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Date March 4, 2021 **Report No.** 2021-145

To Chair and Members
City of Brantford Committee of Adjustment

From Sean House
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent

2.0 Topic

APPLICATION NO. B07/2021 & B08/2021

AGENT MHBC Planning

APPLICANT/OWNER 2725125 Ontario Inc.

LOCATION 179 Garden Avenue

3.0 Recommendation

- A. THAT Application B07/2021 to sever a parcel of land from the northern portion of the lands municipally addressed as 179 Garden Avenue, having a lot area of 11,840 m² (Lot A, **Appendix C**) and retain a parcel of land having an area of 28,187 m², BE APPROVED subject to the conditions attached in **Appendix A1** of Report No. 2021-145; and,
- B. THAT Application B08/2021 to sever a parcel of land from the retained lands of application B07/2021, municipally addressed as 179 Garden Avenue, having a lot area of 18,225 m² (Lot C, **Appendix C**) and retain a parcel of land having an area of 9,962 m² (Lot B, **Appendix C**), BE

APPROVED subject to the conditions attached in **Appendix A2** of Report No. 2021-145; and,

- C. THAT reasons 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 is consistent with the Provincial Policy Statement; and,
- D. THAT pursuant to Section 53(17) – (18.2) of the *Planning Act*, R.S.O 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decisions:

“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. 2021-145.”

4.0 Purpose and Description of Applications

Two consent applications have been received for the lands municipally addressed as 179 Garden Avenue. A location map, severance sketch, and conceptual site plan are attached as **Appendices B, C and D**. The applications intend to sever the subject lands into three industrial lots, with each lot containing an industrial building and accessory office space. The proposed lot dimensions will be as follows:

	<i>B07/2021 Land to be Severed (Lot A)</i>	<i>Lands to be Retained (Lot B)</i>	<i>B08/2021 Lands to be Severed (Lot C)</i>
<i>Lot Frontage</i>	<i>40.43 m</i>	<i>61.10 m</i>	<i>81.59 m</i>
<i>Lot Area</i>	<i>11,840 m²</i>	<i>9,962 m²</i>	<i>18,225 m²</i>

5.0 Site Features

The subject lands are located on the east side of Garden Avenue, north of Elgin Street, and have a total lot area of 3.97 ha. The lands are currently vacant and are surrounded by industrial uses to the west, and Agricultural lands to the north and east. An industrial subdivision is approved for development directly south of the subject lands. An aerial photo and photograph of the subject lands are attached as **Appendices E and F**.

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. The Transportation Department requested that the applicant pursue an easement to facilitate a shared access agreement for the proposed lots. A shared site access will continue to be encouraged through the Site Plan Control process. 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 (7 notices) and by posting a sign on-site. A plan illustrating the notification area is attached as **Appendix I**. At the time of writing of this Report no public comments have been received.

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 B07/2021 & B08/2021 were 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 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" (**Appendix J**). The "General Industrial Area" designation permits an extensive range of industrial activities including manufacturing, warehousing and service operations. The consent applications are in conformity with the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "General Industrial – Exception 40 (M2-40)" (**Appendix K**). The General industrial Zone permits an extensive range of industrial activities including manufacturing, warehousing and service operations. Exception 40 requires that where a lot in an Industrial Zone abuts a lot in a Residential Zone, a buffer consisting of 15.0 m of landscaped open space shall be provided and maintained on the industrial lot to screen all parking spaces, parking areas, loading spaces and open storage areas thereon. It further requires that where a lot in an Industrial Zone abuts a lot in a Residential Zone, no building or structure and no open storage shall be permitted within 15.0 m of a lot in a Residential Zone. The subject lands do not abut any residential lands and therefore comply with these provisions. The proposed severed and retained lands will comply with all other regulations of the By-law.

7.4 Planning Analysis

The *Planning Act* sets the standard to which provincial and local interests, policies and goals are implemented. Section 51(24) 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, 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 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 industrial lots within an existing employment area with adequate municipal services. The proposed lot areas and widths are consistent with the regulations for the M2-40 Zone. The creation of the new lots will not restrict the development of any adjacent property. Any redevelopment of this site will be subject to all City requirements, including Site Plan Control, for each lot (Lots A, B and C).

The City of Brantford Site Plan Control By-law 90-2018 requires that any new industrial development be subject to Site Plan Control. If approved, all lots will be subject to Site Plan Control prior to any development of these lands. The Site Plan Control process will provide the City and the Ward Councillors with an opportunity to review the functionality of the site, the placement of building(s) and the driveway locations. For this proposed development specifically, Staff will require that the parking be shifted away from Garden Avenue to allow for the provision of a planting strip and street trees. Staff will work to address all other technical requirements of the City at the Site Plan Control stage for each of three lots proposed.

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 any adverse impacts on surrounding properties.

7.5 Conclusion

A site inspection was completed on February 19, 2021. Upon completion of this site visit and review of all relevant policies, Planning Staff are supportive of the applications.

If approved, the applications will facilitate the creation of three industrial lots within the City of Brantford. 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. Planning Staff recommend that Application B07/2021 and B08/2021 be approved subject to the conditions attached as **Appendices A1** and **A2** to Report 2021-145.



Prepared by: Sean House,
Development Planner,
Prepared on: February 25, 2021



Reviewed by: Joe Muto, RPP, MCIP,
Manager of Development Planning
Community Development

Appendix A1 - Conditions of Consent – B07/2021

Subject to the following conditions:

1. ☒ Receipt of a registered reference plan showing the severed and retained lands.
2. ☒ Receipt of confirmation that all taxes are paid up to date.
3. ☒ 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).
4. ☒ 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).
5. ☒ Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
6. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before March 4, 2022, after which time the consent will lapse.

Appendix A2 - Conditions of Consent – B08/2021

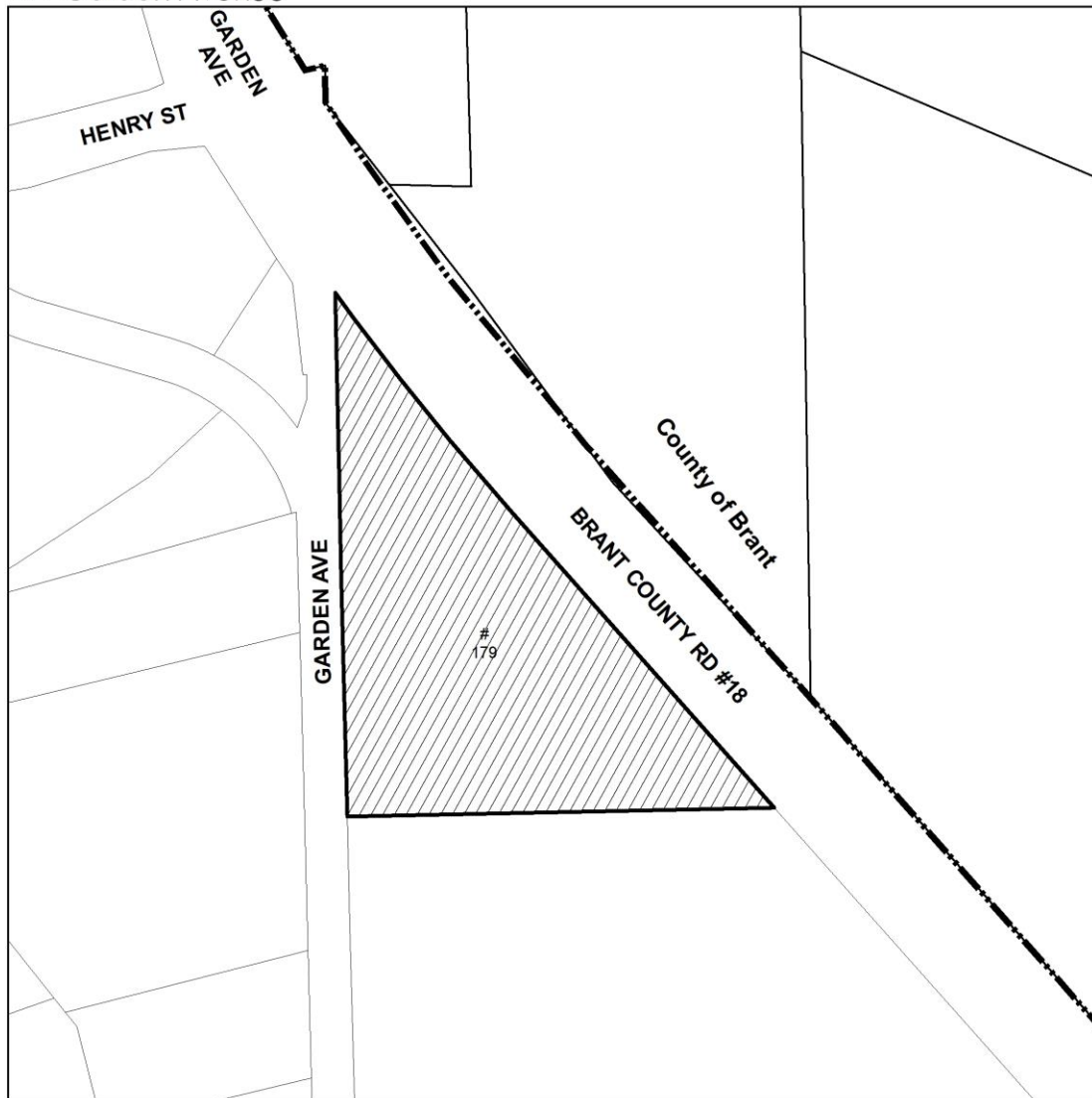
Subject to the following conditions:

1. ☒ Receipt of confirmation that Application B07/2021 has been approved
2. ☒ Receipt of a registered reference plan showing the severed and retained lands.
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 the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
7. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before March 4, 2022, after which time the consent will lapse.

Appendix B – Location Map

LOCATION MAP

Application: B07/2021 and B08/2021
179 Garden Avenue

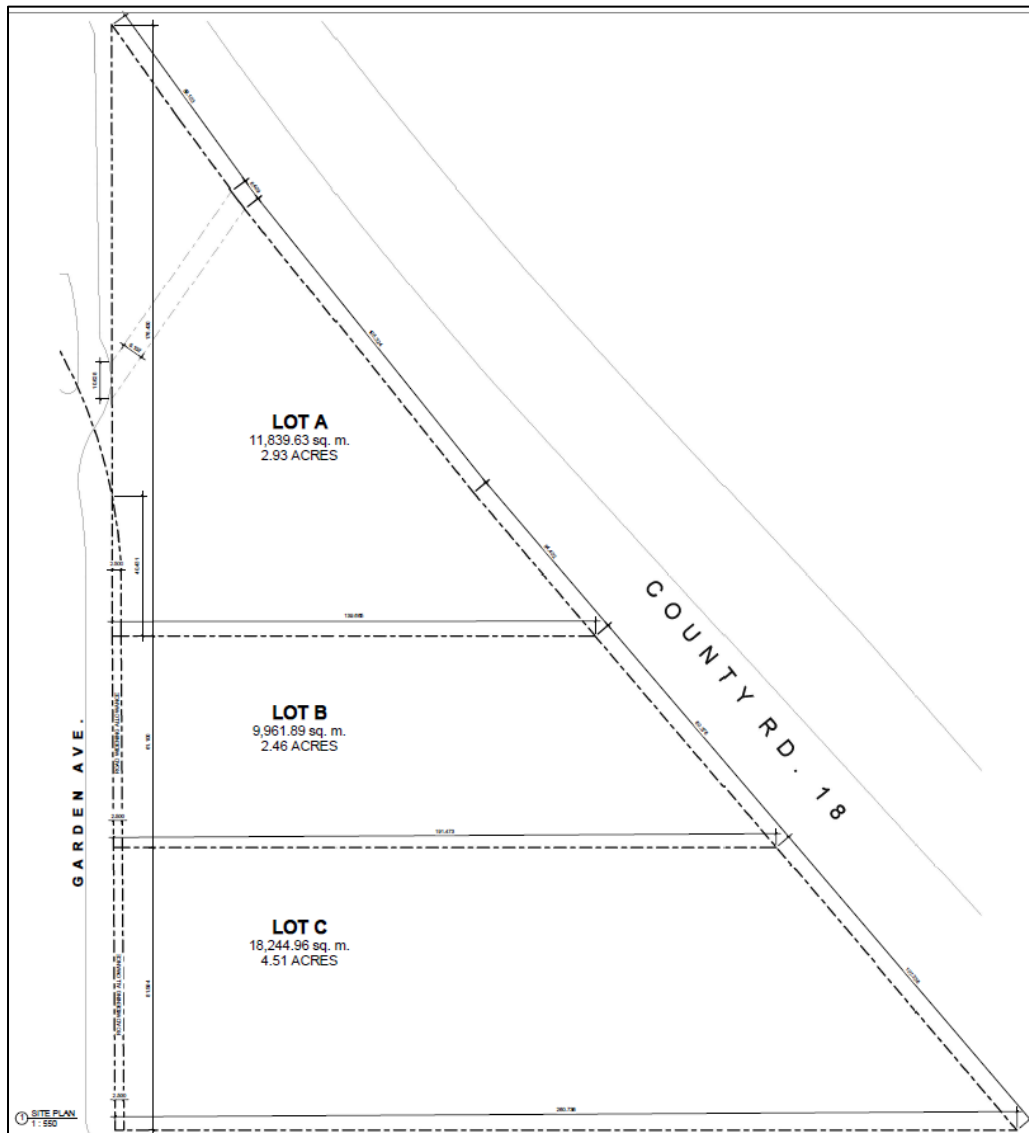


Legend

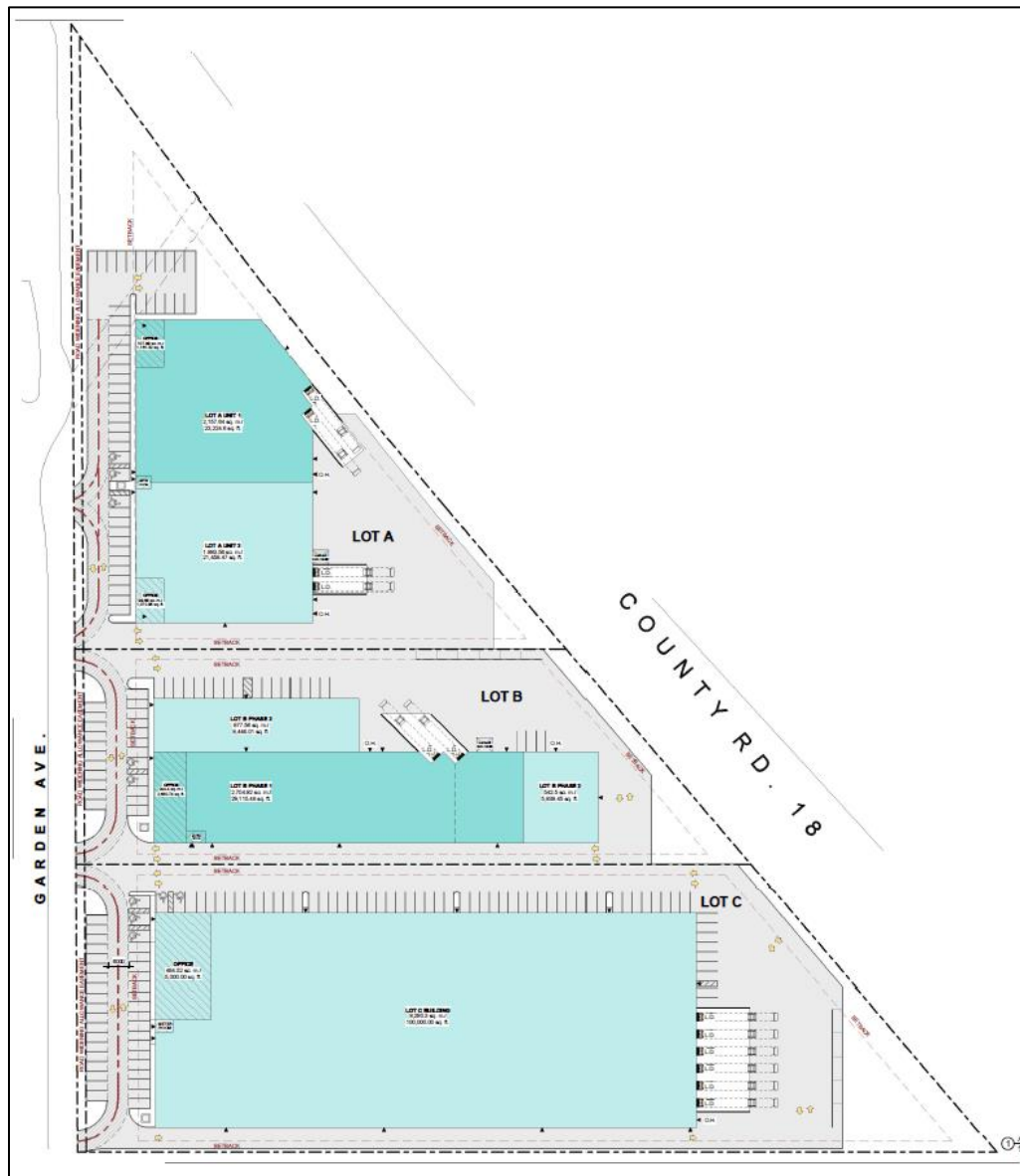
 SUBJECT LAND



Appendix C – Concept Severance Plan



Appendix D – Concept Site Development Plan



Appendix E – Aerial Photograph

AERIAL PHOTO

Application: B07/2021 and B08/2021
179 Garden Avenue



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix F – Site Photograph



Photo 1: Subject lands (179 Garden Avenue)

Appendix G – Building Department 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 **B07/21, B08/21**

SITE: 179 Garden Ave.

APPLICANT:

COMMENTS:

BYLAW: 160-90 ZONE: RC

- The proposed severance appears to comply with the Zoning Bylaw regulations.
- Any proposed construction will require that a building permit be applied for and approved through this department. Development charges may be applicable to any new development.

Marta Schultz
Senior Plan Examiner

2/8/21
Date

Appendix H – 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.:		B07/2021 & B08/2021	
DATE DUE TO PLANNING		February 5, 2021	
APPLICANT / OWNER		2725125 Ontario Inc.	
AGENT		MHBC Planning	
ADDRESS		179 Garden Avenue	
TRANSPORTATION			

1. An access agreement/easement should be established along each proposed severance line between Lot 'A' and Lot 'B'. The easement should be on each side of the severance line (ie. future property line) in favour of the other neighbouring property.
 - a. The combined width of the easement should be such that it will function as one driveway shared between the two properties (eg. 7m wide total or as per zoning bylaw).
 - b. The easement should extend from the front property line to the rear property line or an alternative scenario proposed by the applicant to be reviewed by City staff.
 - c. Additional area may be required (eg. at the rear of one or more properties) to adequately vehicle turning movements.
2. An access agreement/easement should be established along each proposed severance line between Lot 'B' and Lot 'C'. Access should be on each side of the severance line (ie. future property line) in favour of the other neighbouring property.
 - a. The combined width of the easement should be such that it will function as one driveway shared between the two properties (eg. 7m wide total or as per zoning bylaw).
 - b. The easement should extend from the front property line to the rear property line or an alternative scenario proposed by the applicant to be reviewed by City staff.
 - c. Additional area may be required (eg. at the rear of one or more properties) to adequately vehicle turning movements.
3. Ultimate driveway locations should be reviewed through a site plan control or similar application. There is potential that driveways and related easements would need to be revised pending this review.

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.:	B07/2021 & B08/2021
DATE DUE TO PLANNING	February 5, 2021
APPLICANT / OWNER	2725125 Ontario Inc.
AGENT	MHBC Planning
ADDRESS	179 Garden Avenue
ENVIRONMENTAL SERVICES	

I reviewed the subject noted applications and associated documents—as prepared by 2725125 Ontario Inc. and MHBC Planning—on behalf of Environmental Services and have no objections to the consent applications; however, I would like to offer the following comments for Site Plan Control:

1. City records indicate the subject property is located within Water Intake Protection Zone #3 (IPZ3). The Applicant must complete and submit a Source Water Protection: Restricted Land Use Declaration Form for each parcel to the City's Coordinator, Water Compliance;
2. The City does not have any records indicating the subject lands are serviced; however, service is available from the 300mm Ductile Iron watermain in Garden Ave.;
3. The Owner should note that each parcel shall be independently serviced within its respective frontage. Only one (1) water service will be permitted to each parcel. A check valve will be required on each connection to the City's water system;
4. The Owner will be required to provide site servicing plans for review, comments and approval.
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 for each parcel 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;
9. The City will complete the inspection of all watermains and appurtenances within 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;

Continued...



**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.:		B07/2021 & B08/2021	
DATE DUE TO PLANNING		February 5, 2021	
APPLICANT / OWNER		2725125 Ontario Inc.	
AGENT		MHBC Planning	
ADDRESS		179 Garden Avenue	
ENVIRONMENTAL SERVICES con't			

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

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. Provide suitable collection and storage for all streams of waste;
14. Access routes and garbage loading areas must be constructed of suitable materials and be adequate to support, and prevent damage by, a fully loaded waste collection vehicle;
15. 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
16. The developer or property owner is responsible for the management of all waste and recyclables materials during construction;

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 type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B07/2021 & B08/2021	
DATE DUE TO PLANNING		February 5, 2021	
APPLICANT / OWNER		2725125 Ontario Inc.	
AGENT		MHBC Planning	
ADDRESS		179 Garden Avenue	
DEVELOPMENT ENGINEERING			

Conditions

- Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
- Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.

General Information

- Site Plan Control will be required for any proposed new development. Site servicing, grading, SWM, etc. will be review through these site place applications.
- 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.
- A Driveway Permit will be required for any new proposed driveways.
- A Road Excavation 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.

Tyler Wright, C.E.T.
Development Engineering Reviewer

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

February 17, 2021
DATE


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

Appendix I – Area of Notification

AREA OF PUBLIC NOTIFICATION

Application: B07/2021 and B08/2021

179 Garden Avenue



Legend

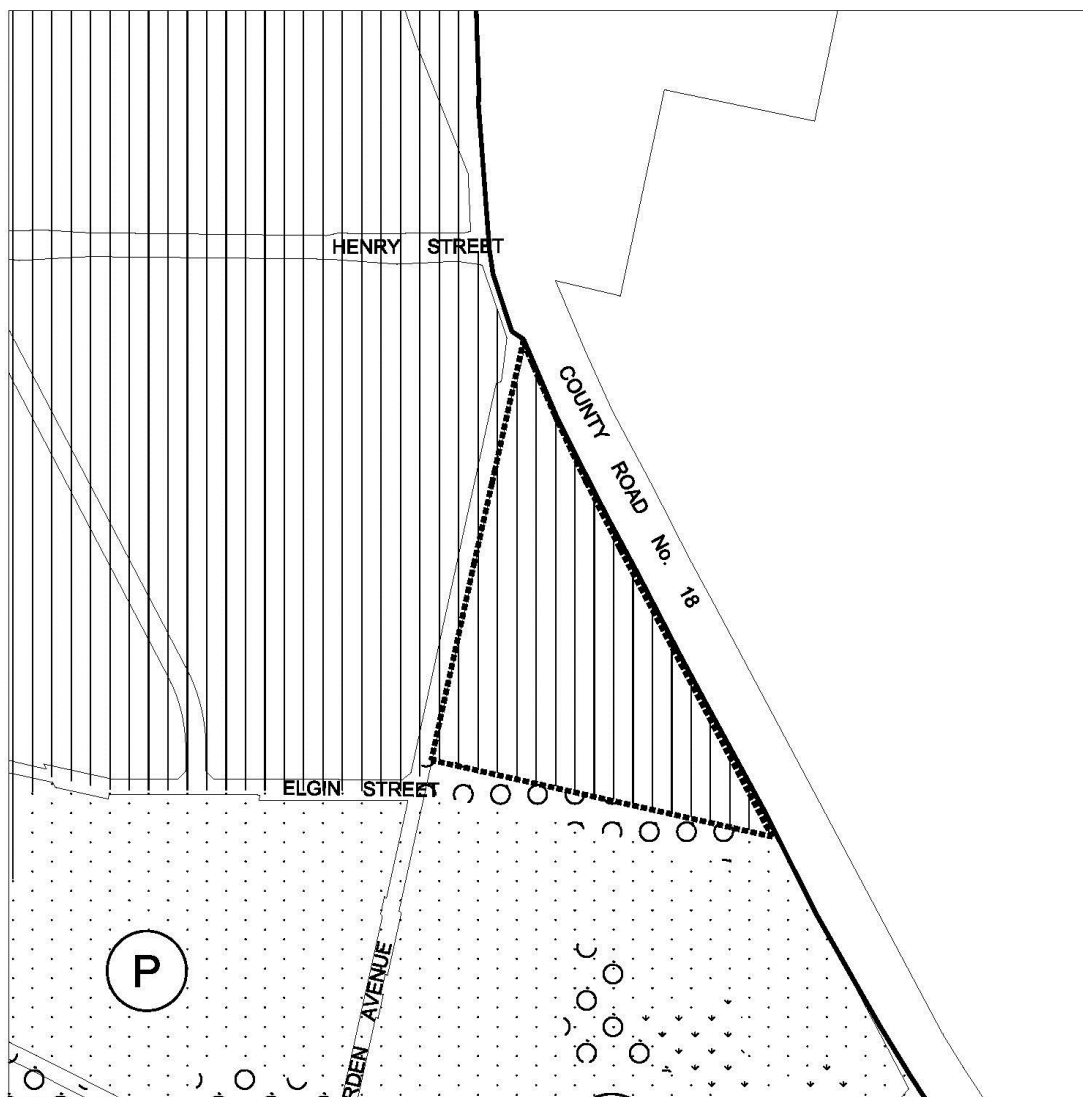
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix J – Official Plan

OFFICIAL PLAN

Application: B07-2021 & B08-2021
179 Garden Avenue



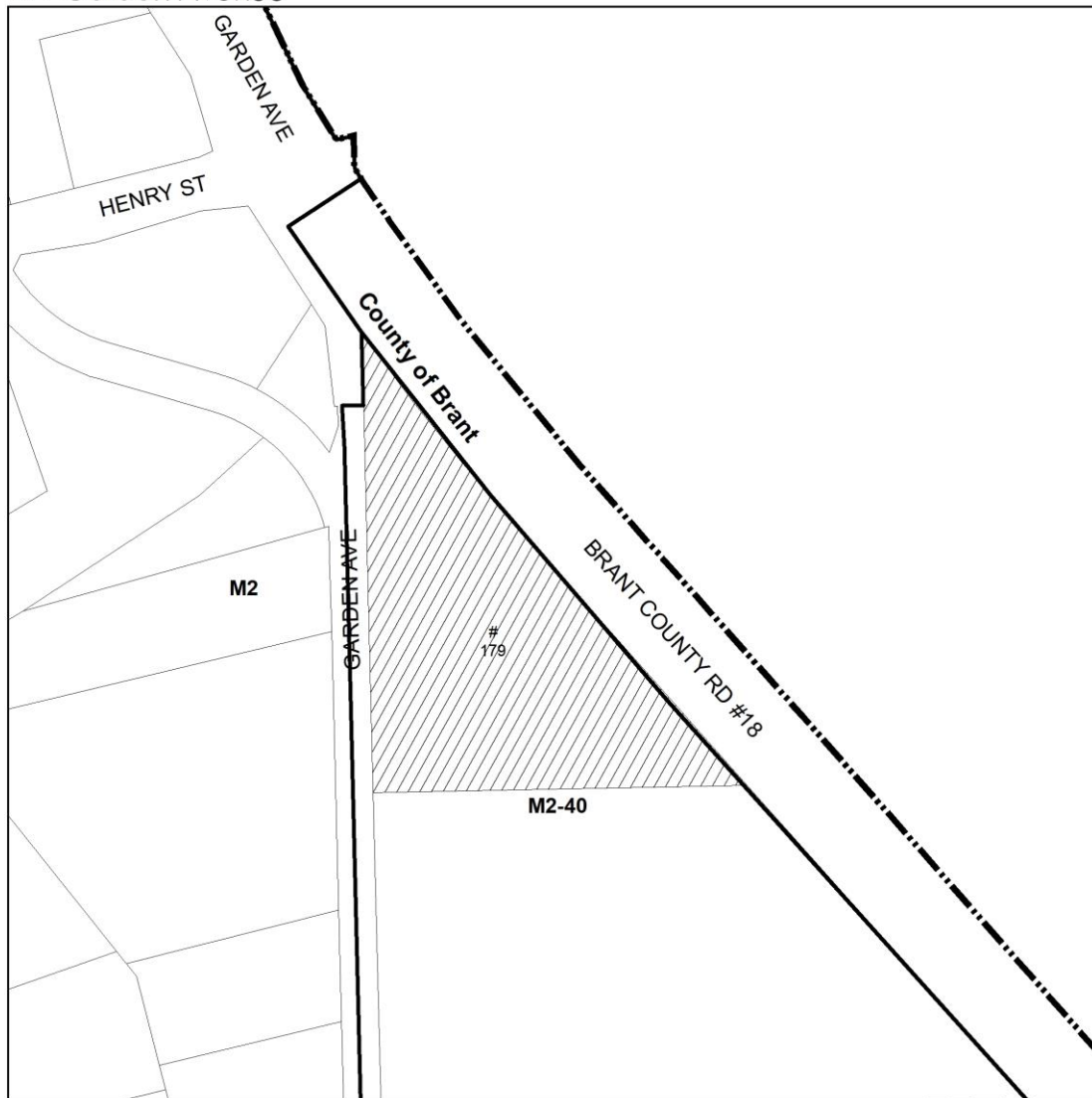
LEGEND

SUBJECT LAND	CORE COMMERCIAL AREA	CEMETERY
LOW DENSITY RESIDENTIAL AREA	COMMUNITY CENTRE COMMERCIAL AREA	ELEMENTARY SCHOOL
MEDIUM DENSITY RESIDENTIAL AREA	GENERAL COMMERCIAL AREA	FREEWAY
HIGH DENSITY RESIDENTIAL AREA	MIXED COMMERCIAL RESIDENTIAL AREA	LONG TERM CORRIDOR PROTECTION
GENERAL INDUSTRIAL AREA	DISTRICT CENTRE COMMERCIAL AREA	SPECIALIZED PARK and OPEN SPACE
MIXED INDUSTRIAL COMMERCIAL AREA	NEIGHBOURHOOD CENTRE COMMERCIAL AREA	COMMUNITY PARK and OPEN SPACE
BUSINESS PARK AREA	HIGHWAY COMMERCIAL AREA	NEIGHBOURHOOD PARK and OPEN SPACE
MAJOR INSTITUTIONAL	NEW FORMAT COMMERCIAL AREA	
MAJOR OPEN SPACE		

Appendix K – Zoning

ZONING

Application: B07/2021 and B08/2021
179 Garden Avenue



Legend

- Subject Land
- Zone Boundary

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

M2 General Industrial
- # Exception Number

