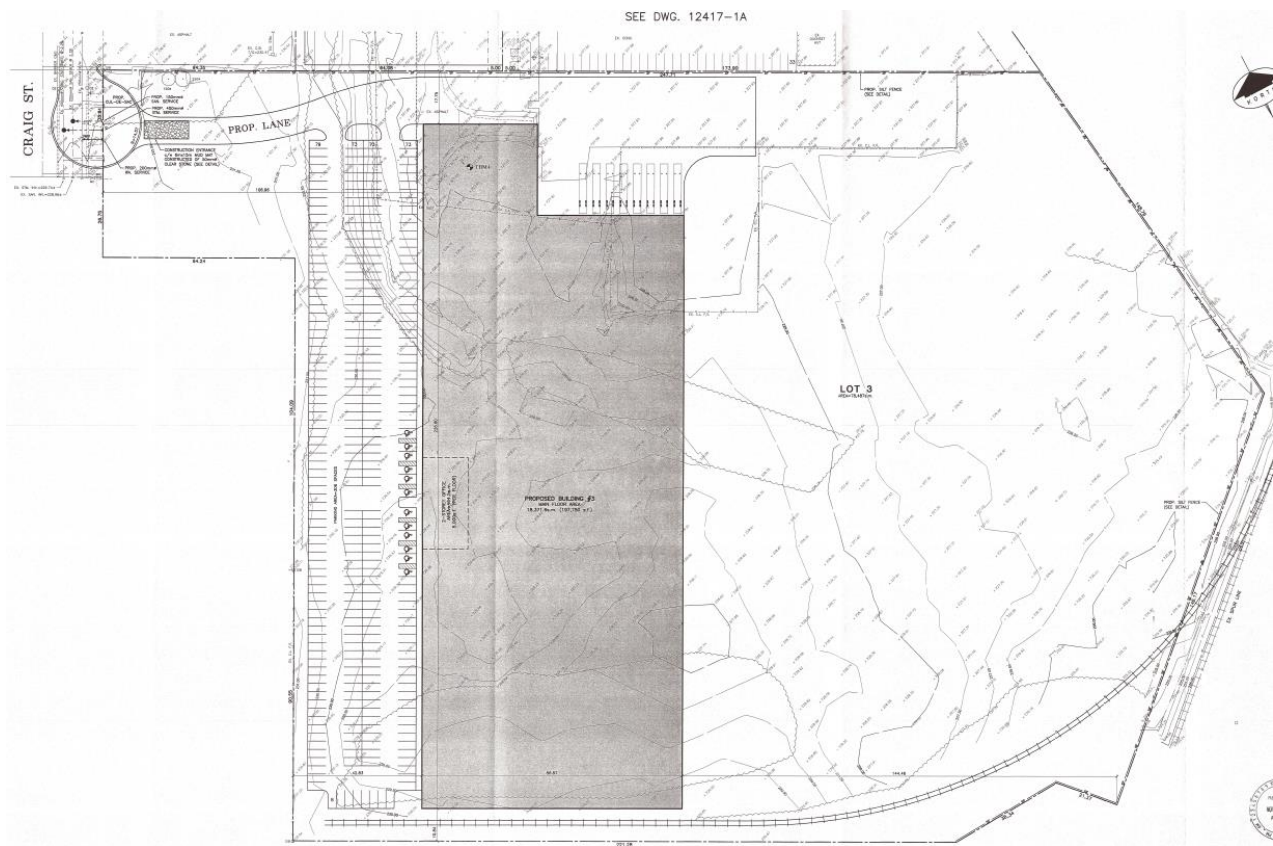


Appendix D2

Concept Site Plan – Lots 1 and 2



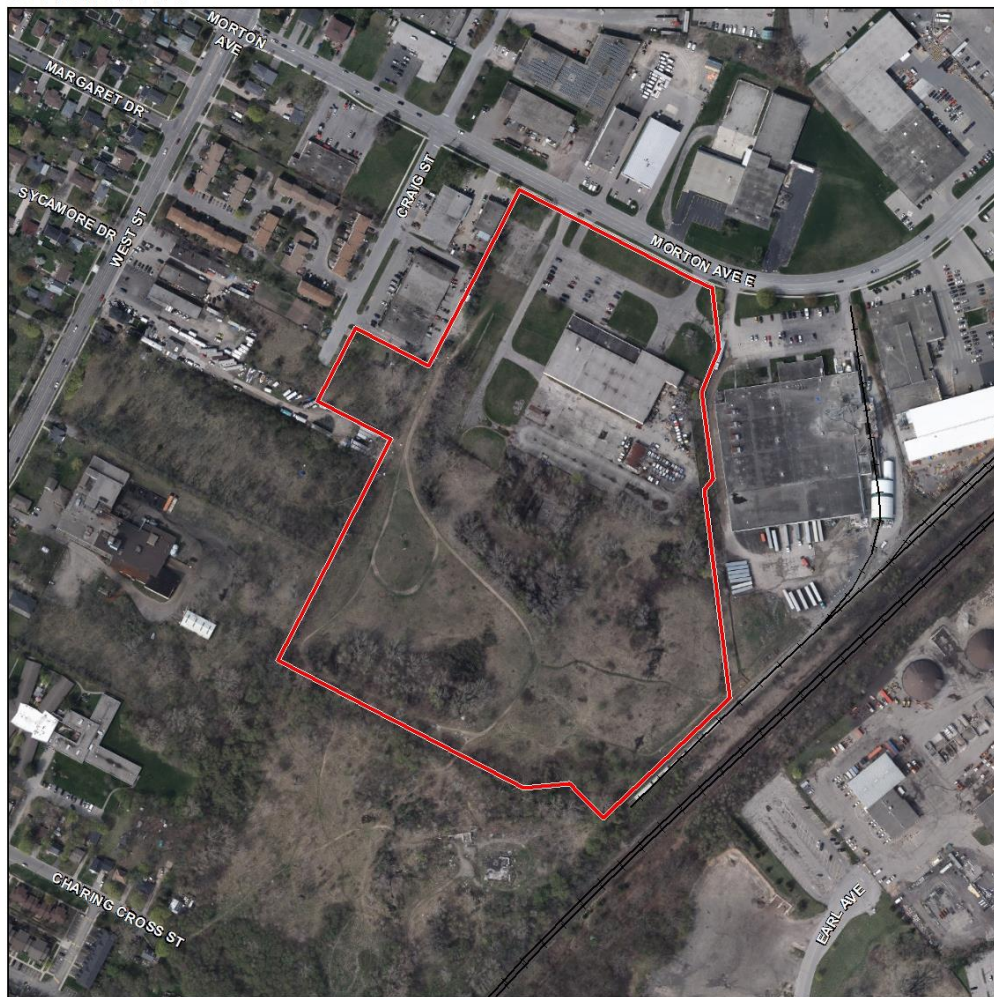
Appendix D3 Concept Site Plan – Lot 3




Appendix E Aerial Photo

AERIAL PHOTO

Application: B26-2019, B27-2019 & A27-2019
38 Morton Ave



Legend

 Subject Land

Aerial imagery from Spring 2017



Appendix F

Site Photograph



Figure 1 & 2: Existing industrial building and parking at 38 Morton Avenue East (above) and existing Craig Street frontage



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^o A27/2019 & B26/2019, B27/19

SITE: **38 Morton Ave E.**

APPLICANT:

COMMENTS:

BYLAW: 160-90 ZONE: M2

Lands to be retained – Lot #1

1. Please provide a building code matrix including spatial separation calculation as it applies to the existing building faces in relation to the proposed severance lines.

Lands to be severed – Lot # 2

1. Relief is required from section 6.24.4.2 to permit a driveway access of 5 m, whereas a minimum of 7m is required for two- way traffic.

Lands to be severed – Lot #3

1. Lot # 3 must abut a street and be described as one parcel in the last registered instrument by which legal or equitable to said land was lawfully and effectively conveyed.

Russ Thomson, MAATO, CBCO, CPSO
Chief Building Official

December 31, 2019
Date

Appendix H Engineering Comments

No. B26/2019, B27/2019 & A27/2019

COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: DECEMBER 31, 2019
NAME OF AGENT: J.H. Cohoon Engineering
OWNER: Zamboni Company
ADDRESS: 38 Morton Avenue East
NATURE OF APPLICATION: Consent Application & Minor Variance

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. The proposed cul-de-sac identified at the end of Craig Street is inconsistent with engineering standards. Refer to Linear Municipal Infrastructure Standards for Roads and Transportation. A cul-de-sac consistent with engineering standards should be shown or the proposed cul-de-sac dimensions should be justified through continuous path vehicle turning movement analysis.
2. At such time that additional information is provided as per comment #1, conveyance of land to the Craig Street right-of-way (ROW) will be required.
3. Continuous path turning movement analysis should be provided for ingress/egress at the proposed shared access easement via Morton Avenue in order to avoid revisions to the easement through future applications.
4. Proposed shared access should be registered on title of each applicable property.
5. It should be noted that plans submitted are not consistent in all aspects, eg. the "overall concept plan" does not include the proposed cul-de-sac at Craig Street terminus.

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

2. TRANSIT SERVICES

- Transit has no issues with this circulation.

E. VANDERMADE
MANAGER OF TRANSIT

Appendix H Engineering Comments Continued

HEARING DATE: DECEMBER 31, 2019
NAME OF AGENT: J.H. Cohoon Engineering
OWNER: Zamboni Company
ADDRESS: 38 Morton Avenue East
NATURE OF APPLICATION: Consent Application & Minor Variance

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 above noted application and site development plans—Dwg. No. 12417-1A & 1B, as prepared by J.H. Cohoon Engineering Ltd.—on behalf of Environmental Services and have no objections to the proposed severances; however, I would like to offer the following comments relating to the development of the severed parcels:

1. City records indicate 38 Morton Avenue is serviced by a 250 mm combined (fire/domestic) lateral, within the frontage of the retained parcel, from the 250 mm Asbestos Cement main in Morton Avenue; this service appears to be located 15.8 m Right of the Left side of the existing building and the service valve 69.2 m Out from same. A 150 mm domestic service branches off from the 250 mm combined lateral to supply domestic water to the building; this service appears to be located 14.63 m Right of the Left side of the existing building and the service valve 24.23 m Out from same;
2. The City does not have any record of servicing to the two severed parcels; however, should services exist the Owner will be required to remove all water services that will not be utilized for future development from the watermain;
3. The Owner should note that pre-servicing of the severed lands will not be permitted;
4. The Owner will be required to provide site servicing plans for review, comments and approval once an application is made to develop each of the severed parcels. Include all existing and proposed utilities, hydrants and fire department connections on plan. Only one (1) service will be permitted to each of the new parcels;
5. The Owner will be required to provide a detailed functional servicing report for each parcel. Each FSR must outline the proposed domestic and fire demands for that development, in accordance with the latest version of the City's Linear Design & Construction Manual: Watermains, and provide details to demonstrate the adequacy of the proposed water service;
6. Each new development must be water modeled in accordance with its detailed FSR to determine if there is sufficient capacity and that there will be no negative impact on the City's distribution system. The modeling will also indicate that each development will meet Ministry of the Environment criteria. The modeling will be completed by the City's Consultant. Owner is required to pay all costs for the modeling prior to the modeling being completed;
7. The Owner must obtain a Street Excavation Permit prior to commencing any work in the City's right-of-way;
8. The Owner must obtain a Water Service Connection Permit and pay all applicable fees prior to commencing any work to connect water services to the City's main. The City will complete inspection of all connections to City watermains;

Appendix H Engineering Comments Continued

No. B26/2019, B27/2019 & A27/2019

COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: DECEMBER 31, 2019
NAME OF AGENT: J.H. Cohoon Engineering
OWNER: Zamboni Company
ADDRESS: 38 Morton Avenue East
NATURE OF APPLICATION: Consent 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

9. The City will complete the inspection of all watermains and appurtenances associated with each 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;
10. Each development must be metered during construction; the Owner is responsible to pay the current fee per cubic metre for the quantity of water used;
11. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code;

On behalf of Environmental Services—Solid Waste, I would like to offer the following solid waste management comments for consideration:

12. The City of Brantford does not collect Commercial, Industrial or Institutional waste materials. The owner must utilize Private Collection services—at property owner's expense—to manage waste material collection for these uses;
13. The property developer or Owner is responsible for collection, haulage and disposal of all waste during construction; and
14. Under Bill 151, Waste Free Ontario (WFOA) and "Food and Organic Waste Framework in Ontario", Part B, Waste Policy Statement, new requirements have been established for the future management of food and organic waste materials for residential and commercial locations. The proposed development shall comply with all future requirements of the Provincial Waste Policy Statement and provide collection for all three streams of waste material.

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

Appendix H Engineering Comments Continued

No. B26/2019, B27/2019 & A27/2019

COMMITTEE OF ADJUSTMENT APPLICATION ENGINEERING SERVICES STAFF REPORT

HEARING DATE: DECEMBER 31, 2019
NAME OF AGENT: J.H. Cohoon Engineering
OWNER: Zamboni Company
ADDRESS: 38 Morton Avenue East
NATURE OF APPLICATION: Consent 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

Development Engineering Severance & Minor Variance Application Comments

- 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.
- 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.

Proposed Draft Conditions

- Invert elevations for the proposed storm and sanitary laterals should be shown at the property line to verify the cover would be adequate and the site is functionally serviceable.
- The proposed cul-de-sac does not meet City of Brantford Standards. A design that meets City of Brantford standards should be shown to ensure an adequate amount of land will be conveyed.
- A reference plan shall be submitted showing the severed and retained parcels of land, as well as, the parcel of land that will be conveyed to the Corporation in fee simple and free of encumbrance and without charge for the proposed cul-de-sac.
- That a 0.3m reserve be placed on the property fronting Craig Street. It can be lifted with the construction of the proposed cul-de-sac by the developer, at the developer's own expense
- Site Plan Control will be required for any proposed new development.
- The Owner will be required to send in a letter to request a Municipal Number be assigned to the severed property(s).
- 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.

Comments to be addressed prior to the Committee of Adjustment Meeting

- The Preliminary Functional Serving Report has incorrect equivalent population density. The commercial equivalent population density was used. Please use the industrial equivalent population density.



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

January 15, 2020
DATE


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

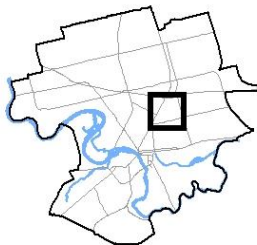
Appendix I

Area of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: B26-2019, B27-2019 & A27-2019

38 Morton Ave



Legend

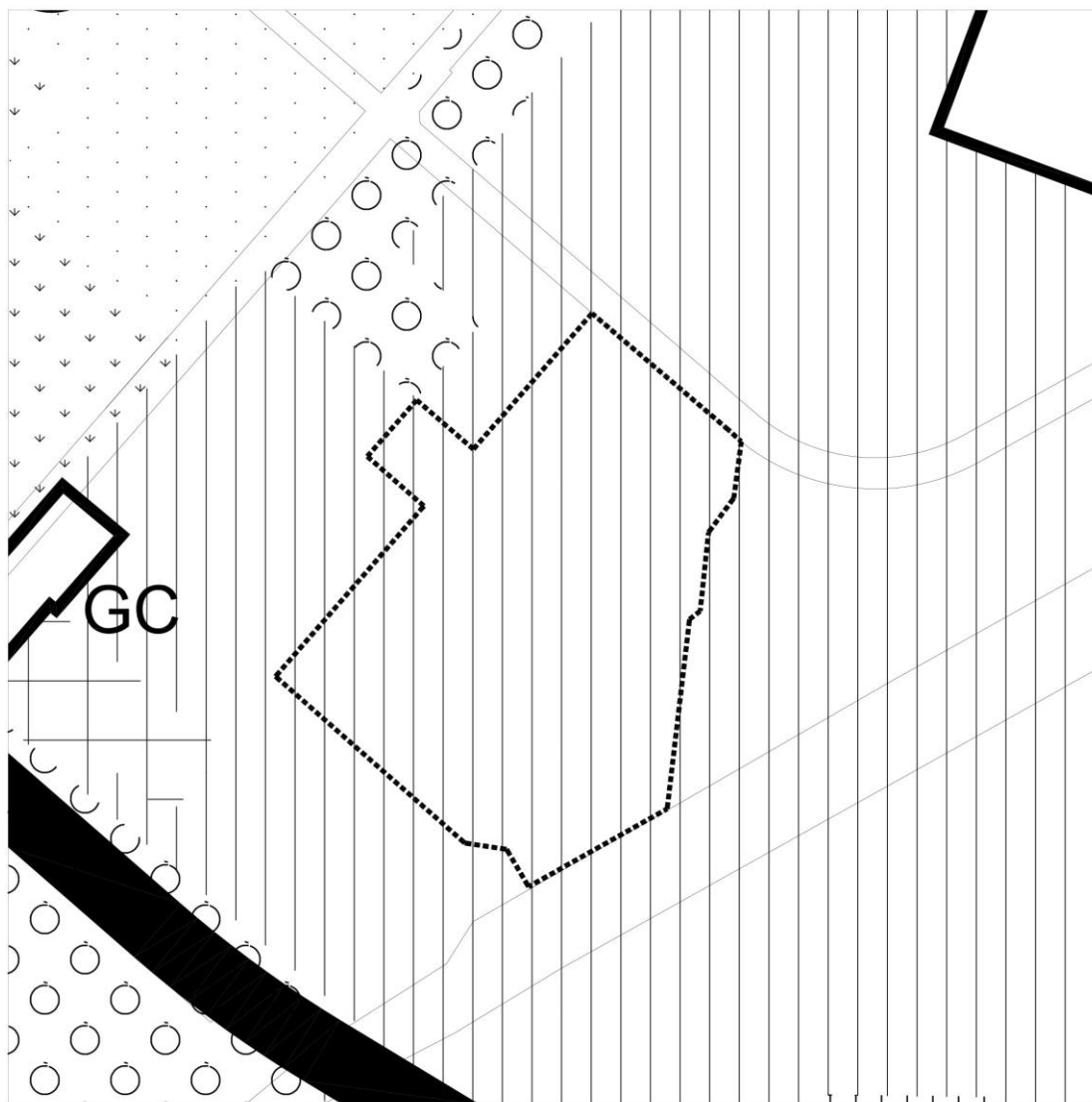
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix J Official Plan

OFFICIAL PLAN

Application: B26-2019, B27-2019 & A27-2019
38 Morton Ave



LEGEND

SUBJECT LAND

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

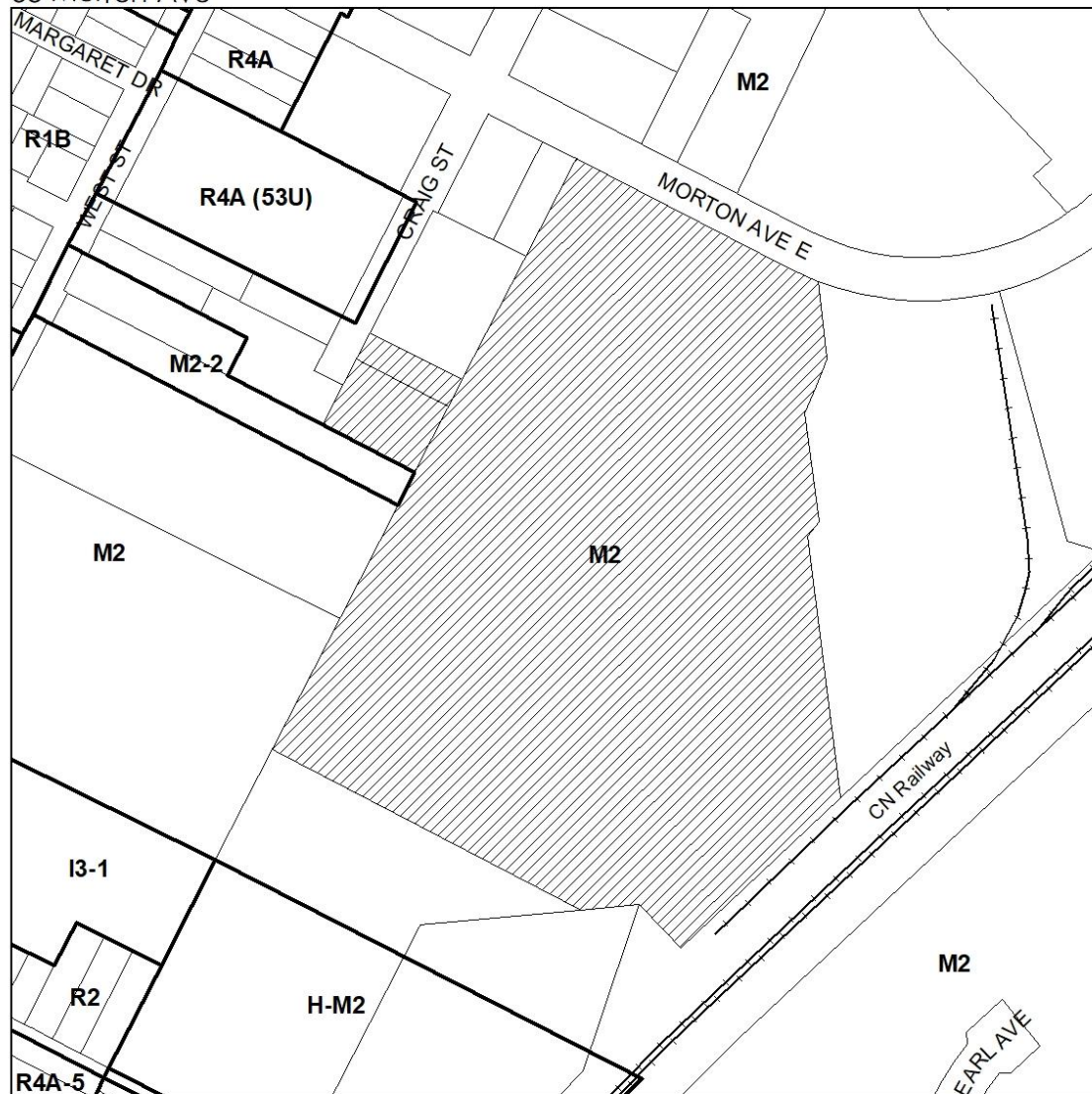
CORE CORE COMMERCIAL AREA
 CC COMMUNITY CENTRE COMMERCIAL AREA
 GC GENERAL COMMERCIAL AREA
 MCR MIXED COMMERCIAL RESIDENTIAL AREA
 DC DISTRICT CENTRE COMMERCIAL AREA
 NC NEIGHBOURHOOD CENTRE COMMERCIAL AREA
 HC HIGHWAY COMMERCIAL AREA
 NFC NEW FORMAT COMMERCIAL AREA

C CEMETERY
 S ELEMENTARY SCHOOL
 FREEWAY
 LONG TERM CORRIDOR PROTECTION
 SP SPECIALIZED PARK and OPEN SPACE
 CP COMMUNITY PARK and OPEN SPACE
 P NEIGHBOURHOOD PARK and OPEN SPACE



Appendix K Zoning

ZONING

Application: B26-2019, B27-2019 & A27-2019
38 Morton Ave



Legend

-  Subject Land
-  Zone Boundary

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

- R1B Residential Type 1B (15 metre)
- R2 Residential Type 2
- R4A Residential Medium Density Type A
- M2 General Industrial
- 3 Exception Number

