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Date December 2, 2020 **Report No.** 2020-578

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 Application for Consent

2.0 Topic

APPLICATION NO. B16/2020

AGENT J. H. Cohoon Engineering Limited

APPLICANT/OWNERS 2633350 Ontario Inc. (288 Murray St)
1617663 Ontario Inc. (298 Murray St)

LOCATION 288 & 298 Murray Street

3.0 Recommendation

- A. THAT Application B16/2020 for a lot boundary adjustment for sever 93 m² of land from the southwest corner of 298 Murray Street to merge them with the lands a 288 Murray Street, and retain a parcel of land having a lot area of +/- 2.04 ha, BE APPROVED subject to the conditions attached as **Appendix A** of Report 2020-578;
- B. 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 application is 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,

- C. 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. 2020-578.”

4.0 Purpose and Description of Application

A consent (lot boundary adjustment) application has been received for the lands municipally addressed as 298 and 288 Murray Street. The applicants are proposing to sever a narrow 3.0 m strip of land with an area 93 m² off of the southwestern part of 298 Murray Street (south of 288 Murray Street) and merge that parcel of land with the neighboring lot at 288 Murray Street. There is an existing covered stoop, steps and door that provide access to the building at 288 Murray Street which encroach onto the proposed severed parcel. The purpose of the application is to add this narrow strip of land to the lands at 288 Murray Street in order to provide this access to the building at 288 Murray Street. The proposed new lot dimensions will be as follows:

	288 Murray Street (including severed parcel)	298 Murray Street (lands to be retained)
Lot Frontage	+/- 12.18 m	+/- 66 m
Lot Area	+/- 371 m ²	+/- 2.04 ha

The properties are designated “General Industrial Area” in the Official Plan and zoned “General Industrial (M2) Zone” in the Zoning By-law. A location map, survey and proposed severance sketch are attached as **Appendices B and C**.

5.0 Site Features

The subject lands are located on the west side of Murray Street, south of Bruce Street. The receiving lands at 288 Murray Street currently contain a building

which takes up a majority of the lot. The building at 288 Murray Street is currently used by the owner for personal uses (vacant) until able to lease the building for an industrial use, and the property at 298 Murray Street is used for industrial manufacturing and warehouse uses. As previously mentioned, there is a stoop and steps which encroach onto the proposed severed lands. There is an additional stair and driveway which encroaches onto the CN Rail corridor to the south which is further discussed in Section 6.1 of this Report. The building at 288 Murray also encroaches onto the City sidewalk and there are encroachment agreements (Inst. A3485068 and A326630) to this effect. The retained lands currently contain a parking area, open storage and warehouse building. The CN Rail corridor is located to the south of the property. The subject lands are surrounded by a mix of industrial uses and residential uses, mainly single detached dwellings. The retained lands at 298 Murray Street also has frontage along Bruce Street.

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. CN Rail noted that a portion of the driveway located on the lands being severed encroaches onto the CN property, as illustrated in **Appendix E**. CN requested the following be included as a condition of approval: *“That the Owner shall enter into an Agreement with CN stipulating how CN’s concerns will be resolved and will pay CN’s reasonable costs in preparing and negotiating the agreement”*. Planning Staff have advised the applicants of the condition which is included in **Appendix A**.

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 (22 notices) and by posting a notice sign on the Murray Street frontage. Attached as **Appendix H** is a plan illustrating the notification area. Planning Staff have not received any written submissions 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 Provincial Policy Context

Application B16/2020 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (2020) (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 for 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 application is 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 at both 288 and 298 Murray Street are designated "General Industrial Area" in the Official Plan (**Appendix I**). This designation permits a variety of industrial uses.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "General Industrial Zone (M2)" in the Zoning By-law 160-90 (**Appendix J**). The M2 Zone permits a wide variety of industrial uses including industrial malls, manufacturing and warehouse uses.

The property at 288 Murray Street is considered legal non-complaint as it does not meet the development standards and regulations of the M2 Zone. The lot adjustment will improve the existing situation in regards to lot area and width. The use and building at 298 Murray Street are existing and will continue to meet the requirements 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 addresses consents specifically. 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: if the plan conforms to the Official Plan, 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 infilling, if no extension or improvement of municipal services are required and if the lot will have frontage on a public road.

The subject consent application will result in a lot boundary adjustment to facilitate the enlargement of an undersized industrial parcel, while not impacting the retained lands. The lands proposed to be severed are already in use by the property at 288 Murray Street as there is an exterior concrete stoop and staircase and fenced in area. The retained lands will continue to meet the lot area and lot width minimum requirements for the M2 Zone.

Planning Staff have given regard to Section 51(24) of the *Planning Act* and are satisfied that the application is desirable and compatible with the surrounding area and will not result in any adverse impacts on surrounding properties. Planning Staff are of the opinion that the subject consent application is consistent with the Section 51(24) of the *Planning Act* and conforms to the Official Plan.


7.5 Conclusion

A site inspection was completed on November 19, 2020. 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 lot at 288 Murray Street, which is currently an undersized industrial parcel.

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 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.

Planning Staff recommend that consent application B16/2020 be approved, subject to the attached conditions in **Appendix A** of this Report.



Prepared by: Alexandra Mathers
Development Planner

Prepared on: November 27, 2020



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

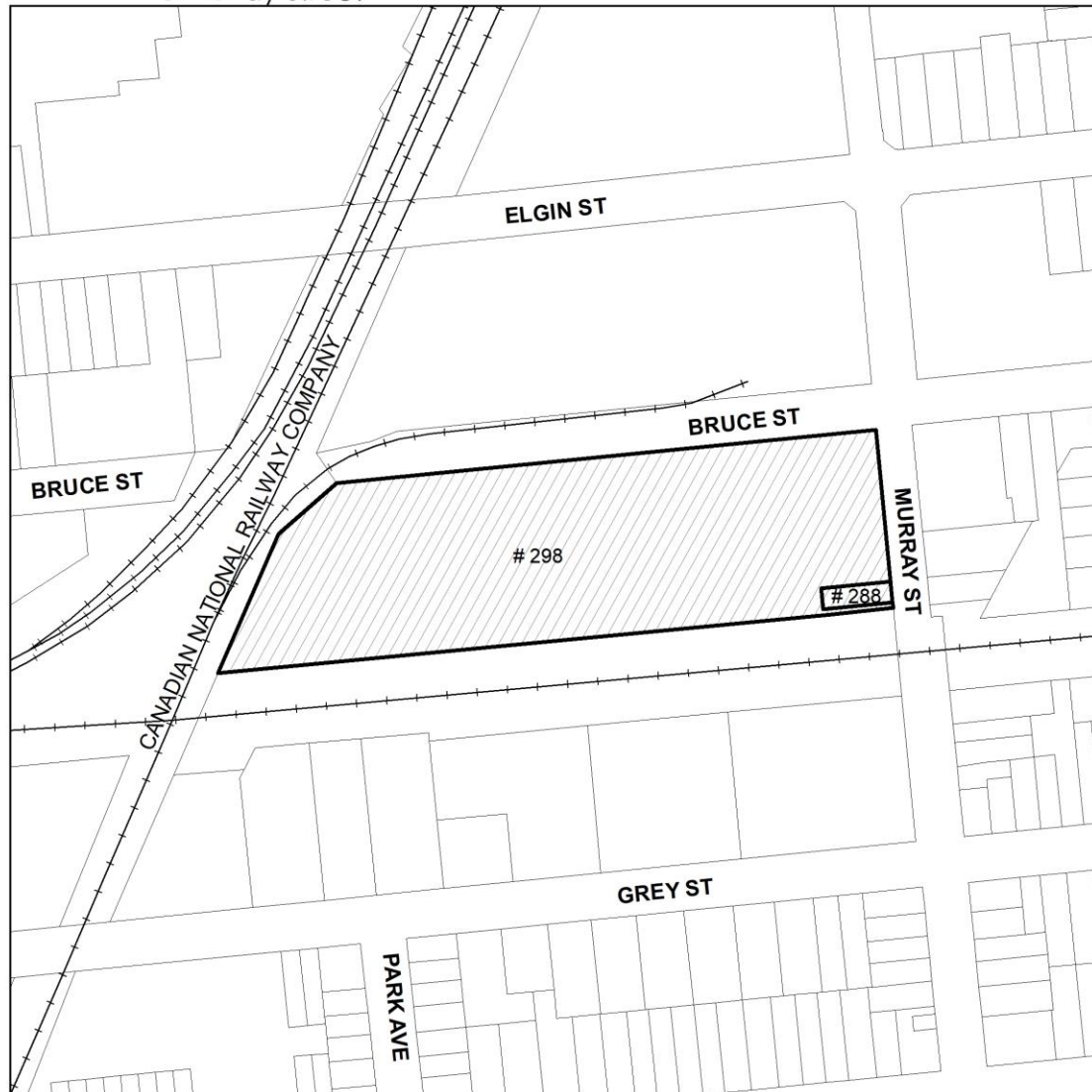
Appendix A – Conditions of Consent – B09/2020

1. ☒ Receipt of a registered reference plan showing the retained, lands to be transferred, and receiving lands;
2. ☒ Receipt of confirmation that the owner shall enter into an Agreement with CN Rail stipulating how CN's Rail concerns will be resolved and will pay CN's Rail reasonable costs in preparing and negotiating the agreement.
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 confirmation from the Engineering Department indicating that their requirements have been satisfied;
6. ☒ Receipt of confirmation from the Solicitor acting in the transfer that the severed parcel 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;
7. ☒ That the above conditions be fulfilled and the Certificate of Official be issued on or before December 2, 2021, after which time the consent will lapse.

Appendix B – Location Map

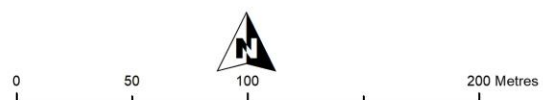
LOCATION MAP

Application: B16/2020
288 and 298 Murray Street

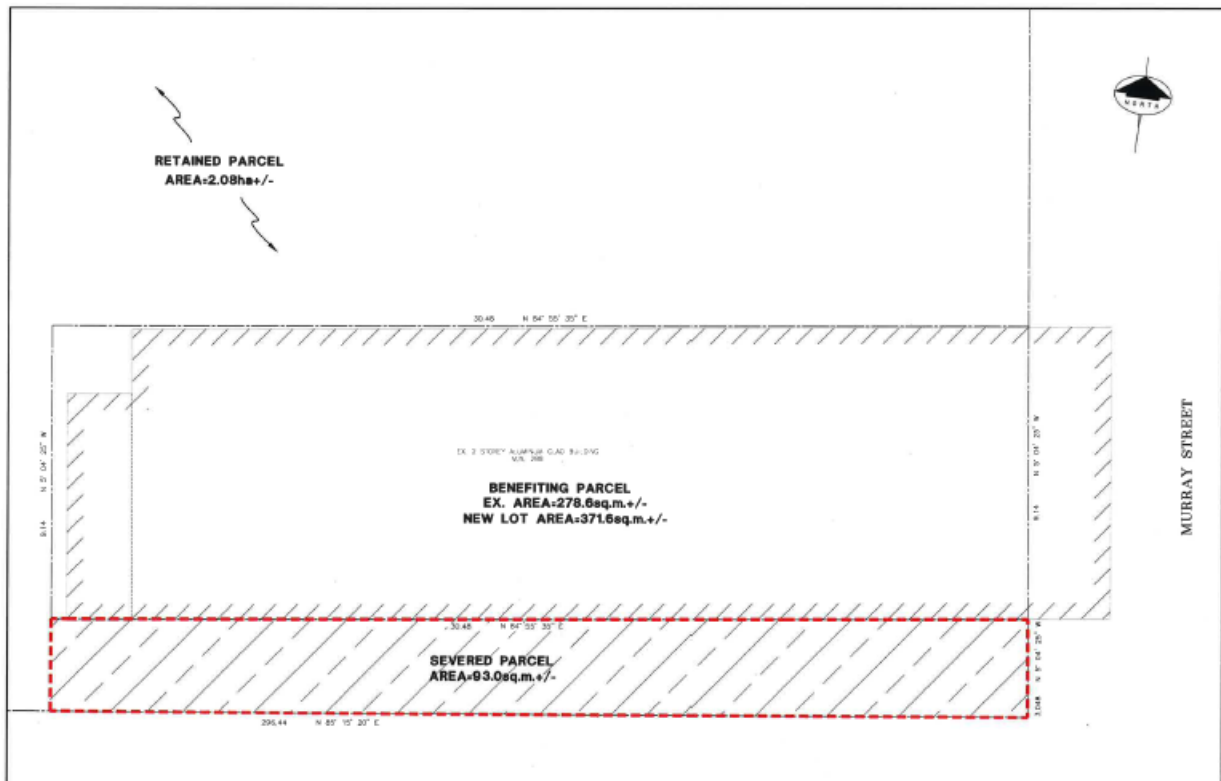


Legend

 SUBJECT LANDS



Appendix C – Severance Plan



Appendix D – Aerial Photo

AERIAL PHOTO

Application: B16/2020
288 and 298 Murray Street



Legend

 Subject Lands

Aerial Photo from Spring 2017



Appendix E – Site Photos



Photo 1(above) looking northwest towards 288 and 298 Murray Street and photo 2 (below) illustrating the proposed severed lands and encroachments onto the CN Rail corridor.



Appendix F – Building Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<input 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.....B16-2020

SITE: 288 Murray Street
TO PERMIT: Consent boundary adjustment
APPLICANT: Cohoon Engineering

COMMENTS:

BYLAW: 160-90 ZONE: M2

The Building Department has no objections to the boundary adjustment.

There are no further concerns with this application.

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

Rob Porteous
Senior Plans Examiner

Oct 20, 2020

Appendix G – Engineering Comments



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<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"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B16/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT		2633350 Ontario Inc.	
AGENT		J.H. Cohoon Engineering Limited	
OWNER		1617663 Ontario Inc.	
ADDRESS		288 – 298 Murray Street	
TRANSPORTATION			

1. Conveyance of a daylight triangle at the corner of the property nearest the intersection of Murray St at Bruce St would typically be obtained, however due to existing buildings and other infrastructure this will not be a requirement at this time.
2. Murray St right-of-way (ROW) is expected to be identified in the upcoming Official Plan (OP) as requiring an ultimate ROW width of 36m. While the current ROW width is less than 36m, due to existing buildings and other infrastructure, conveyance will not be required at this time.

Jacob McDonald, C.E.T.
Transportation Technologist



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<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"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B16/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT		2633350 Ontario Inc.	
AGENT		J.H. Cohoon Engineering Limited	
OWNER		1617663 Ontario Inc.	
ADDRESS		288 – 298 Murray Street	
ENVIRONMENTAL SERVICES			

I reviewed the consent application and associated documents—as prepared by J.H. Cohoon Ltd. and MacAulay White & Muir Ltd.—on behalf of Environmental Services and have no comments or concerns regarding the proposed severance/merger.

Jennifer Elliott, LET, C.E.T.
Senior Project Manager, Environmental Services



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<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"/> SITE PLAN APPROVAL	<input checked="" type="checkbox"/> MINOR VARIANCE
<input checked="" type="checkbox"/> CONSENT APPLICATION	<input type="checkbox"/> SEVERANCE
<input type="checkbox"/> OTHER -	
FILE NO.:	B16/2020
DATE DUE TO PLANNING	November 6, 2020
APPLICANT	2633350 Ontario Inc.
AGENT	J.H. Cohoon Engineering Limited
OWNER	1617663 Ontario Inc.
ADDRESS	288 – 298 Murray Street
DEVELOPMENT ENGINEERING	

Conditions

- No comment

General Comments

- No comment

Jordan Stewart, P.Eng.
Development Engineering Reviewer

*ADDITIONAL COMMENTS MAY BE ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED *

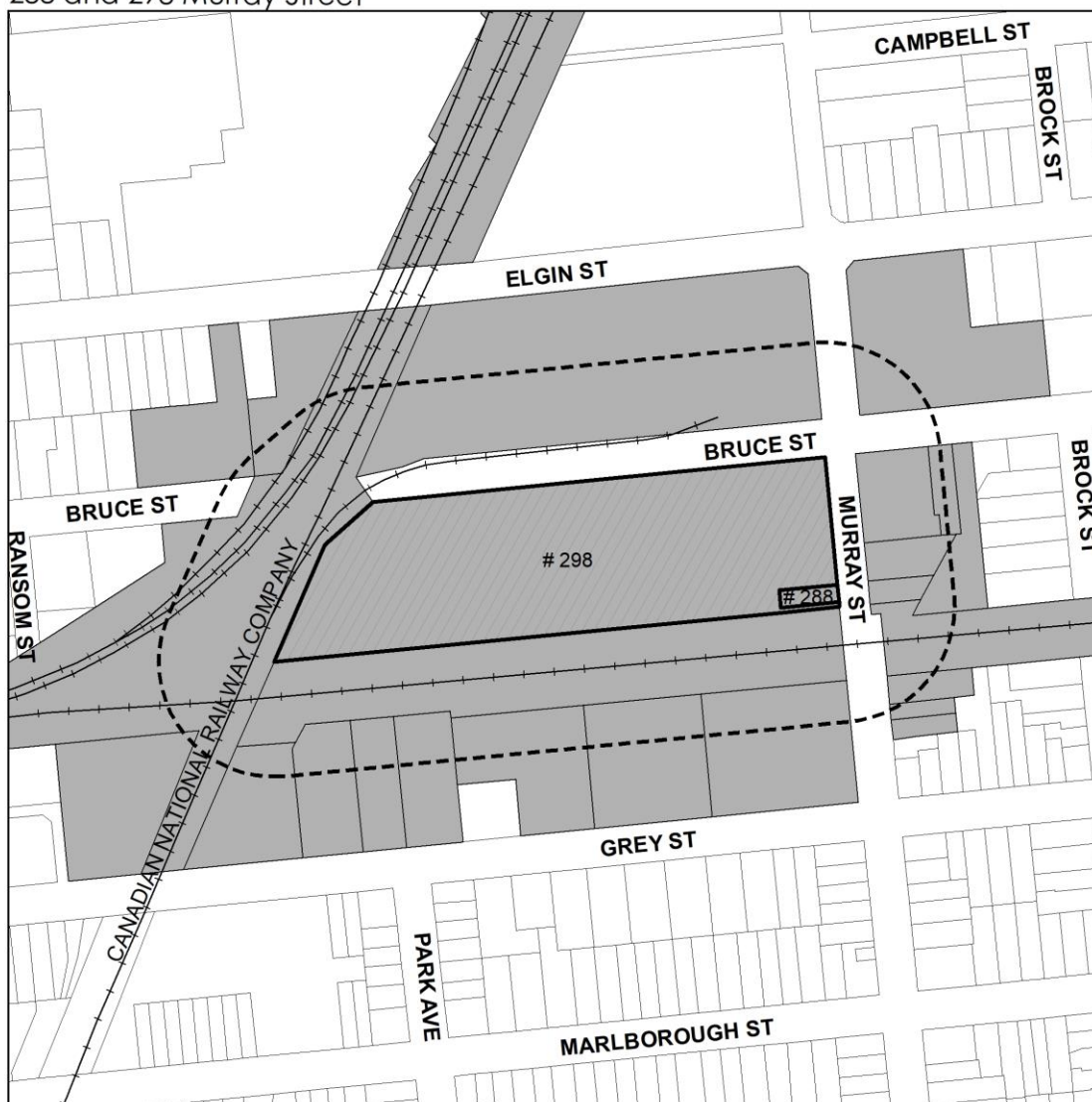
November 18, 2020
DATE


Gary Peever, P.Eng.,
Manager, Development Engineering

Appendix H – Notification Area

AREA OF PUBLIC NOTIFICATION

Application: B16/2020
288 and 298 Murray Street



Legend

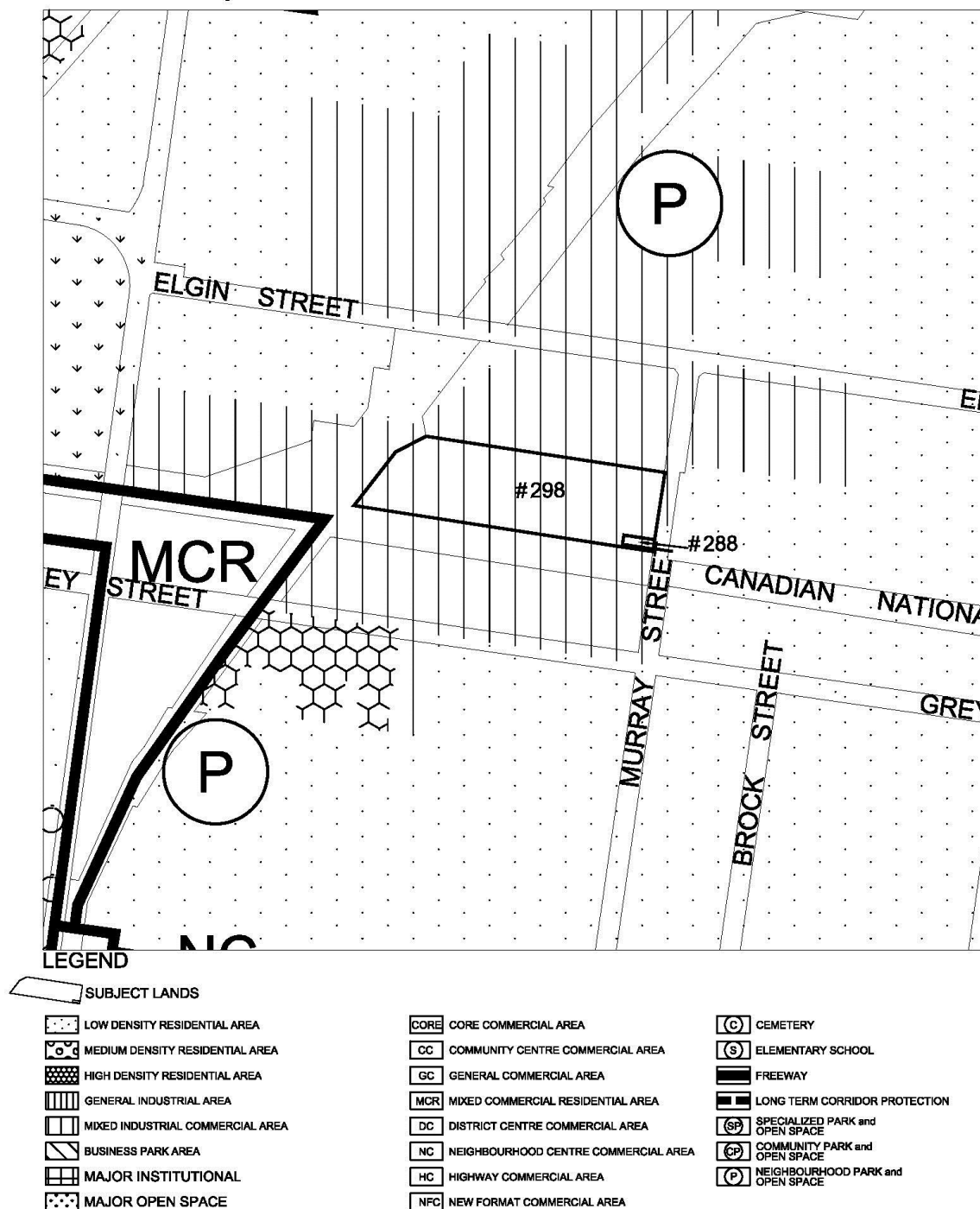
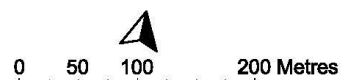
- Notified Properties
- 60 m Buffer from Subject Land



Appendix I – Official Plan

OFFICIAL PLAN

Application: B16/2020
288 and 298 Murray Street



Appendix J – Zoning

ZONING

Application: B16/2020
288 and 298 Murray Street



Legend

- Subject Lands
- Zone Boundary



0 60 120 Metres

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

- R1C Residential Type 1C (12 metre)
- RC Residential Conversion
- RHD Residential High Density
- C3 Mixed Commercial Residential
- C7 Convenience Commercial
- M2 General Industrial
- # Exception Number