



## COMMITTEE OF ADJUSTMENT REPORT

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**DATE:** July 18, 2024

**REPORT NO:** RPT-0356-24

**TO:** To the Chair and Members of the Committee of Adjustment

**FROM:** Dan Namisniak, Senior Planner / Acting Director of Development Planning

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**APPLICATION TYPE:** Consent Application

**APPLICATION NO:** B5-24-DN

**LOCATION:** 1318 Colborne Street West

**AGENT / APPLICANT:** JHC Engineering Ltd / UTOVA Enterprises Inc

**OWNER:** 1000399788 Ontario Ltd c/o K. Spierenburg

**SUBJECT:** Request for a decision on a Consent Application proposing lot creation within the Light Industrial (M2) zone.

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### RECOMMENDATION

THAT **Consent Application B5-24-DN** from JHC Engineering Agent, on behalf of Applicant UTOVA Enterprises Inc on behalf of 1000399788 Ontario Ltd c/o K. Spierenburg Owner of BRANTFORD CONCESSION 5 PART LOTS 1 AND 2, County of Brant, in the geographic former township of Brantford, located at 1318 Colborne Street West proposing the creation of one (1) new industrial lot within the Light Industrial (M2) zone having a frontage of 106 metres, depth of 240 metres and area of 1 hectare (2.65 acres), **BE APPROVED, subject to the attached conditions.**

THAT the reason(s) for the approval of Consent Application B5-24-DN are as follows:

- The lot creation will facilitate additional development opportunity for employment land uses, compatible with the context of the surrounding area.
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

### EXECUTIVE SUMMARY

Consent Application B5-24-DN proposes a severance for the creation of one (1) new industrial lot within the Light Industrial (M2) zone having a frontage of 106 metres, depth of 240 metres and area of 1 hectare (2.65 acres). The retained lands will maintain approximately 37.6 hectares of land consisting of both employment and agricultural land use designations.

The lands were recently subject to a Zoning By-Law Amendment Application (ZBA8-24-DN), approved by Council on July 9, 2024. Amending the By-Law to establish the current Light Industrial (M2) zone and Agricultural-197 (A-197) zone implementing the current Official Plan designations.

Future development within the Employment Lands designation along Bishopsgate Road will require Site Plan Approval to ensure detail design related to zoning compliance, access, drainage/ grading, landscaping, lighting etc. No development is proposed within the Agricultural designation.

The application submission contained the following studies, reports and plans provided for technical review in support of the proposal:

- **Planning Justification Report** – The Angrish Group, April 2024
- **Archeological Study** – Irvin Heritage Group – February 21, 2024
- **Transportation Impact Brief** – JHC Engineering – April 16, 2024
- **Functional Servicing Report** – JHC Engineering – February 2023
- **Stormwater Management Report** – JHC Engineering – April 15, 2024
- **Site Development Plan** - JHC Engineering – April 15, 2024
- **Lot Grading and Drainage Plan** – JHC Engineering – April 15, 2024
- **Landscape Plan** – JHC Engineering – April 15, 2024
- **Legal Survey** – MacAulay White & Muir - February 23, 2024
- **Confirmation of Ownership**
- **Building Elevations**
- **Floor Plans**

Adequate public notice and technical circulation of this application have been provided and comments received have been incorporated into the recommendations of this report.

The planning analysis focuses on literature review of applicable policy, including the *Planning Act, Provincial Policy Statement (2020)*, Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), the Adopted County of Brant Official Plan (2023) and County of Brant Zoning By-Law 61-16, consultation with departments, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that Consent Application B5-24-DN be **APPROVED, subject to the attached conditions.**

## LOCATION / EXISTING CONDITIONS

The subject lands are municipally known as 1318 Colborne Street West, located in the south / east quadrant of the Colborne Street West / Bishopsgate intersection.

The subject lands have a total area of approximately 41 hectares (101 acres) with +300 metres of frontage along Colborne Street West and +200m along Bishopsgate Road. The surrounding land uses include agriculture, employment, residential and commercial.

The lands at 1318 Colborne Street West have been subject to a number of Zoning By-Law, Consent and Site Plan approvals similar to the request outlined in this report to facilitate a zone change to implement the current Official Plan land use designation and facilitate subsequent lot creation for future light industrial development:

- |               |              |                         |
|---------------|--------------|-------------------------|
| · ZBA47/11/SS | · ZBA2/23/AW | · B75-78/22/DN          |
| · ZBA8/20/MD  | · ZBA8/24/DN | · B1-2/23/HH& B32/23/DN |
| · ZBA24/22/DN | · SP11/20/DN | · B5/24/DN              |
|               | · B09/12/SS  |                         |
|               | · B29/20/AW  |                         |

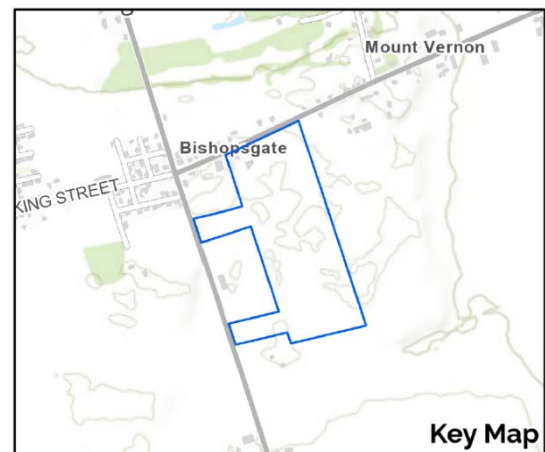


Figure 1 - Subject Lands Location

## REPORT

### Planning Act

Section 2(a-s) of the *Planning Act* outlines matters of provincial interest that decision making bodies shall have regard for.

- The application has regard for:
  - Section 2(a) the protection of ecological systems, including natural areas, features and functions.
  - Section 2(p) the appropriate location of growth and development

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

### **Provincial Policy Statement – 2020**

*The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the Planning Act.*

**It is my professional planning opinion that the recommendation is consistent with the policies of the Provincial Policy Statement for the following reasons:**

- **For the purpose of demonstrating consistency with the Provincial Policy Statement (2020), Planning Staff are satisfied and agree with the analysis within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).**

### **Growth Plan for the Greater Golden Horseshoe (2020)**

*The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.*

**It is my professional planning opinion that the recommendation is consistent with the policies of the Growth Plan for the following reasons:**

- **For the purpose of demonstrating consistency with the Growth Plan, Planning Staff are satisfied and agree with the analysis within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).**

### **Source Water Protection**

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

- **Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.**

## **Brant County Official Plan (2012)**

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

- The subject lands are located within the Secondary Urban Settlement Area of Burford.
- Schedule 'A' of the County of Brant Official Plan (2012) identifies the land use(s) designation on the subject lands as both Agricultural and Employment.

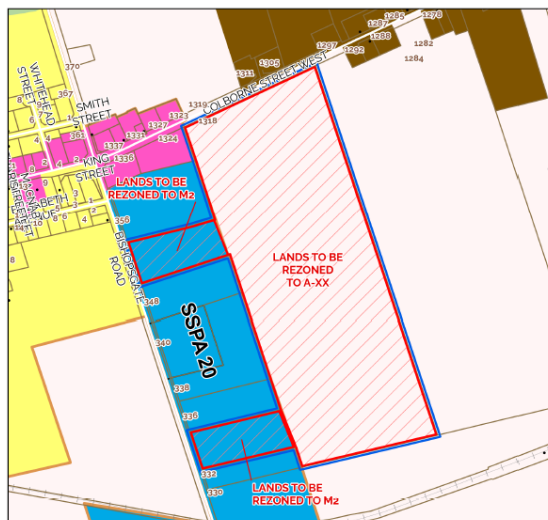


Figure 3 - Official Plan Mapping

It is my professional planning opinion that the recommendation conforms to the policies of the County of Brant Official Plan for the following reasons:

- For the purpose of demonstrating conformity to the County of Brant Official Plan, Planning Staff are satisfied and agree with the analysis within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).
- The proposal conforms to the intent of the employment lands designation to be developed for light, heavy and prestige industrial uses, limited service commercial uses (OP, Section 3.12.1).
- The agricultural land uses ensures protection of the agricultural designation (OP, Section 3.3).

## **New Draft Approved, Adopted Official Plan (2023)**

The New 'Simply Grand' Official Plan was adopted in May 2023, and is waiting on Provincial approval. The application is subject to the policy framework in place at the time the application is deemed complete.

- The designation of the subject lands remains consistent with the land use designations outlined in the current Official Plan.

## **Land Use Compatibility**

The objective of the Guideline D-6 (the 'D-6 Guideline') is to identify, prevent or minimize incompatibilities between industrial land uses and sensitive land uses.

- For the purpose of demonstrating consistency with the D-6 Guidelines, Planning Staff are satisfied and agree with the land use compatibility analysis included within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).
- Based on the review of the land uses, the proposed building is more than 85 meters from the nearest home to the south and more than 500 meters from the existing residential dwellings to the north-west and hence meets the required minimum distance of 70 meters established in the D-6 Guidelines.

**Zoning By-Law 61-16:**

Schedule 'A' of Zoning By-Law 61-16, was amended via ZBA8-24-DN, changing the zoning the subject lands from Agricultural (A) to Light Industrial (M2) and Agriculture (A) to Special Exception Agriculture (A-197)

Section 6, Agriculture Zone of By-Law 61-16, was also amended add the Special Exception Agriculture (A-197) Zone as follows:

- a. To permit a reduced total lot area of 35 hectares (86 acres), whereas a total lot area of 40 hectares (98.8 acres) is required.
- b. All other provisions of the By-Law shall apply.

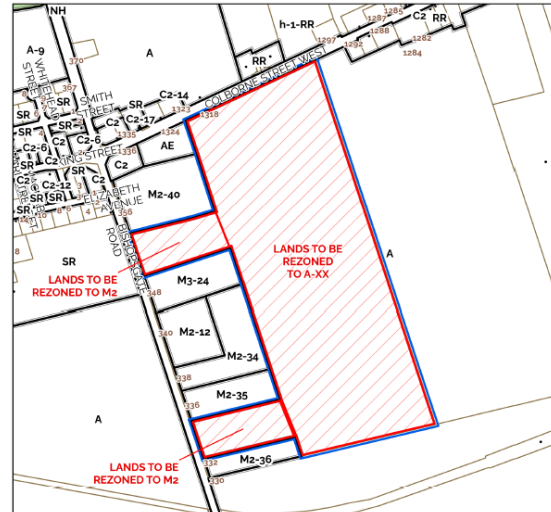


Figure 2 - Zoning By-Law Mapping

Section 6, of the Zoning By-Law advises the permitted uses and standards within the Agricultural (A) zone:

- The existing uses on the Agricultural parcel are permitted with no changes proposed.
- All other provisions required within the Agricultural (A) zone are in compliance.

Section 11, of the Zoning By-Law advises the permitted uses and standards within the Employment (M) zone:

- The Light Industrial (M2) zone permits a wide range of uses that are considered compatible with the immediate abutting lands and with the surrounding area.
- At Staff’s request and with Owners authorization, all remaining lands currently designated Employment were to be rezoned Light Industrial (M2). This is another proactive approach taken to reduce the number of future applications required to develop these lands.
- Site Plan Approval to ensure detail design related to zoning compliance, access, drainage/grading, landscaping, lighting etc.
- No development is proposed within the Agricultural designation.

**The amendments made as part of ZBA8-24-DN implement the current land use designations and aim recognize zoning deficiencies in anticipation this severance application.**

**It is my professional planning opinion that the proposal meets the intent and is in compliance with the applicable policies outlined in the County of Brant Zoning By-Law 61-16.**

**INTERDEPARTMENTAL CONSIDERATIONS**

Agency Comments	
Development Engineering Department	<ul style="list-style-type: none"> <li>• In the future a 0.3m reserve will need to be established, offset onto private property along the entire Bishopsgate Road frontage of the severed lands, save and except for the location of an entrance at an approved location to the satisfaction of the County.</li> <li>• Through the Site Plan Control process, staff will provide further comment and may require further amendments to the following: Functional Servicing Report, Servicing Plan, Sedimentation &amp; Erosion Control Plan, Storm Water Management, Lot Grading Plan,</li> </ul>

	<p>and a Geotechnical Report for any infiltration areas proposed. Given the current status of the Bishopsgate Municipal Drain which is the site's legal outlet for the Regional Event, assumptions made in the preliminary drawings/reports may require amendments.</p>
Fire	<ul style="list-style-type: none"> <li>• <b>The Rural Fire Fighting Fee should be collected for the lot</b></li> </ul>
Parks and Forestry	<ul style="list-style-type: none"> <li>• <b>Parks Capital Planning has no comments regarding the severance applications. The Comments and Supplemental Comment Package provided as part of the Zoning By-Law Amendment Application (ZBA8-24-DN) still apply and should be used to inform Site Plan Control.</b></li> <li>• <b>That a Cash-in-lieu of parkland payment be provided for each new building lot at a rate of two percent (2%) of the Gross Land Area appraised value for commercial or industrial land uses in accordance with By-Law 31-2022 prior to the release of each executed Certificate of Official.</b></li> </ul>
Canada Post	<ul style="list-style-type: none"> <li>• Please be advised that Canada Post does not have any further comments on this application. If this is going to be 1 or 2 units then this will be rural mailbox delivery and the customers will need to call our Customer Service line at 1-800-267-1177 before installing their rural mailbox and registering for mail delivery. If this is going to be multi industrial units then I will review with the developer on another option if needed.</li> </ul>
Enbridge Gas	<ul style="list-style-type: none"> <li>• Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.</li> <li>• Please always call before you dig, see web link for additional details: <a href="https://www.enbridgegas.com/safety/digging-safety-for-contractors">https://www.enbridgegas.com/safety/digging-safety-for-contractors</a></li> <li>• It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact <a href="mailto:ONTLands@enbridge.com">ONTLands@enbridge.com</a>.</li> <li>• Please continue to forward all municipal circulations and clearance letter requests electronically to <a href="mailto:MunicipalPlanning@Enbridge.com">MunicipalPlanning@Enbridge.com</a>.</li> </ul>

**PUBLIC CONSIDERATIONS**

Notice of this Application, Contact information and Public Hearing Date were circulated by mail on June 27, 2023 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit along with the posting of the Public Notice sign was completed on June 26, 2024.

*At the time of writing this report, no public comments have been received.*

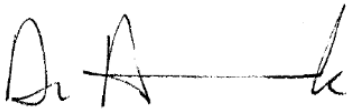
## CONCLUSIONS AND RECOMMENDATIONS

Previous Zoning By-Law Amendment Application ZBA8-24-DN was processed with the intent to sever a new lot, similar to previous applications on these lands. Therefore, additional measures were incorporated to ensure that the remainder of the lands continue to conform to the Official Plan and Zoning By-law.

Future development of lands within the Employment designation will require Site Plan Approval to review detail design related to zoning compliance, traffic, access, drainage/ grading, landscaping, lighting etc. through Site Plan Control, County staff are able to determine and implement appropriate measures to mitigate land use conflicts in recognition of the existing residential uses to the north west. The development concept plan provided with this submission is conceptual and subject to change.

The planning analysis focuses on literature review of applicable policy (i.e., *Planning Act, Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), Adopted County of Brant Official Plan (2023) and County of Brant Zoning By-Law 61-16, consultation with departments and the public, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that Zoning By-Law Amendment Application ZBA8-24-DN be **APPROVED**.



**Dan Namisniak**, BA, RPP, MCIP  
Senior Planner, Acting Director of Development Planning

**Reviewed by:** Diana Morris, Senior Planner

## ATTACHMENTS

1. Development Concept Plan
2. Aerial Mapping
3. Official Plan Mapping
4. Zoning Mapping
5. Draft By-Law and Schedule 'A' Mapping

## COPY TO

1. Dan Namisniak, Senior Planner/ Acting Director of Development Planning
2. Sarah Dymont-Smith, Secretary Treasurer, Committee of Adjustment
3. Applicant/Agent

**FILE #** B5-24-DN

## In adopting this report, is a bylaw or agreement required?

By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

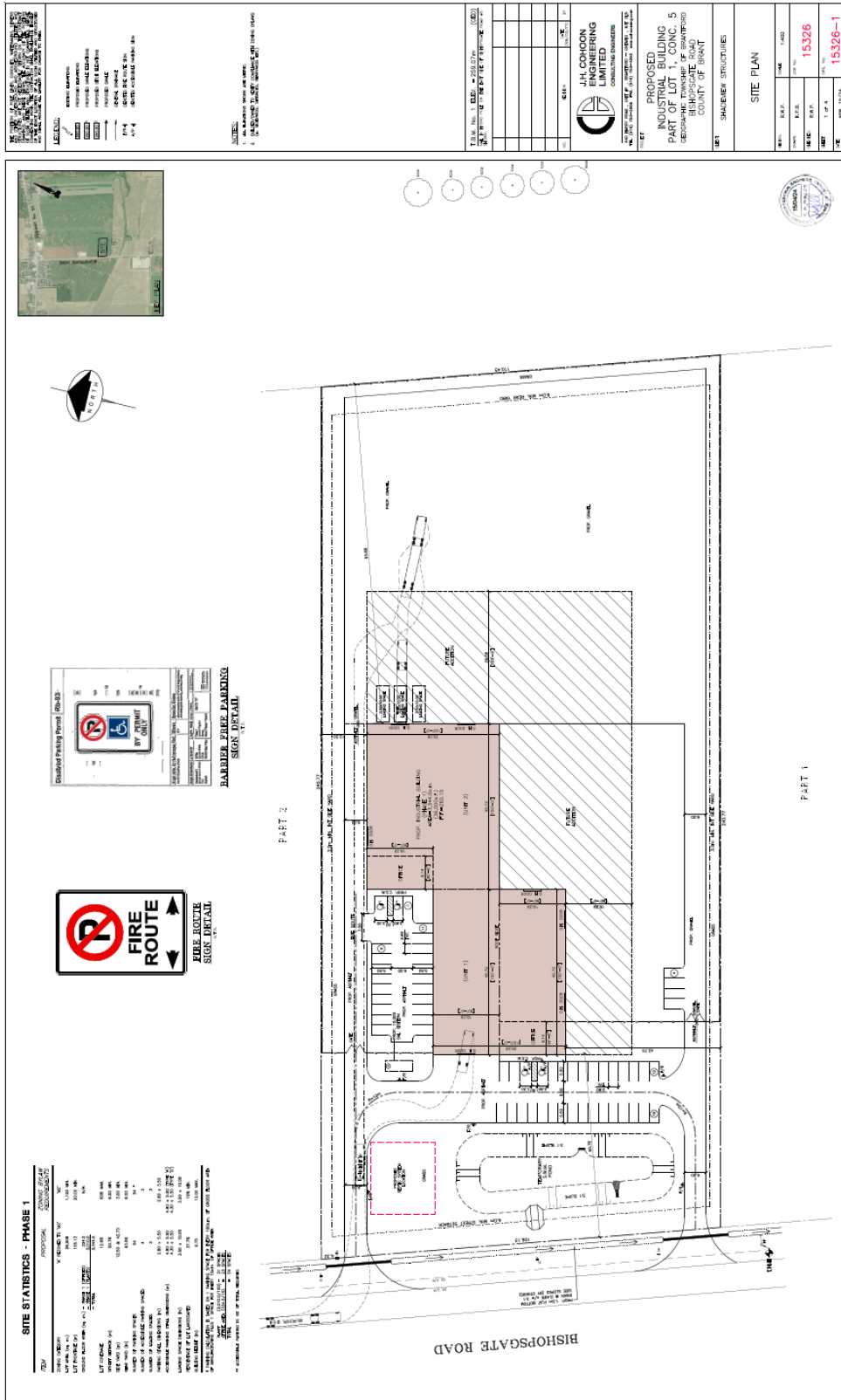
LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant provides a copy of a Reference plan for the severed parcel prepared by a licensed surveyor, acceptable to the County of Brant, prior to the plan being deposited and finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
3. That the Applicant provide proof/copy of draft approved civic addressing for the Severed and Retained lands issued by the Planning Division to the satisfaction of the County.
4. That the Applicant/Owner provide proof/copy of draft approved entrance locations for the Severed and Retained lands in accordance with the County of Brant Entrance By-Law, issued by the Development Engineering or Operations Division to the satisfaction of the County of Brant.
5. That a Cash-in-lieu of parkland payment be provided for each new building lot at a rate of two percent (2%) of the Gross Land Area appraised value for commercial or industrial land uses in accordance with By-Law 31-2022 prior to the release of each executed Certificate of Official.
6. That a Rural Firefighting Fee in the amount of \$600.00 be provided, for each new building lot, be in accordance with the *Current County of Brant Fee Schedule*, with confirmation issued by the Planning Division to the satisfaction of the County.
7. That the \$328.00 Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official, with confirmation issued by the Planning Division to the satisfaction of the County.
8. That the Applicant's Solicitor prepare and provide draft transfer documents with legal descriptions for any required conveyances and transfers utilizing the Deposited Reference Plan, for review to the satisfaction of the County of Brant, prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office) and immediately following registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
9. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two (2) years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

**NOTE:** Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the application.



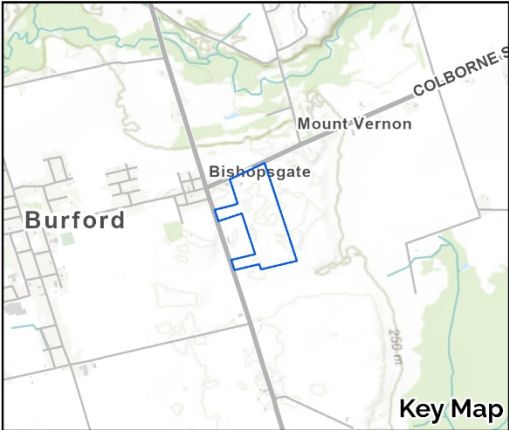
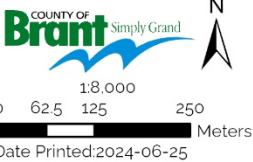
# Attachment 1 – Development Concept Plan



**Attachment 2 - Aerial Mapping**

**MAP 3: AERIAL IMAGERY 2022**  
**FILE NUMBER**  
**B5-24-DN**

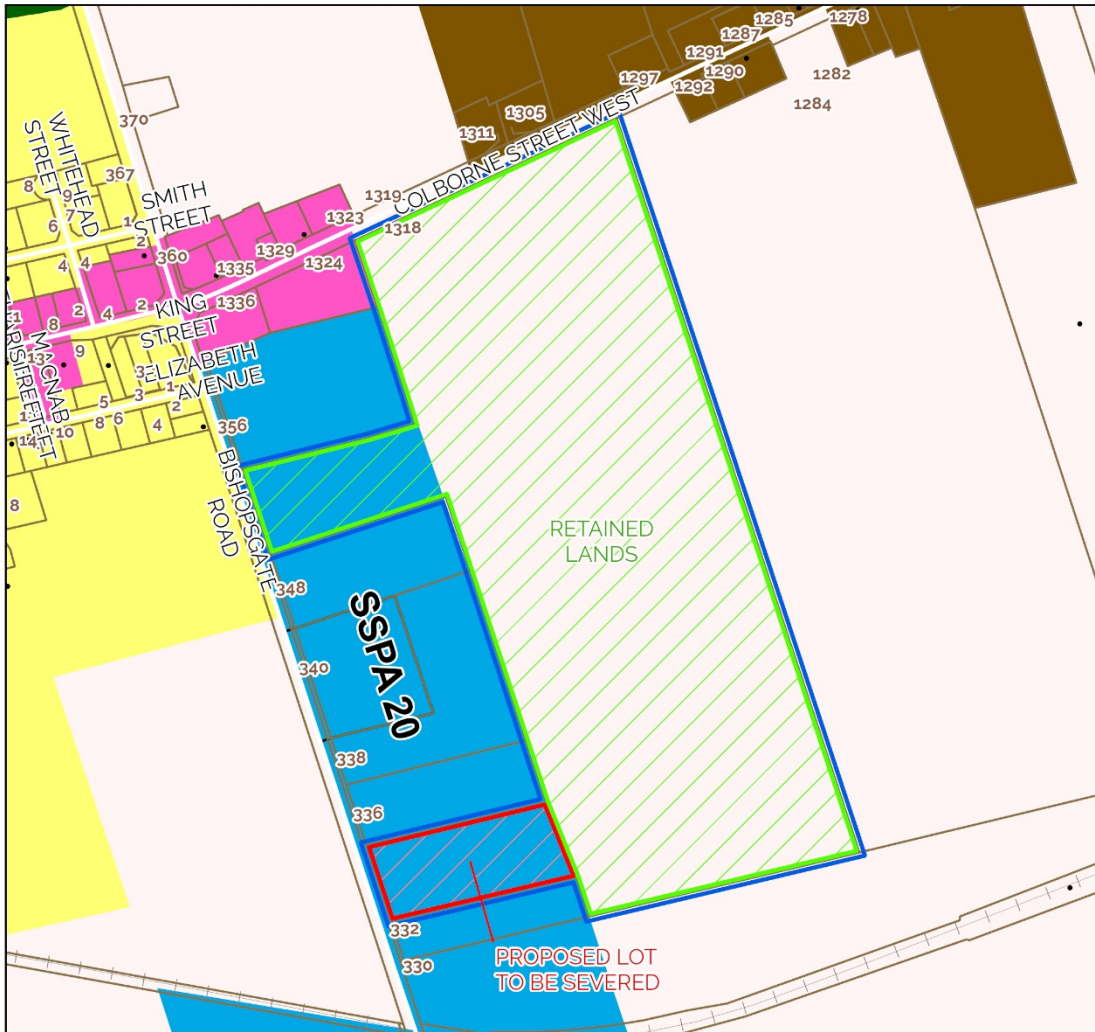
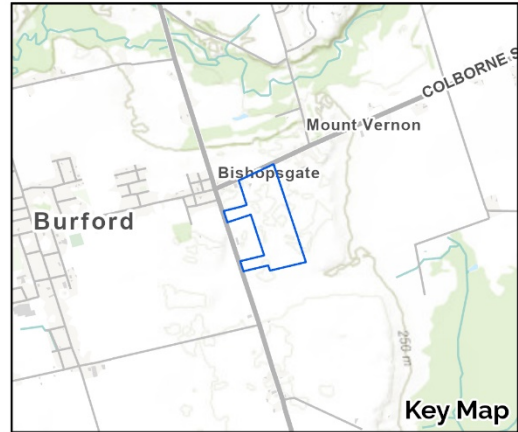
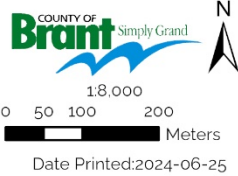
1318 Colborne Street West  
 County of Brant  
 Ontario



**Attachment 3 - Official Plan Mapping**

**MAP 2: Official Plan  
FILE NUMBER  
B5-24-DN**

1318 Colborne Street West  
County of Brant  
Ontario



**Attachment 4 - Zoning Mapping (as result of ZBA8-24-DN)**

