



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: A08/2020
Related File Number: B06/2020
Address: 125 Sherwood Drive
Roll Number: 2906010007071020000
Applicant/Owner: Multani Custom Homes
Agent: J.H. Cohoon Engineering 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:

A minor variance application has been received for the lands municipally addressed as 125 Sherwood Drive. The property was recently created through consent application B04/2018. The applicant is proposing to further sever a 1520 m² parcel with a lot width of 20.3 m from the southeastern portion of the property abutting Sherwood Drive. To facilitate the newly proposed severance, the applicant requires relief from the following Sections of Zoning By-law 160-90:

- Section 10.1.2.1.1 to permit a minimum lot area of 0.15 ha, whereas 0.2 ha is required; and
- Section 10.1.2.1.2 to permit a minimum lot width of 20.3 m, whereas 30 m is required.

DECISION: **REFUSED**

DATE: August 13, 2020

THAT Application A08/2020 seeking relief from Zoning By-law 160-90 for the lands municipally known as 125 Sherwood Drive BE REFUSED for the following variances:

- Section 10.1.2.1.1 to permit a minimum lot area of 0.15 ha, whereas 0.2 ha is required; and,
- Section 10.1.2.1.2 to permit a minimum lot width of 20.3 m, whereas 30 m is required.

THAT the reason(s) for refusal are as follows: the proposed variances are not in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is not considered minor in nature and is not 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. 2020-208.”

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
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 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.

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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

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

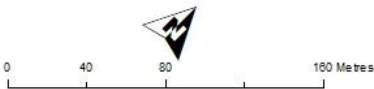
The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is September 2, 2020

END OF DECISION

LOCATION MAP
Application: B06/2020 & A08/2020
125 Sherwood Drive



Legend
 Subject Lands





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: A08/2020
Related File Number: B06/2020
Address: 125 Sherwood Drive
Roll Number: 2906010007071020000
Applicant/Owner: Multani Custom Homes
Agent: J.H. Cohoon Engineering 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:

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- Section 10.1.2.1.1 to permit a minimum lot area of 0.15 ha, whereas 0.2 ha is required; and
- Section 10.1.2.1.2 to permit a minimum lot width of 20.3 m, whereas 30 m is required.

DECISION: **REFUSED**

DATE: August 13, 2020

THAT Application A08/2020 seeking relief from Zoning By-law 160-90 for the lands municipally known as 125 Sherwood Drive BE REFUSED for the following variances:

- Section 10.1.2.1.1 to permit a minimum lot area of 0.15 ha, whereas 0.2 ha is required; and,
- Section 10.1.2.1.2 to permit a minimum lot width of 20.3 m, whereas 30 m is required.

THAT the reason(s) for refusal are as follows: the proposed variances are not in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is not considered minor in nature and is not 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. 2020-208.”

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
Member

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Secretary-Treasurer

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END OF DECISION

LOCATION MAP
Application: B06/2020 & A08/2020
125 Sherwood Drive



Legend
[Hatched Box] Subject Lands





August 14, 2020

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: A13/2020

Related File Number: B09/2020

Address: 70 & 73 Wadsworth Street

Roll Number: 2906010030007000000

Applicant: Safaa Alhamadani, Canadian Construction & Consultant Engineers Inc.

Agent: R & R Designs Inc.

Owner: 2027982 Ontario Inc.

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:

A Consent application (lot adjustment) and Minor Variance application have been received for the lands municipally addressed as 70 and 73 Wadsworth Street. The applicant is proposing to sever a portion of 70 Wadsworth Street and add the parcel of land to the neighbouring lot at 73 Wadsworth Street. The applicant is proposing to demolish the building at 70 Wadsworth and create a vacant lot for future industrial development. The proposed new lot dimensions will be as follows:

	73 Wadsworth St (including severed parcel)	70 Wadsworth St (lands to be retained)
Lot Frontage	~17.5 m	~44 m
Lot Area	3659 m ²	4,269 m ²

To facilitate the development as proposed, the applicant is requesting a variance from the following section of Zoning By-law 160-90:

- Section 10.2.2.7.1.2 to permit a variance to permit a 0 m interior side yard setback whereas 3.0 m is required.

DECISION: APPROVED

DATE: August 13, 2020

THAT Application A13-2020 requesting relief from Section 10.2.2.7.1.2 to permit a 0 m interior side yard, whereas 3.0 m is required BE APPROVED for the southern lot line of 73 Wadsworth Street; and,

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 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. 2020-352.”

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
Member

CERTIFICATION

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Secretary-Treasurer

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ADDITIONAL INFORMATION

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

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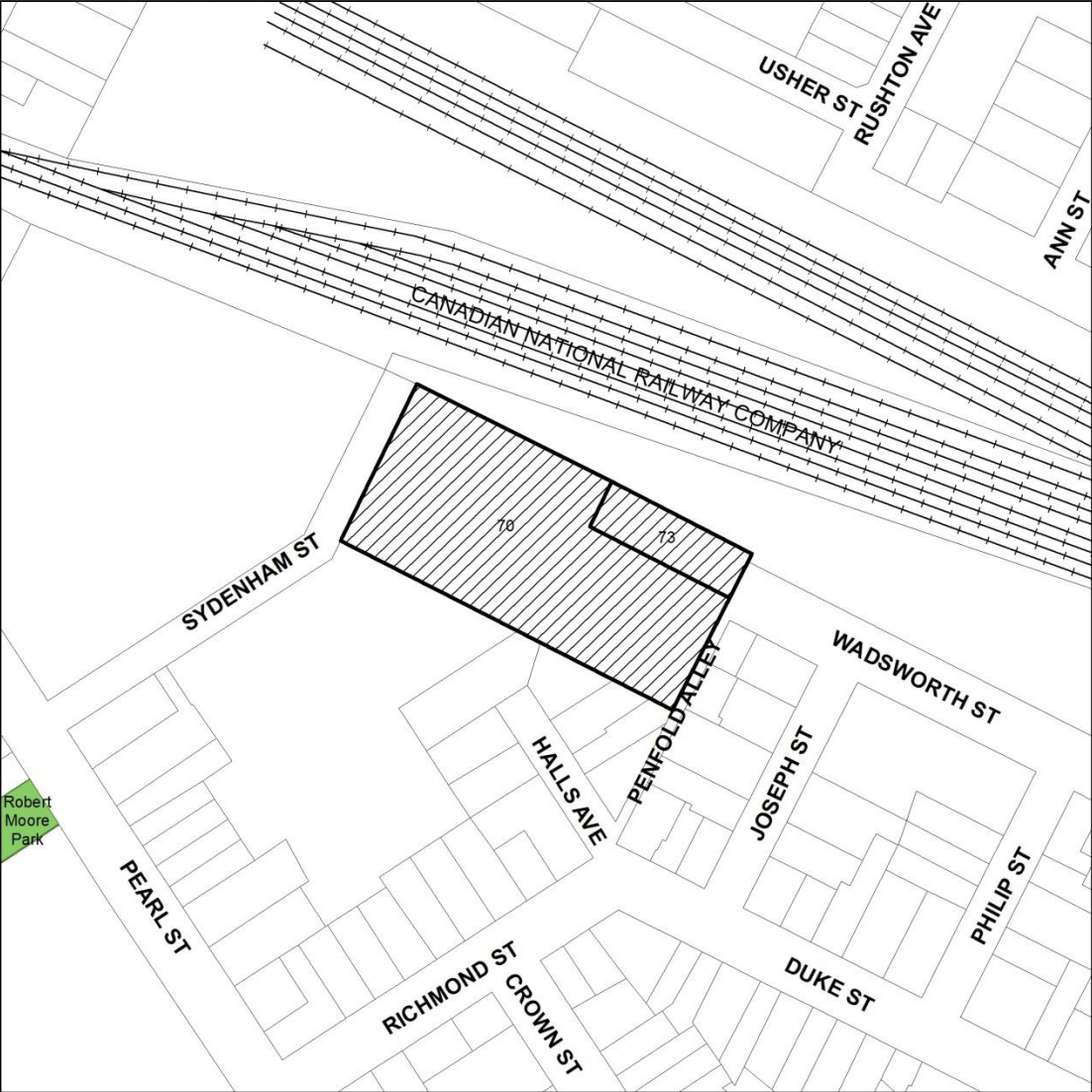
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END OF DECISION

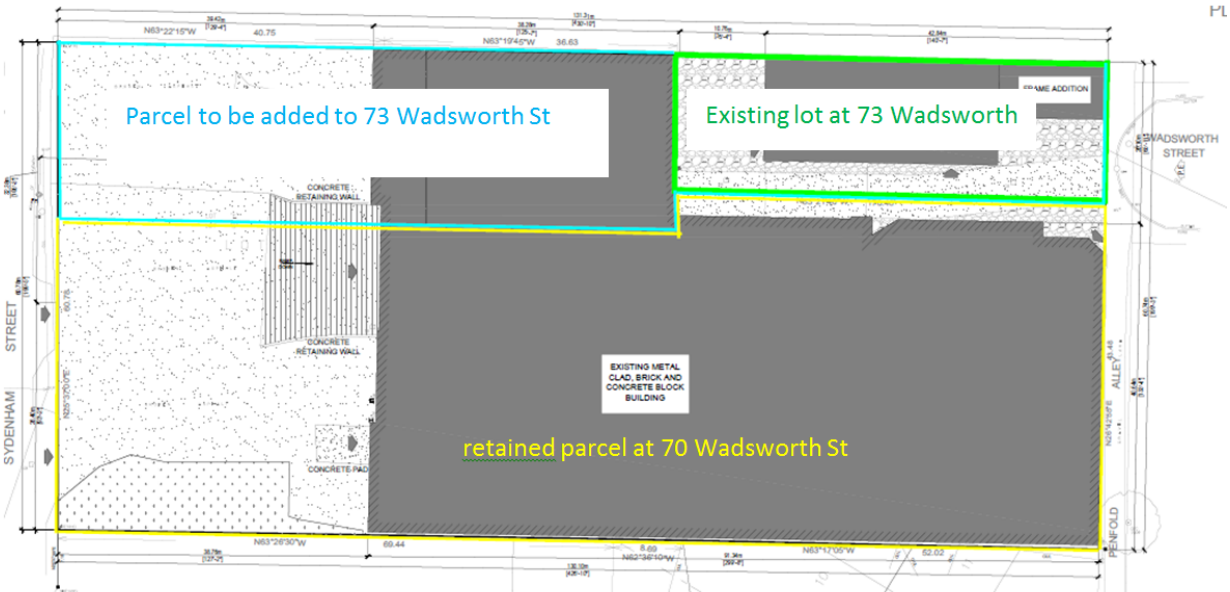
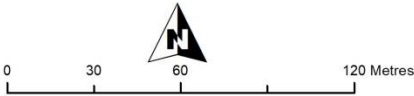
LOCATION MAP

Application: B09- A13-2020
70 & 73 Wadsworth Street



Legend

 SUBJECT LAND





August 14, 2020

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: A14/2020
Related File Number: N/A
Address: 286 Brantwood Park Road
Roll Number: 2906030022706000000
Applicant/Owner: William Gendron
Agent: George Ziotek

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:

A minor variance application has been received for the lands municipally addressed as 286 Brantwood Park Road. The applicant is proposing to convert their attached garage into living space. To facilitate the development as proposed, the applicant is seeking relief from the following sections of Zoning By-law 160-90:

- Section 7.3.2.1.7.1 to permit an interior side yard of 1.0m whereas 3.0m is required where an integral garage is not provided.

DECISION: APPROVED

DATE: August 13, 2020

THAT Application A14/2020 requesting relief from Section 7.3.2.1.7.1 of the City of Brantford Zoning By-law 160-90 to permit a side yard of 1.0 m, whereas a side yard of 3.0 m is required where there is no integral garage BE APPROVED;

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 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 2020-350”.

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
Member

CERTIFICATION

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Secretary-Treasurer

APPEALS

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ADDITIONAL INFORMATION

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

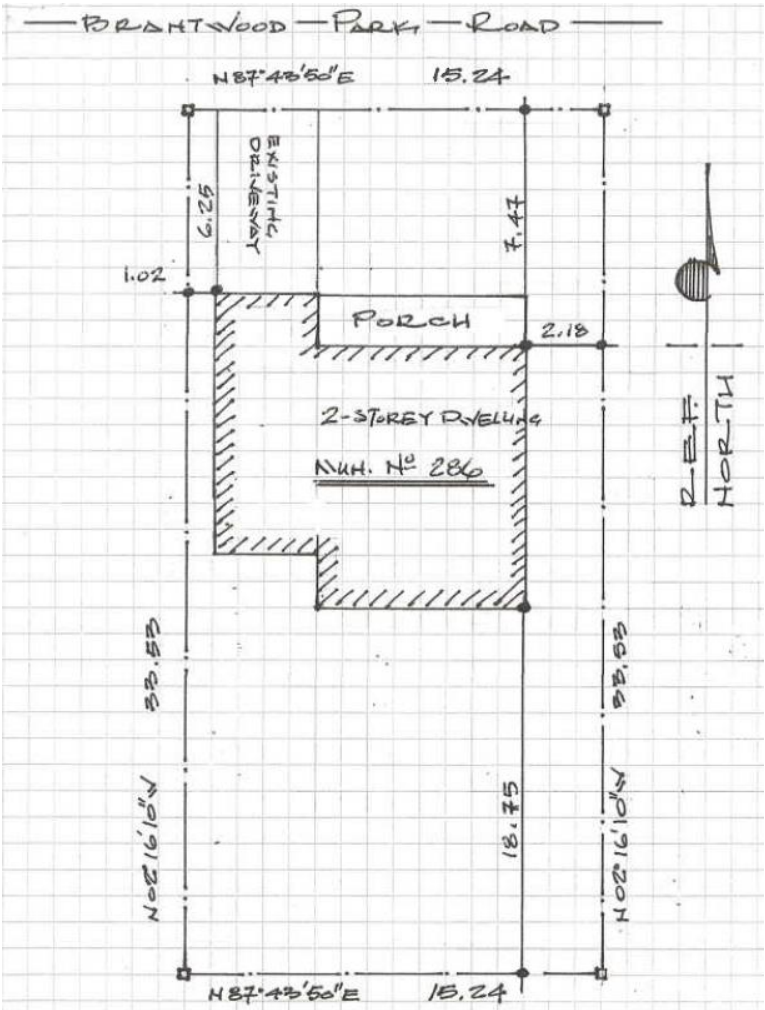
Secretary-Treasurer
Committee of Adjustment
100 Wellington Square
Brantford ON
N3T 2M3

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The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is September 2, 2020

END OF DECISION



LOCATION MAP

Application: A14/2020
286 Brantwood Park Road





August 14, 2019

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: B06/2020
Related File Number: A08/2020
Address: 125 Sherwood Drive
Roll Number: 2906010007071020000
Applicant/Owner: Multani Custom Homes
Agent: J.H. Cohoon Engineering 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:

A consent application has been received for the lands municipally addressed as 125 Sherwood Drive. The property was recently created through consent application B04/2018. The applicant is proposing to further sever a 1520 m² parcel with a lot width of 20.3 m from the southeastern portion of the property abutting Sherwood Drive. The severed parcel is to remain vacant and continue to be used as a driveway access to the retained lands and neighbouring lands. The lot dimensions are detailed below:

	<i>Lands to be severed</i>	<i>Lands to be retained</i>
<i>Width (m)</i>	20.3	41.1
<i>Depth (m)</i>	±82.8	Varies
<i>Area (m²)</i>	1520	18,500

DECISION: REFUSED

DATE: August 13, 2020

THAT Application B06/2020 to sever a parcel of land from the southeastern portion of the lands municipally addressed as 125 Sherwood Drive, having a lot area of 1,520 m² and retain a parcel of land having a lot area of 18,500 m² BE REFUSED; and

THAT reason(s) for refusal are as follows: Does not have regard for the matters under Section 51(24) of the *Planning Act*, and does not meet the policies of the Official Plan respecting lot creation.

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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Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
Member

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Secretary-Treasurer

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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
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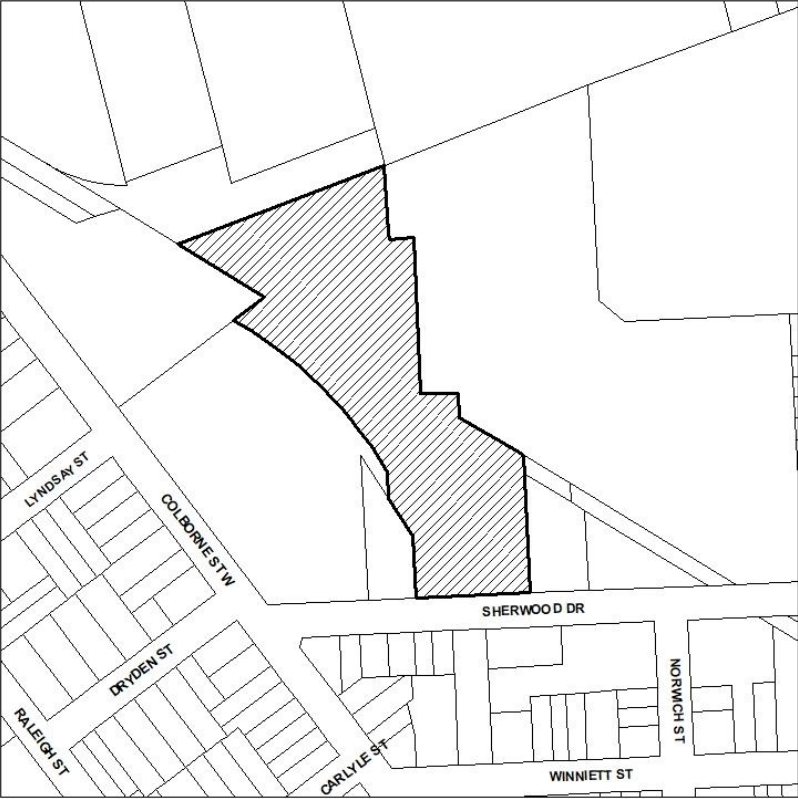
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The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is September 3, 2020

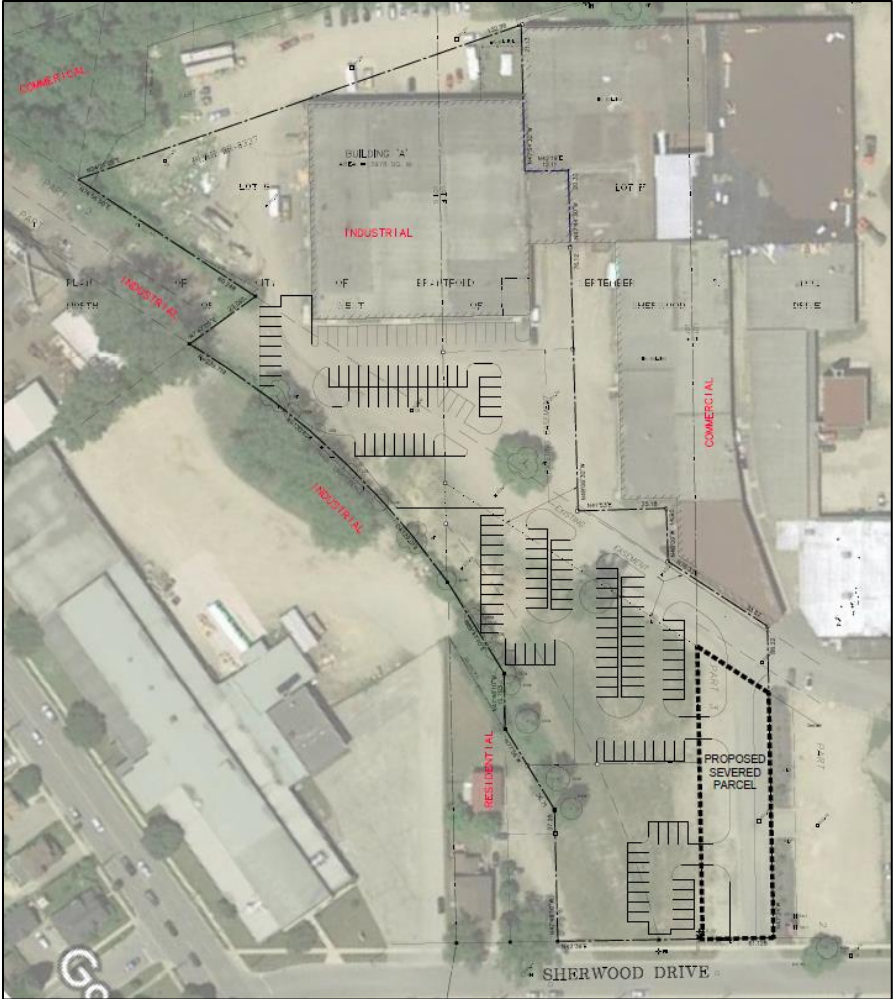
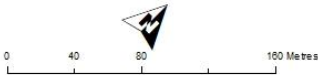
END OF DECISION

LOCATION MAP

Application: B06/2020 & A08/2020
125 Sherwood Drive



Legend
Subject Lands





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: B07/2020
Related File Number: N/A
Address: 7, 33 & 43 Erie Avenue and 100 Market Street South
Roll Number: 2906050003010000000
Applicant/Owner: 1821154 Ontario Ltd.
Agent: J.H. Cohoon Engineering 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:

A consent application has been received for the lands municipally addressed as 7, 33 & 43 Erie Avenue, 100 Market Street South. The subject lands, bound by Erie Avenue, Market Street South and Veterans Memorial Parkway, are currently one property, merged from four previously separate properties. The consent application is to re-create the original holding for 7 Erie Avenue. The application also seeks to create parking and access easements for 31 off-street parking spaces on the retained lands in favour of the severed lands. The proposed new lot dimensions will be as follows:

	Severed	Retained
Lot Frontage	21.6 m	Varies
Lot Area	2467 m ²	15,690 m ²

DECISION: PROVISIONAL APPROVAL

DATE: August 13, 2020

THAT Application B07/2020 to sever a parcel of land from the northwest corner of the lands municipally addressed as 7, 33 & 43 Erie Avenue and 100 Market Street South having an area of 2467 m² and to retain a parcel of land having a lot area of 1.36 ha, and to create parking and access easements for 31 off-street parking spaces on the retained lands in favour of the severed lands BE APPROVED, subject to the following conditions:

1. Receipt of a registered reference plan showing the retained and severed lands, parking and access easements and the required road widenings
2. Receipt of archaeological clearance of the severed lands prior to any soil disturbance, beginning with a Stage 1 Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport,

Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time.

3. Receipt of confirmation that all taxes are paid up to date;
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 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*);
6. Receipt of confirmation from the Engineering Department indicating that a civic address has been assigned to the severed parcel;
7. 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 City of Brantford;
8. Receipt of confirmation that a road widening strip and daylight triangle, 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); and,
9. That the above conditions be fulfilled and the Certificate of Official be issued on or before August 14, 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; and,

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 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. 2020-346."

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
Member

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Secretary-Treasurer

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

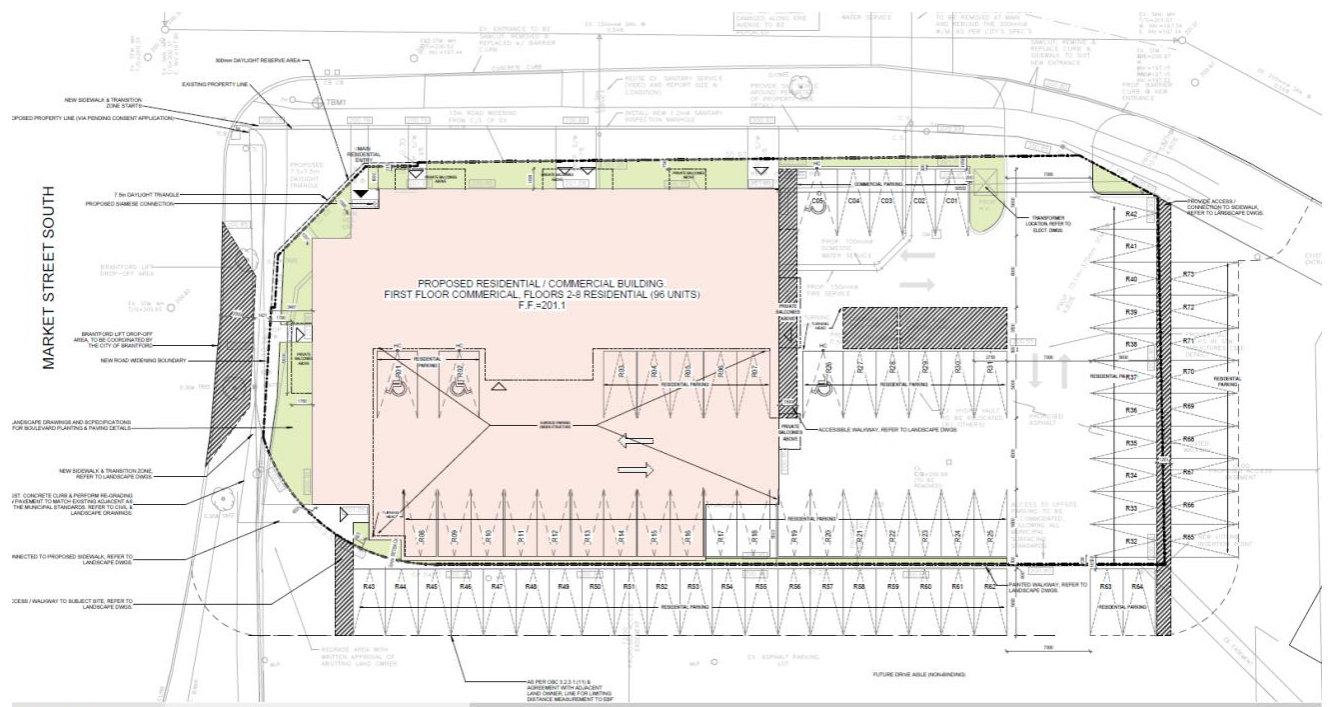
Secretary-Treasurer
Committee of Adjustment
100 Wellington Square
Brantford ON
N3T 2M3

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

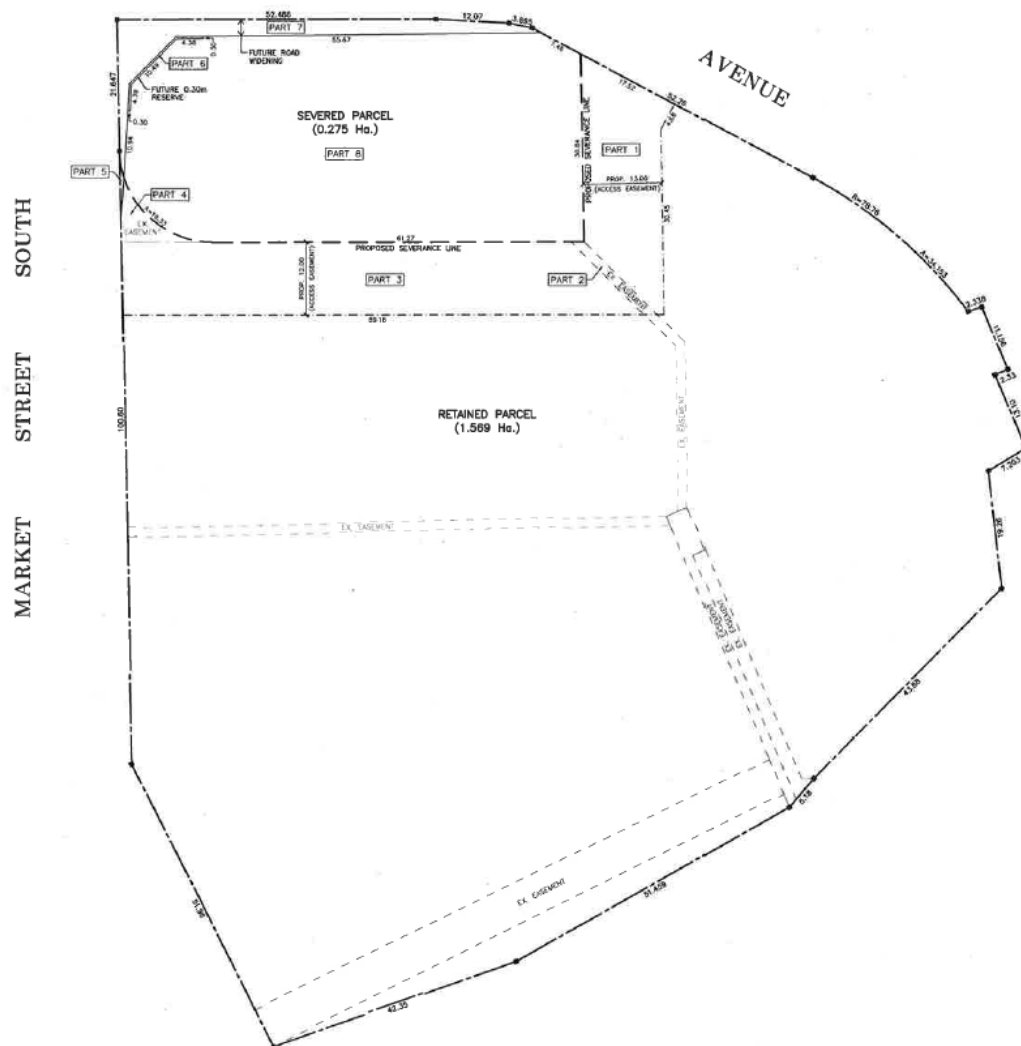
For further information regarding the appeal process and the Local Planning Appeal Tribunal go to: <http://elto.gov.on.ca>.

The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is September 3, 2020

END OF DECISION



ERIE





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: B08/2020
Related File Number: N/A
Address: 298 & 310 Mount Pleasant Road
Roll Number: 2906010030007000000
Applicant: Paul Randorf
Agent: J.H. Cohoon Engineering Limited
Owner: Mary Welsh

**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 has been received for the lands municipally addressed as 298 and 310 Mount Pleasant Road. While there are two separate addresses, the parcels are merged as one property. The applicant is proposing to sever one new lot and retain the existing dwelling and remnant land. The proposed new lot dimensions will be as follows:

	Severed	Retained
Lot Frontage	26.89 m	61 m
Lot Area	3,652.6 m ²	27,400 m ²

DECISION: PROVISIONAL APPROVAL

DATE: August 13, 2020

THAT Application B08/2020 to sever a parcel of land from the north side of the lands municipally addressed as 298 and 310 Mount Pleasant Road having an area of 3,652.6 m² and to retain a parcel of land having a lot area of 2.74 ha BE APPROVED, subject to the following conditions:

1. Receipt of confirmation that all taxes are paid up to date;
2. 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*);
3. Receipt of confirmation from the Engineering Department indicating that a civic

address has been assigned to the severed parcel;

4. Receipt of confirmation that the lands to be severed and retained have been, or will be, independently serviced with water and a septic system by the owner, to the satisfaction of the City of Brantford;
5. Receipt of confirmation that the retained lands are consolidated as one property
6. Receipt of archaeological clearance of the severed lands zoned Suburban Residential prior to any soil disturbance, beginning with a Stage 1 Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time; and,
7. That the above conditions be fulfilled and the Certificate of Official be issued on or before August 14, 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; and,

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 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. 2020-340."

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by G. Kempa,
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.

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Notice of Changes

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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.

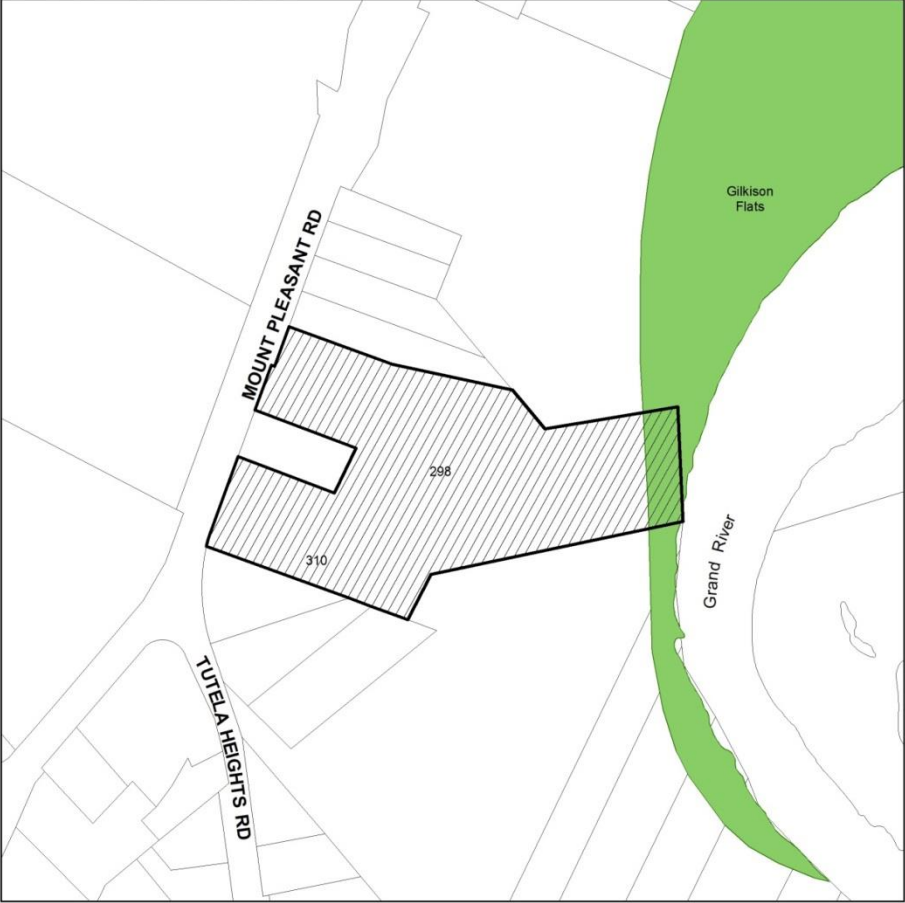
For further information regarding the appeal process and the Local Planning Appeal Tribunal go to: <http://elto.gov.on.ca>.

The last date for filing a notice of appeal to the Local Planning Appeal Tribunal of this Decision is September 3, 2020

END OF DECISION

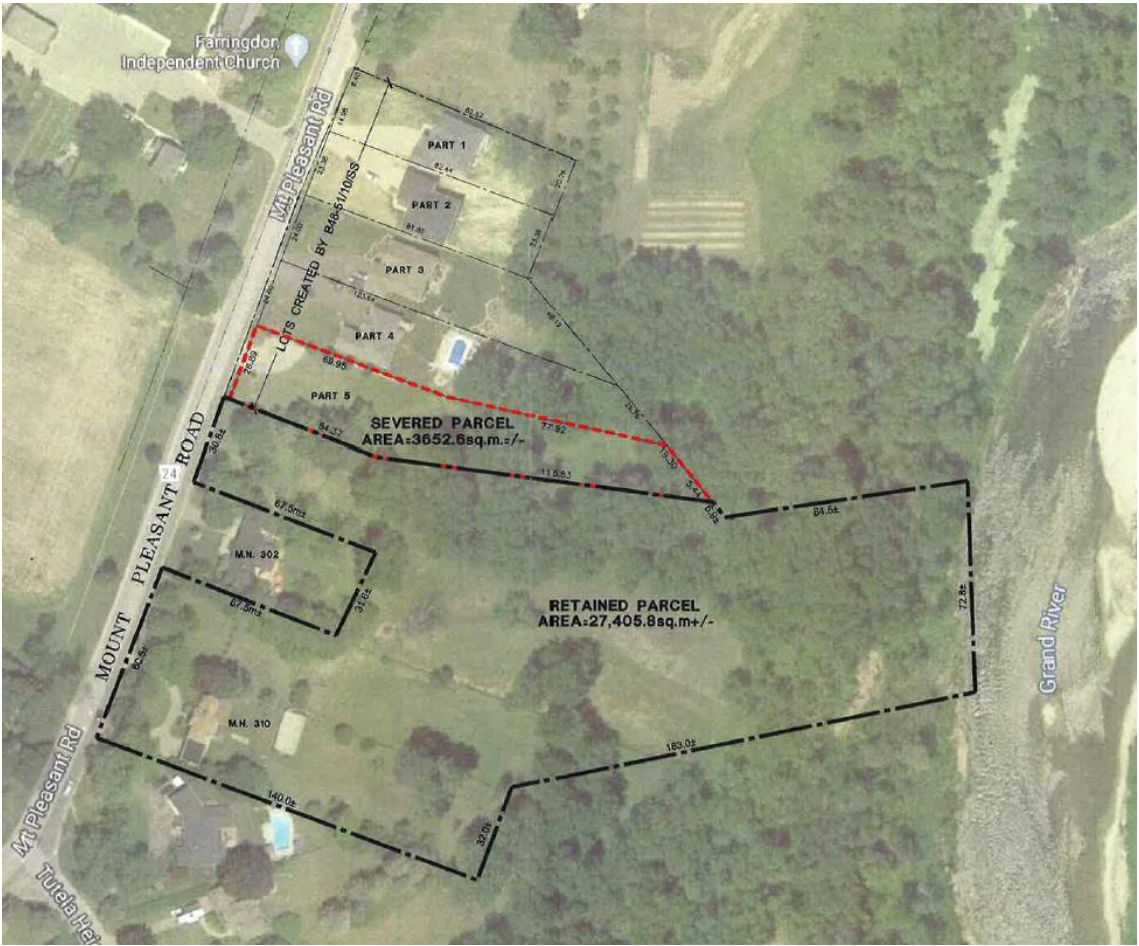
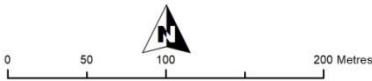
LOCATION MAP

Application: B08/2020
298-310 Mt. Pleasant Road



Legend

 SUBJECT LAND





August 14, 2020

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: B09/2020

Related File Number: A13/2020

Address: 70 & 73 Wadsworth Street

Roll Number: 2906010030007000000

Applicant: Safaa Alhamadani, Canadian Construction & Consultant Engineers Inc.

Agent: R & R Designs Inc.

Owner: 2027982 Ontario Inc.

**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 (lot adjustment) and Minor Variance application have been received for the lands municipally addressed as 70 and 73 Wadsworth Street. The applicant is proposing to sever a portion of 70 Wadsworth Street and add the parcel of land to the neighbouring lot at 73 Wadsworth Street. The applicant is proposing to demolish the building at 70 Wadsworth and create a vacant lot for future industrial development. The proposed new lot dimensions will be as follows:

	73 Wadsworth St (including severed parcel)	70 Wadsworth St (lands to be retained)
Lot Frontage	~17.5 m	~44 m
Lot Area	3659 m ²	4,269 m ²

DECISION: PROVISIONAL APPROVAL

DATE: August 13, 2020

THAT Application B09/2020 for a lot boundary adjustment to sever 2,880 m² of land from the northwest corner of 70 Wadsworth Street, and merge with the lands at 73 Wadsworth Street, and retain a parcel of land having a lot area of 4,269 m² BE APPROVED subject to the following conditions:

1. Receipt of confirmation that the related minor variance application A13/2020 has received final approval;
2. Receipt of a registered reference plan showing the retained, lands to be transferred, and receiving 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 archaeological clearance of the subject property prior to any soil disturbance, beginning with a Stage 1 Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time.
6. Receipt and approval of required information regarding the construction of the exposing face/spatial separation calculations between the two existing buildings, but on a newly created parcel (73 Wadsworth Street) to Building Department for approval;
7. Receipt and approval of required information regarding construction of exposing face / spatial separation calculations for the existing building as it related to the newly created property line to the Building Department for approval;
8. Receipt of a plan showing that required parking and loading spaces can be accommodated on the newly created 70 Wadsworth Street. If the required loading and parking spaces cannot be accommodated on site, a Minor Variance will be required;
9. Receipt of confirmation that the existing building located on the retained parcel (70 Wadsworth Street) is demolished or otherwise removed to the satisfaction of the Chief Building Official;
10. Receipt of confirmation the existing easement includes the storm and sanitary servicing for 70 Wadsworth Street. If the easement does not include the storm and sanitary servicing then a new servicing easement will be required in favour of 70 Wadsworth Street over 73 Wadsworth Street.
11. Receipt of confirmation from the Engineering Department indicating that their requirements have been satisfied concerning servicing for the both 70 and 73 Wadsworth Street;
12. 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 Manager of Development Engineering and the Senior Project Manager – Environmental Services. Location of the existing services must be confirmed; Services for each property must not cross over into adjacent property;
13. Receipt of confirmation that there is only one (1) water service to each property; The existing portion of the building on 70 Wadsworth Street that will become part of 73 Wadsworth Street must be serviced by the same service connection within 73 Wadsworth Street frontage;
14. The Owner shall remove the existing services to 70 Wadsworth Street during demolition; the service must be removed from the main to preserve water quality and prevent leaks and the curb stop removed to avoid confusion;
15. At the time of Demolition Permit application, the Owner will be required to submit a deposit for removal of the water service; the deposit will be based on the current Corporation approved rate. The Owner can apply to the City's Water Customer Service Department to have the deposit returned once the water service removal is inspected to the satisfaction of the City;
16. 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;
17. That the above conditions be fulfilled and the Certificate of Official be issued on or before August 14, 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 boundary adjustment is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties, The applications are in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90, specifically Section 18.9 of the Official Plan respecting consent applications including boundary adjustments within the City of Brantford and consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and,

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. 2020-352.”

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
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.

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N3T 2M3

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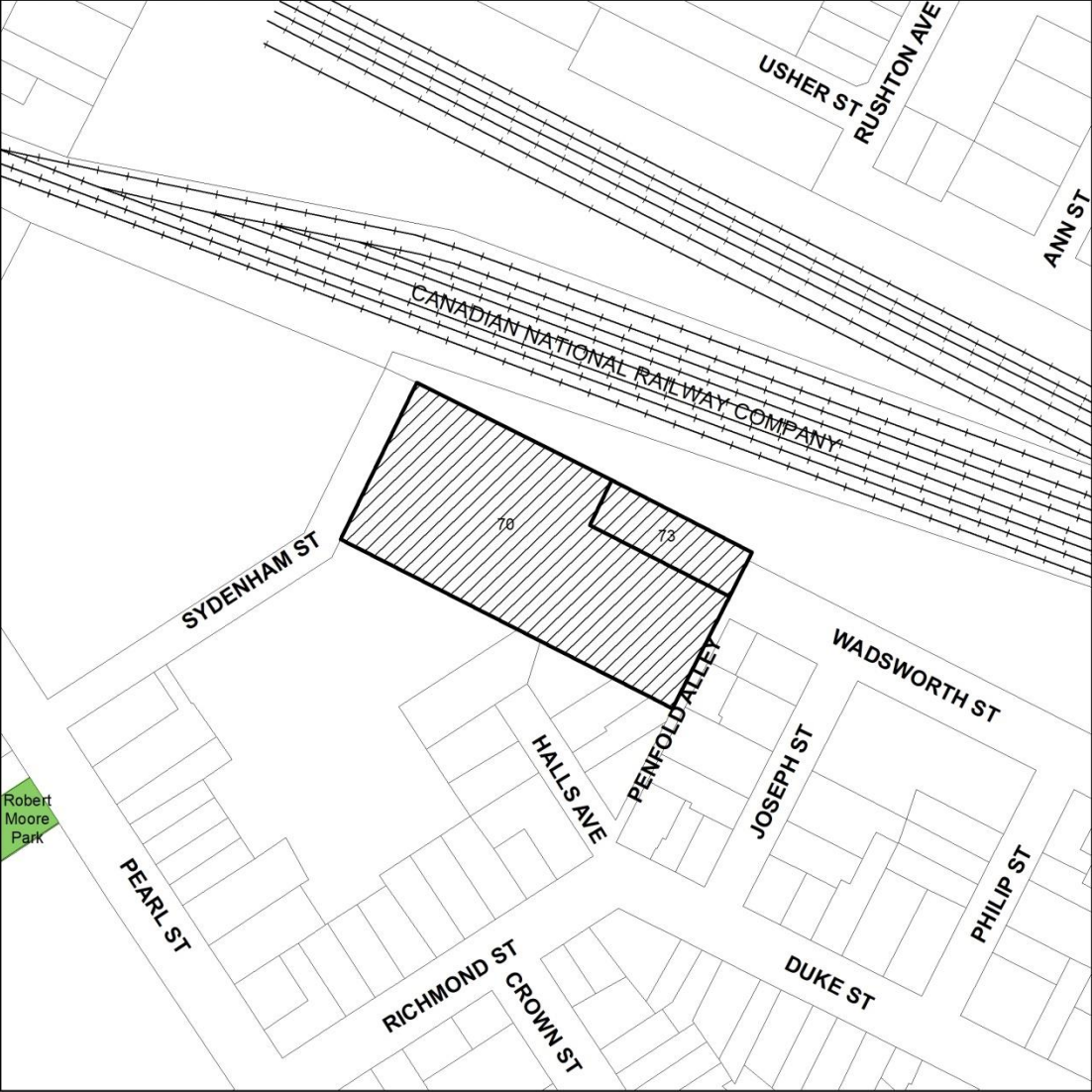
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END OF DECISION

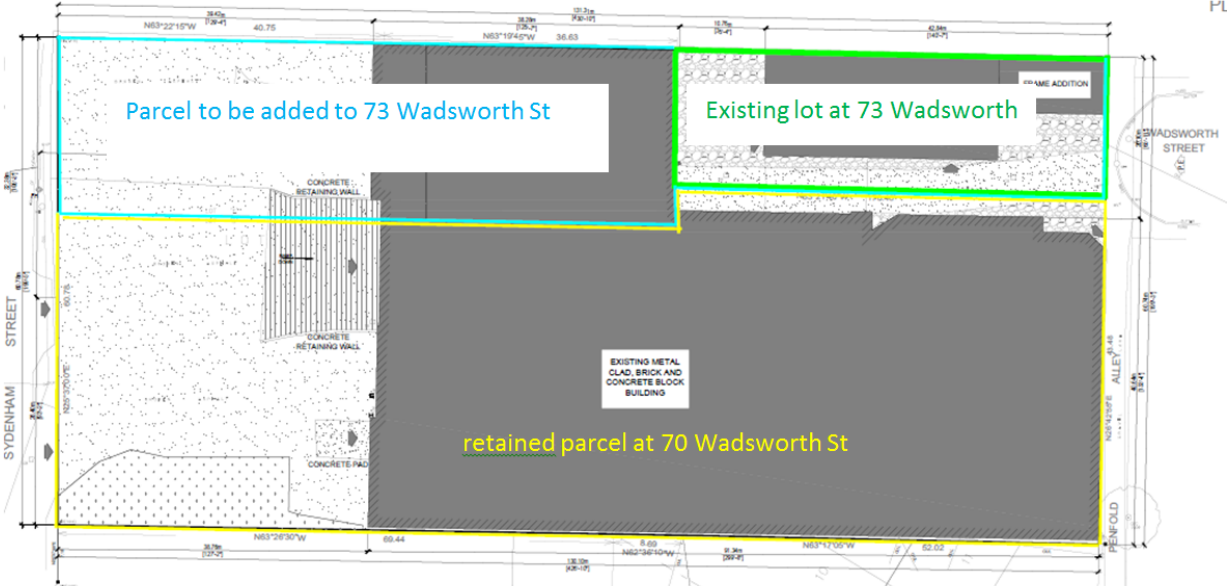
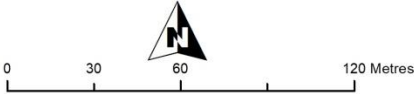
LOCATION MAP

Application: B09- A13-2020
70 & 73 Wadsworth Street



Legend

 SUBJECT LAND





August 14, 2020

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: B10/2020
Address: 140 Oak Park Road
Roll Number: 2906010012020500000
Applicant/Owner: Telephone City Aggregates Inc., James Dick Construction
Agent: MHBC Planning

**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 has been received for the lands municipally addressed as 140 Oak Park Road. The property was created through consent B24/2005. The proposed severed lot is for the purpose of creating an industrial lot, and the retained parcel is included in the Phase 1 of Industrial lands within the Draft Plan of Subdivision 29T-11505 and the subsequent red-line revisions to the Draft Plan of Subdivision 29T-18504. The proposed lot dimensions for application B10/2020 are detailed below:

Application B10/2020	Lands to be Severed	Lands to be retained
Width:	Varies +/- 384.7 m and 324.4 m	370.9 m
Depth:	varies	varies
Area:	+/- 224,594 m ²	+/- 106,709 m ²

DECISION: PROVISIONAL APPROVAL

DATE: August 13, 2020

THAT Application B10/2020 to sever a parcel of land from the western portion of the lands municipally addressed as 140 Oak Park Road, having a lot area of +/- 224,594,488 m² and retain a parcel of land having an area of +/- 106,709 m² BE APPROVED subject to the following conditions.

1. Receipt of registered reference plan showing the proposed lot fabric;
2. Receipt of confirmation that the Owner(s) enter into a severance agreement with the City of Brantford pertaining to and addressing all matters relating to the improvements of Masters Lane, which is to be registered on title, at no cost to the municipality, with any costs regarding the registration being borne by the Owners, or provide an alternative point of access;
3. Receipt of confirmation from the applicant that the retained lands have frontage and access to an open road allowance;

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 that all taxes are paid up to date;
6. 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*);
7. Receipt of confirmation from the Engineering Department indicating that civic address has been assigned to the severed parcel;
8. Receipt of confirmation from the Engineering Department indicating that their requirements have been satisfied;
9. 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;
10. That the above conditions be fulfilled and the Certificate of Official be issued on or before August 14, 2021, after which time the consent will lapse.

THAT reasons for approval of Application 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, confirms 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) 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. 2020-358.”

Original signed by D. Namisniak,
Chair

Original signed by V. Kershaw,
Member

Original signed by K. Brooks,
Member

Original signed by T. Gaskin,
Member

Original signed by G. Kempa,
Member

CERTIFICATION

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


Secretary-Treasurer

ADDITIONAL INFORMATION

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100 Wellington Square
Brantford ON
N3T 2M3

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END OF DECISION

LOCATION MAP
Application: B10/2020 & B11/2020
140 Oak Park Road

