



THE CORPORATION OF THE CITY OF BRANTFORD
 CITY HALL - 100 WELLINGTON SQUARE - BRANTFORD - ON N3T 2M3
 TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B35/2019
Address: 56 Henry Street/Canadian National Railway Corridor
Roll Number: 290603000633500000
Agent: Dentons Canada LLP
Applicant/Owner: Canadian National Railway Company

**IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53
 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

A consent application for lot boundary adjustment has been received for the lands municipally addressed as 56 Henry Street and the abutting railway corridor to the west operated by the Canadian National Railway Company (CN). The application for boundary adjustment proposes to transfer 675.4 m² (severed lands) from the railway corridor (retained lands) to 56 Henry Street (receiving lands). The severed lands are uniquely shaped and extend approximately 45 m easterly along Henry Street. These lands are currently being utilized by the abutting property (56 Henry Street) for parking and driveway purposes and will continue to be used in this manner should the application be approved. The retained lot would maintain an area of approximately 1.85 hectares and will continue to operate as a rail corridor. No development is proposed. The lot dimensions are detailed below:

	<i>Lands to be severed and merged with 56 Henry Street</i>	<i>Lands to be retained (CN Rail Corridor)</i>
<i>Width (m)</i>	44.8	±55 m
<i>Depth (m)</i>	75.5	±425
<i>Area (m²)</i>	675.4	±18,560

DECISION: PROVISIONAL APPROVAL

DATE: January 22, 2020

THAT application B35/2019 to sever the southeastern portion of the lands where the Canadian National Railway Corridor intersects Henry Street, having a lot area of 675 m² to be merged with the property municipally known as 56 Henry Street BE APPROVED, subject to the following conditions:

1. Receipt of a registered reference plan showing the proposed lot fabric;
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. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that Section 50(5) of the Planning Act shall apply to any subsequent conveyance of the severed parcel. Therefore, the Solicitor acting in the transfer will provide a letter of undertaking confirming that the severed parcel will be merged in title with the lands municipally known as 56 Henry Street.
5. Receipt of confirmation that a road widening strip, as required by the Engineering Department, has been 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(s);
6. That the above conditions be fulfilled and the Certificate of Official be issued on or before January 23, 2021, after which time the consent will lapse.

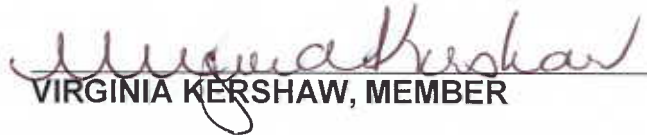
That the reason(s) for approval are as follows: Having regard for the matters under Section 51(24) of the *Planning Act*, Staff is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law, consistent with the policies of the Greater Golden Horseshoe and the Provincial Policy Statement; and THAT pursuant to Section 53(17) – (18.1) 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. 2020-45.”


KRYSTYNA BROOKS, MEMBER


TARA GASKIN, MEMBER

GREGORY KEMPA, MEMBER


VIRGINIA KERSHAW, MEMBER

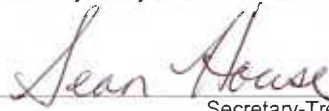

DANIEL NAMISNIAK, MEMBER


LEE RYNAR, MEMBER

MATT SAVARD, MEMBER

CERTIFICATION

I hereby certify that this is a true copy of the original document


Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sean House, Secretary-Treasurer, (519)759-4150 ext. 5761, shouse@brantford.ca or Alexandra Mathers, Deputy Secretary-Treasurer, (519)759-4150 ext.5440, amathers@brantford.ca.

APPEALS

Any person or public body may, not later than 20 days after the giving of notice of a decision under Section 53(17) or (24) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Local Planning Appeal Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The fee for an appeal to the Local Planning Appeal Tribunal is \$300.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: "Minister of Finance". In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$500.00 administrative fee made payable to the Corporation of the City of Brantford.

Notice of Changes

You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
100 Wellington Square
Brantford ON
N3T 2M3

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Local Planning Appeal Tribunal go to: <http://elto.gov.on.ca>.

The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is February 11, 2020

END OF DECISION

LOCATION MAP

Application: B35/2019
56 Henry Street



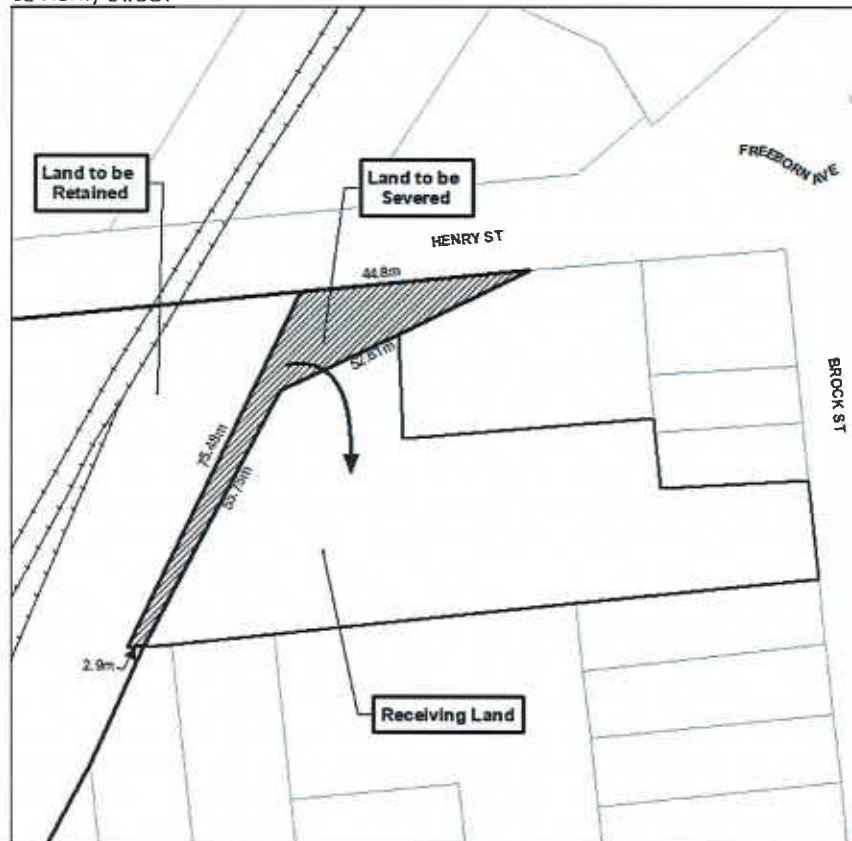
Legend

 SUBJECT LAND



SITE PLAN MAP

Application: B35/2019
56 Henry Street



Legend

 SUBJECT LAND

*Numbers provided by the applicant
*Drawing is not to the scale





THE CORPORATION OF THE CITY OF BRANTFORD
CITY HALL - 100 WELLINGTON SQUARE - BRANTFORD - ON N3T 2M3
TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: A27/2019
Related File Numbers: B26/2019, B27/2019
Address: 38 Morton Avenue
Roll Number: 2906030007121000000
Agent: J.H. Cohoon Engineering Ltd.
Applicant/Owner: Frank J. Zamboni & Co Limited

IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

Proposal:

Two consent applications and a minor variance application have been received for the lands municipally addressed as 38 Morton Avenue East. 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.

DECISION: APPROVED

DATE: January 22, 2020

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;

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


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.”


KRYSZYNA BROOKS, MEMBER


TARA GASKIN, MEMBER

GREGORY KEMPA, MEMBER


DANIEL NAMISNIAK, MEMBER



VIRGINIA KERSHAW, MEMBER


LEE RYNAR, MEMBER

MATT SAVARD, MEMBER

CERTIFICATION

I hereby certify that this is a true copy of the original document


Secretary-Treasurer

ADDITIONAL INFORMATION

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APPEALS

Any person or public body may, not later than 20 days after the giving of notice of a decision under Section 45(12) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Local Planning Appeal Tribunal.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

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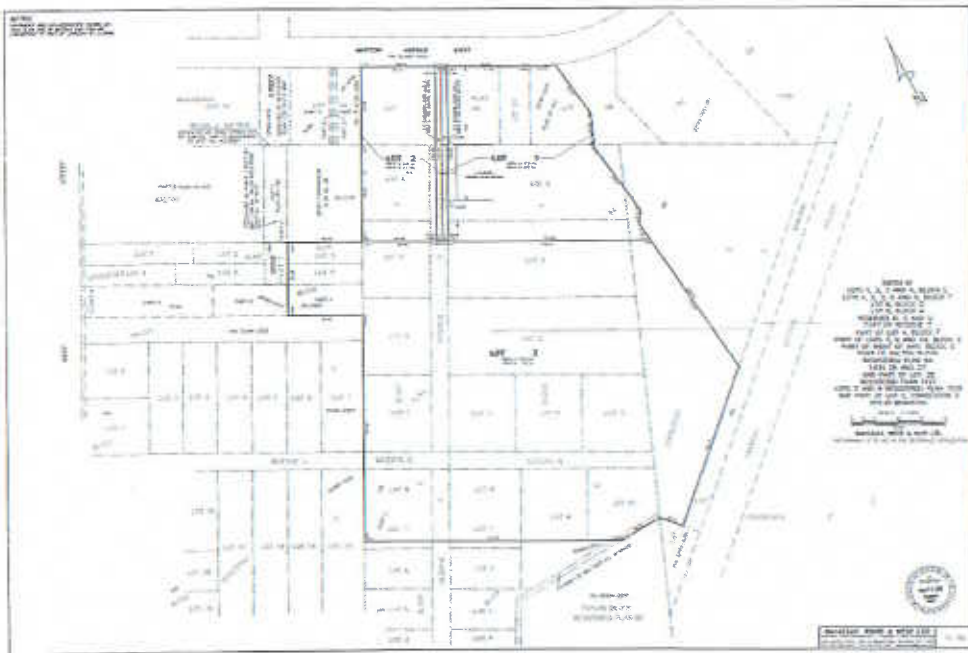
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The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is February 11, 2020

END OF DECISION



LOCATION MAP

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



Legend
 [Shaded Box] SUBJECT LAND





THE CORPORATION OF THE CITY OF BRANTFORD
 CITY HALL - 100 WELLINGTON SQUARE - BRANTFORD - ON N3T 2M3
 TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B26/2019
Related File Numbers: B27/2019, A27/2019
Address: 38 Morton Avenue
Roll Number: 290603000712100000
Agent: J.H. Cohoon Engineering Ltd.
Applicant/Owner: Frank J. Zamboni & Co Limited

IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

PROPOSAL:

Two consent applications and a minor variance application have been received for the lands municipally addressed as 38 Morton Avenue East. 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 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 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.

DECISION: PROVISIONAL APPROVAL

DATE: January 22, 2020

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 BE APPROVED 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 23, 2021, after which time the consent will lapse.

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

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:

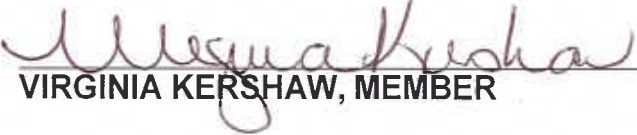
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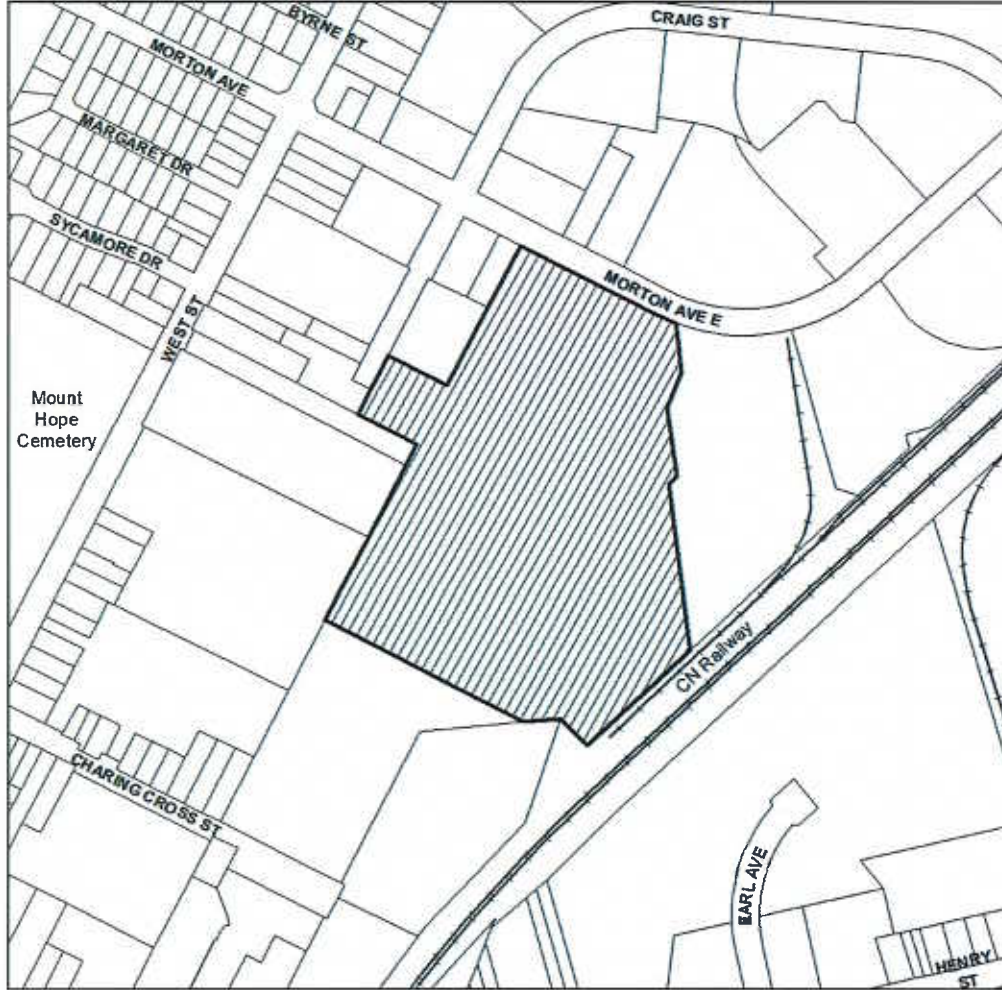
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The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is February 11, 2020

END OF DECISION

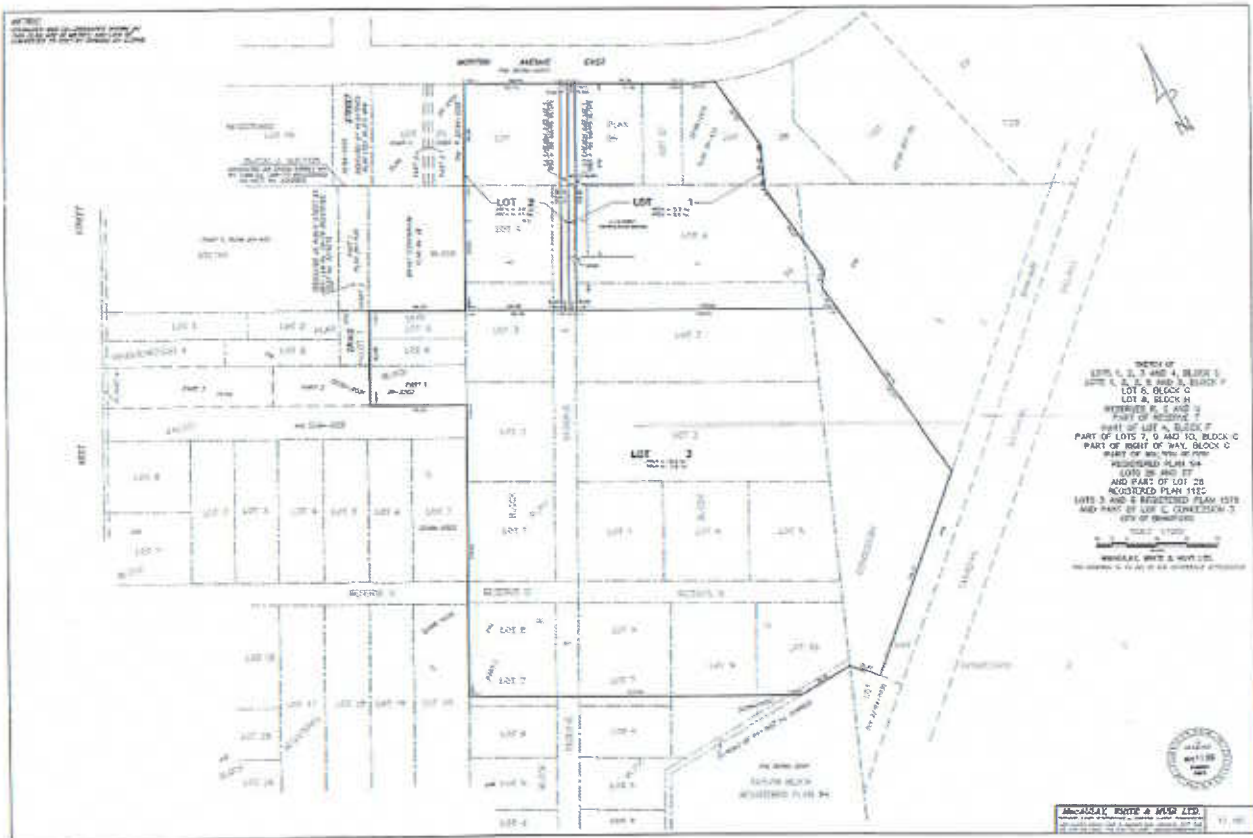
LOCATION MAP

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



Legend

 SUBJECT LAND





THE CORPORATION OF THE CITY OF BRANTFORD
 CITY HALL - 100 WELLINGTON SQUARE - BRANTFORD -- ON N3T 2M3
 TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: B27/2019
Related File Numbers: B26/2019, A27/2019
Address: 38 Morton Avenue
Roll Number: 2906030007121000000
Agent: J.H. Cohoon Engineering Ltd.
Applicant/Owner: Frank J. Zamboni & Co Limited

IN THE MATTER OF AN APPLICATION FOR CONSENT MADE UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

PROPOSAL:

Two consent applications and a minor variance application have been received for the lands municipally addressed as 38 Morton Avenue East. The applicant is proposing to sever the current parcel into three (3) individual lots. 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	Lands to be Severed (Lot 3)	Lands to be Retained (Lot 1)
<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>

DECISION: PROVISIONAL APPROVAL

DATE: January 22, 2020

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) BE APPROVED, 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 placed 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;
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 23, 2021, after which time the consent will lapse.

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


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:

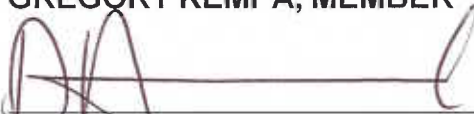
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KRISTYNA BROOKS, MEMBER


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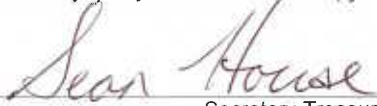

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LEE RYNAR, MEMBER

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Secretary-Treasurer

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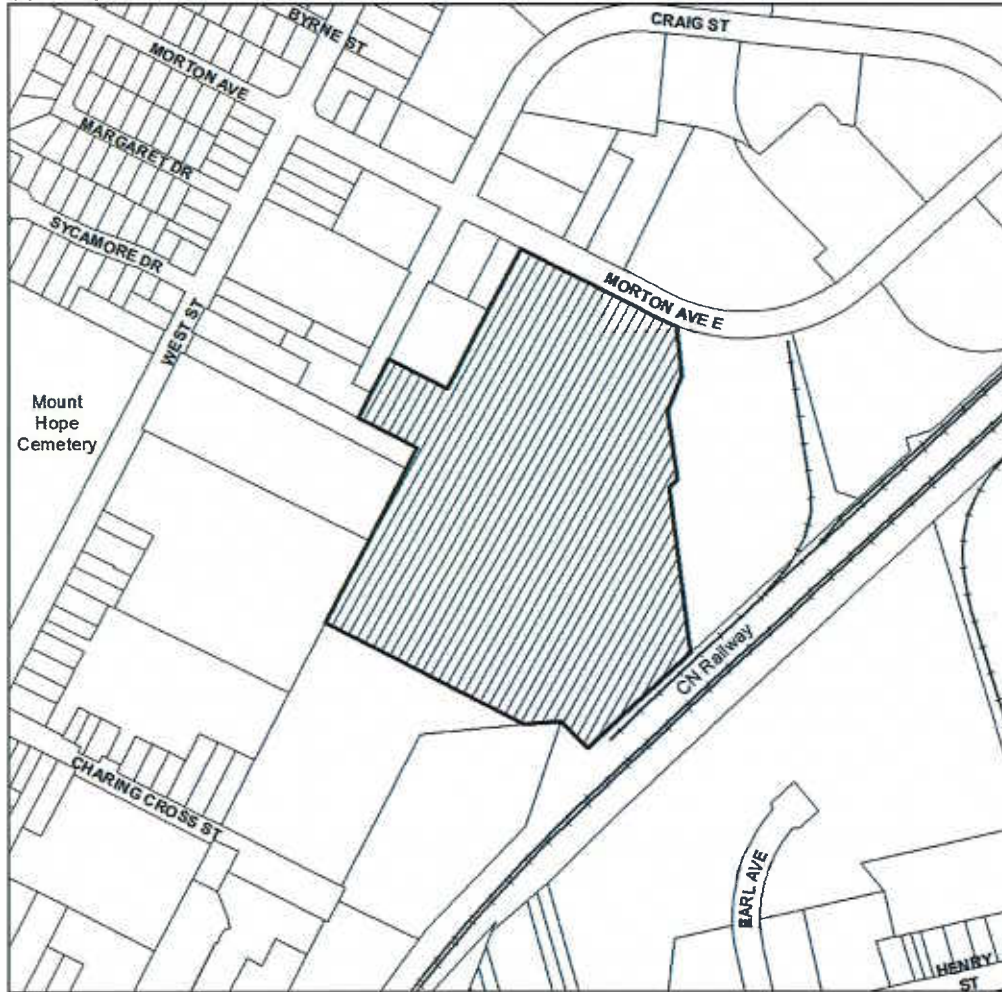
The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is February 11, 2020

END OF DECISION

LOCATION MAP

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

38 Morton Ave



Legend

 SUBJECT LAND

