



COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: October 17, 2024

REPORT NO: RPT- 0446 - 24

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

FROM: Kayla DeLeye, Supervisor of Development Planning

APPLICATION TYPE: Consent Application (Lease Extension)

APPLICATION NO: B13-24-KD

LOCATION: 197 Pinehurst Road

OWNER: Vicano Development Limited c/o Yaw Yawson

AGENT: N/A

SUBJECT: Request for a decision on a Consent Application to extend the lease for the existing tenants, McDonald's Restaurants of Canada Limited, to continue operating in excess of 21 years.

RECOMMENDATION

THAT Application for Consent B13-24-KD from Vicano Development Limited c/o Yaw Yawson, Owner of lands legally described as SOUTH DUMFRIES CON 2 PT LOT 30 RP 2R7950 PT PART 1 RP 2R8605 PART 2; County of Brant and municipally known as 197 Pinehurst Road to facilitate the lease extension over the lands in excess of 21 years for their existing tenant, Mcdonald's Restaurant of Canada Limited, to continue operation **BE APPROVED, subject to the attached conditions:**

THAT the reason(s) for approval are as follows:

- The proposed land lease extension will facilitate the existing restaurant to continue operating.
- 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 **B13-24-KD** proposes to extend the lease over approximately 18% (1,349 sq.m) of the lands municipally known as 197 Pinehurst Road to facilitate the outdoor ancillary space, including existing drive-through, internal drive aisle, parking spaces, walkway, landscape areas, garbage enclosure to be granted leased area permissions in excess of 21 years.

At the time of preparing this report, no concerns were raised as part of the public or technical circulation of this Consent Application.

For the reasons outlined in this report, it is my professional recommendation that Consent Application **B13-24-KD** to facilitate access be **Approved, subject to the attached conditions.**

LOCATION / EXISTING CONDITIONS

The subject lands are located at the south-west corner of Watt's Pond Road and Pinehurst Road.

LOCATION MAP
Application: B13-24-KD
197 Pinehurst Road

AERIAL IMAGE
Application: B13-24-KD
197 Pinehurst Road



The subject lands currently contain commercial units, including the McDonald's restaurant with a total land area of 0.78 ha (1.92 ac), a lot frontage of approximately 69.4 metres (227.69 ft.), and a lot depth of 77.36 metres (253.8 ft.).

The subject lands are surrounded by Agricultural use from north, east, and south. Open Space (stormwater management pond) and residential uses are located west of the subject lands.

REPORT

Planning Act

Section 50(1)(f) of the *Planning Act* permits the consent to convey, mortgage, or charge the land. It also allows for the granting, assignment, or exercise of a power of appointment concerning the land, as well as the ability to enter into agreements related to the land.

Review of this application demonstrates that this application is in keeping with Section 50(1)(f) of The Planning Act.

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

Review of this application demonstrates that this application is in keeping with Section 51(24) of The Planning Act.

Sections 50(3) and 50(5) of the *Planning Act* sets out criteria to be considered when entering into an agreement of sale and purchase of land or granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.

Review of this application demonstrates that this application is in keeping with Sections 50(3) and 50(5) of the Planning Act.

Conformity with Provincial and Municipal Policies/Plans

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*.

Section 1.1.3.1 of the *Provincial Policy Statement* identifies that Settlement Areas shall be the focus of growth and development. Settlement Areas can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).

- ***The subject lands are located within the Settlement Area Boundary of Paris***

Section 1.3.1(e) of the *Provincial Policy Statement* promotes economic development and competitiveness by ensuring that necessary infrastructure is provided to support current and projected needs.

- ***The proposed land lease extension will facilitate the existing business to continue operating, supporting the local economic development and employment opportunities.***

In summary, it is my professional opinion that the application is consistent with the policies of the Provincial Policy Statement.

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.

Section 2.2.5 of the Growth Plan outlines policies on Employment which encourage economic development by making efficient use of employment areas and vacant and underutilized employment lands, attracting investment and employment.

- ***The subject lands are designated General Commercial which provides for commercial establishments that offer goods and services to the County's market***

area. The proposed land lease extension will allow the permitted use to continue operating, supporting the County's local businesses.

It is my professional opinion that the consent application conforms to the policies of the Growth Plan.

County of Brant Official Plan 2012

The Subject lands are designated as '**General Commercial**', within Schedule 'A-1' of the County of Brant Official Plan.

Official Plan (2012)	Planning Analysis
<i>Section 3.9 speaks to the intent of General Commercial designation comprised of land that is intended to be developed for retail commercial establishments, places of entertainment, professional offices, financial institutions, assembly halls, eating establishments, automotive uses, hotels and motels, community facilities, convenience stores, and residential uses above the first floor.</i>	The existing restaurant conforms with the general intent of General Commercial designation and is within the permitted uses.
<i>Sections 6.8.2.2 speaks to non-agriculture consent, allowing for the creation of easements or rights-of-way are permitted and minor lot adjustments or minor boundary changes that are granted conditional to Section 50(3) or 50(5) of the Planning Act, and the consent would not result in the creation of a new building lot.</i>	The proposed land lease will be granted conditional to Section 50(3) of the Planning Act and would not result in the creation of a new building lot.

It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.

County of Brant Zoning By-Law 61-16

The subject lands are General Commercial (C2) within the County of Brant Zoning By-Law 61-16.

Section 10, Table 10.1.1 of the County of Brant Zoning By-Law 61-16 identifies the permitted uses for lands zoned as General Commercial. The existing drive-through facility and restaurant are within the permitted uses.

All other requirements of the Zoning By-Law 61-16 are being satisfied.

It is my professional opinion that the proposed easement maintains the intent of the County of Brant Zoning By-Law 61-16.

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	<ul style="list-style-type: none">No Comments
Fire	<ul style="list-style-type: none">No Comments
Parks	<ul style="list-style-type: none">No Comments
Canada Post	<ul style="list-style-type: none">Please be advised that Canada Post does not have any comments on this application. These units will be serviced by a Community mailbox on the property.
Environmental Planning	<ul style="list-style-type: none">No Comments
Enbridge	<ul style="list-style-type: none">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 approval for the site/development.

PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on October 2, 2024, to all property owners within 60 meters of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

Posting of the Public Notice sign was completed on September 26, 2024.

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

CONCLUSIONS AND RECOMMENDATIONS

Consent Application **B13-24-KD** is seeking to extend the lease over approximately 18% (1,349 sq.m) of the lands municipally known as 197 Pinehurst Road to facilitate the existing restaurant and outdoor ancillary space to remain in operation.

Staff have reviewed the proposed Consent application with applicable planning policy (i.e. Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012) and Zoning By-Law 61-16 in review of any comments received from relevant departments, the applicant and the members of the public.

At the time of preparing this report, no concerns were raised as part of the public or technical circulation of this Consent Application.

For the reasons outlined in this report, it is my professional recommendation that Consent Application **B13-24-KD** to extend the lease over approximately 18% of lands located at 197 Pinehurst Road be **Approved subject to the attached conditions.**

Kayla DeLeye,

Supervisor of Development Planning MA, Ec.D, MCIP, RPP

ATTACHMENTS

1. Site Plan
2. Zoning Mapping
3. Official Plan Mapping
4. Aerial Map
5. Aerial Detail Map

COPY TO

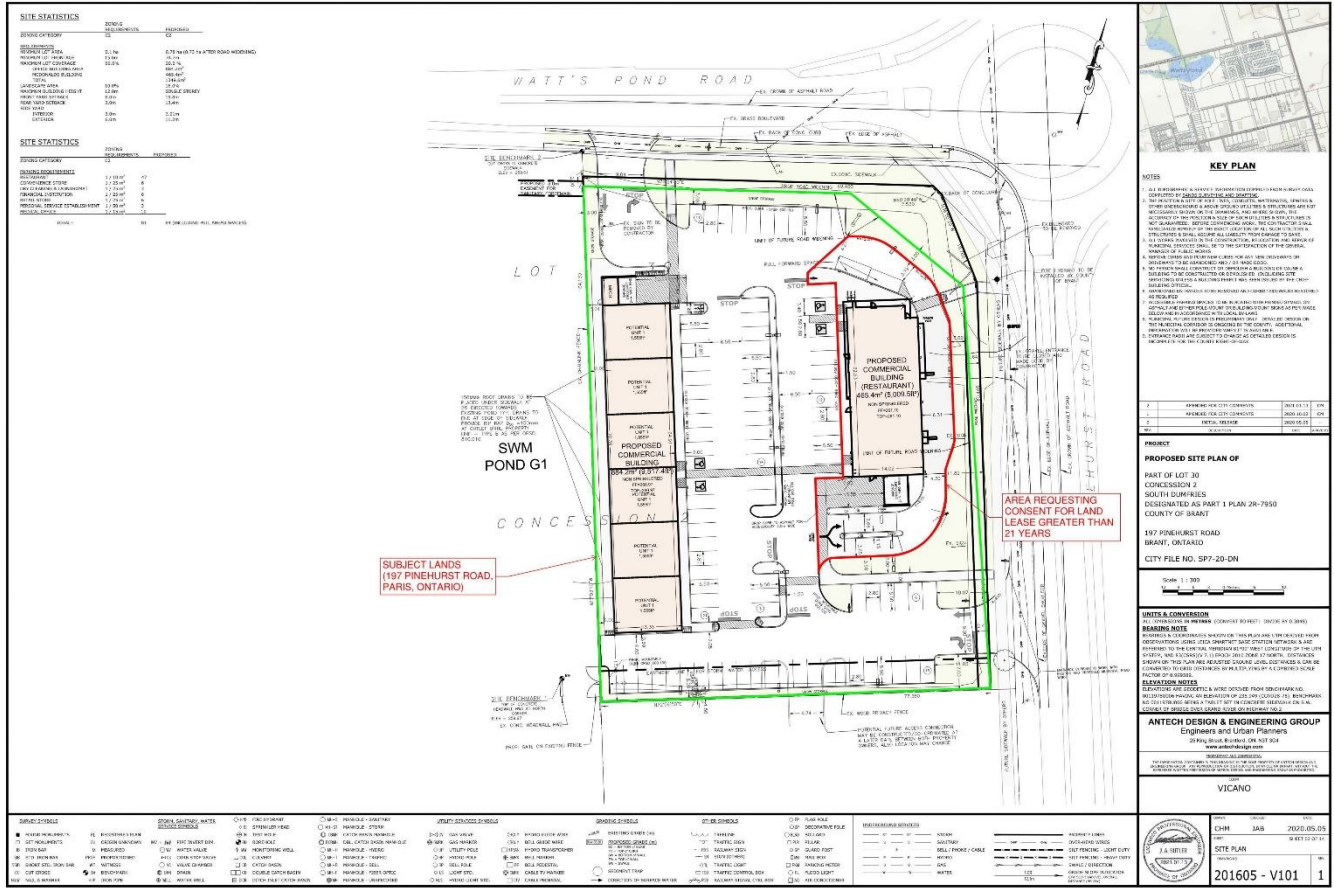
1. Kayla DeLeye, Supervisor of Development Planning
2. Applicant/Agent

FILE # B13-24-KD

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) |

Attachment 1 – Site Plan



SITE STATISTICS

PROPERTY	AREA (SQ. METERS)	PERCENTAGE
LOT 30	11,200.00	100.00%
PROPOSED BUILDING	2,100.00	18.75%
PARKING LOT	1,500.00	13.33%
EXISTING BUILDING	1,000.00	8.93%
UNDEVELOPED AREA	6,600.00	58.99%
ROADS	100.00	0.89%
UTILITIES	100.00	0.89%
TOTAL	11,200.00	100.00%

CONCRETE STATISTICS

PROPERTY	AREA (SQ. METERS)	PERCENTAGE
CONCRETE DRIVE	1,200.00	10.71%
CONCRETE SIDEWALK	500.00	4.46%
CONCRETE PAVEMENT	1,000.00	8.93%
CONCRETE TOTAL	2,700.00	24.10%



NOTES

1. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING BY-LAW AMENDMENT.
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PROPOSED SITE PLAN OF
 PART OF LOT 30
 CONCESSION 2
 SOUTH EAST CORNER
 DESIGNATED AS PART 1 PLAN 2R-1950
 COUNTY OF BRANT
 197 PINEHURST ROAD
 BRANT, ONTARIO
 CITY FILE NO. SP-20-DN

UNITS & CONVERSION
 1 METRE = 3.2808 FEET
 1 KILOMETRE = 0.621371 MILES
 1 HECTARE = 2.47105 ACRES
 1 SQUARE METRE = 1.07639 SQUARE FEET
 1 CUBIC METRE = 35.3147 CUBIC FEET
 1 LITRE = 0.264172 GALLONS
 1 KILOGRAM = 2.20462 POUNDS
 1 METRE PER SECOND = 2.23694 FEET PER SECOND
 1 METRE PER HOUR = 3.6 FEET PER HOUR
 1 METRE PER DAY = 3.2808 FEET PER DAY
 1 METRE PER YEAR = 3.2808 FEET PER YEAR

ANTECH DESIGN & ENGINEERING GROUP
 ENGINEERS AND LAND SURVEYORS
 20 PINEHURST ROAD, SUITE 101
 BRANT, ONTARIO
 TEL: 519-753-1111
 WWW.ANTECHDESIGN.COM

VICANO

DATE: 201605-11
 DRAWN: J. V. V. V.
 CHECKED: J. V. V. V.
 APPROVED: J. V. V. V.
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1	PROPOSED BUILDING	11	EXISTING BUILDING	21	PROPOSED DRIVE	31	EXISTING DRIVE	41	PROPOSED SIDEWALK	51	EXISTING SIDEWALK	61	PROPOSED UTILITY
7	PROPOSED PARKING	17	EXISTING PARKING	27	PROPOSED FENCE	37	EXISTING FENCE	47	PROPOSED SIGN	57	EXISTING SIGN	67	PROPOSED LIGHT
9	PROPOSED LANDSCAPE	19	EXISTING LANDSCAPE	29	PROPOSED TREE	39	EXISTING TREE	49	PROPOSED PLANT	59	EXISTING PLANT	69	PROPOSED SOIL
13	PROPOSED ROAD	23	EXISTING ROAD	33	PROPOSED CURB	43	EXISTING CURB	53	PROPOSED GROUND	63	EXISTING GROUND	73	PROPOSED ELEVATION
15	PROPOSED WALL	25	EXISTING WALL	35	PROPOSED TOWER	45	EXISTING TOWER	55	PROPOSED SIGN	65	EXISTING SIGN	75	PROPOSED LIGHT
16	PROPOSED FENCE	26	EXISTING FENCE	36	PROPOSED SIGN	46	EXISTING SIGN	56	PROPOSED LIGHT	66	EXISTING LIGHT	76	PROPOSED SOIL
18	PROPOSED UTILITY	28	EXISTING UTILITY	38	PROPOSED TOWER	48	EXISTING TOWER	58	PROPOSED SIGN	68	EXISTING SIGN	78	PROPOSED LIGHT
20	PROPOSED TREE	30	EXISTING TREE	40	PROPOSED PLANT	50	EXISTING PLANT	60	PROPOSED SOIL	70	EXISTING SOIL	80	PROPOSED ELEVATION
22	PROPOSED CURB	32	EXISTING CURB	42	PROPOSED GROUND	52	EXISTING GROUND	62	PROPOSED ELEVATION	72	EXISTING ELEVATION	82	PROPOSED SIGN
24	PROPOSED TOWER	34	EXISTING TOWER	44	PROPOSED SIGN	54	EXISTING SIGN	64	PROPOSED LIGHT	74	EXISTING LIGHT	84	PROPOSED SOIL
26	PROPOSED SIGN	36	EXISTING SIGN	46	PROPOSED LIGHT	56	EXISTING LIGHT	66	PROPOSED SOIL	76	EXISTING SOIL	86	PROPOSED ELEVATION
28	PROPOSED LIGHT	38	EXISTING LIGHT	48	PROPOSED SOIL	58	EXISTING SOIL	68	PROPOSED ELEVATION	78	EXISTING ELEVATION	88	PROPOSED SIGN
30	PROPOSED SOIL	40	EXISTING SOIL	50	PROPOSED ELEVATION	60	EXISTING ELEVATION	70	PROPOSED SIGN	80	EXISTING SIGN	90	PROPOSED LIGHT
32	PROPOSED ELEVATION	42	EXISTING ELEVATION	52	PROPOSED SIGN	62	EXISTING SIGN	72	PROPOSED LIGHT	82	EXISTING LIGHT	92	PROPOSED SOIL
34	PROPOSED SIGN	44	EXISTING SIGN	54	PROPOSED LIGHT	64	EXISTING LIGHT	74	PROPOSED SOIL	84	EXISTING SOIL	94	PROPOSED ELEVATION
36	PROPOSED LIGHT	46	EXISTING LIGHT	56	PROPOSED SOIL	66	EXISTING SOIL	76	PROPOSED ELEVATION	86	EXISTING ELEVATION	96	PROPOSED SIGN
38	PROPOSED SOIL	48	EXISTING SOIL	58	PROPOSED ELEVATION	68	EXISTING ELEVATION	78	PROPOSED SIGN	88	EXISTING SIGN	98	PROPOSED LIGHT
40	PROPOSED ELEVATION	50	EXISTING ELEVATION	60	PROPOSED SIGN	70	EXISTING SIGN	80	PROPOSED LIGHT	90	EXISTING LIGHT	100	PROPOSED SOIL

Attachment 2 – Zoning Map

**MAP 1: ZONING
FILE NUMBER
B13-24-KD**

197 Pinehurst Road
County of Brant


12,000
0 12.5 25 50
Meters
Date Printed: 2024-09-19



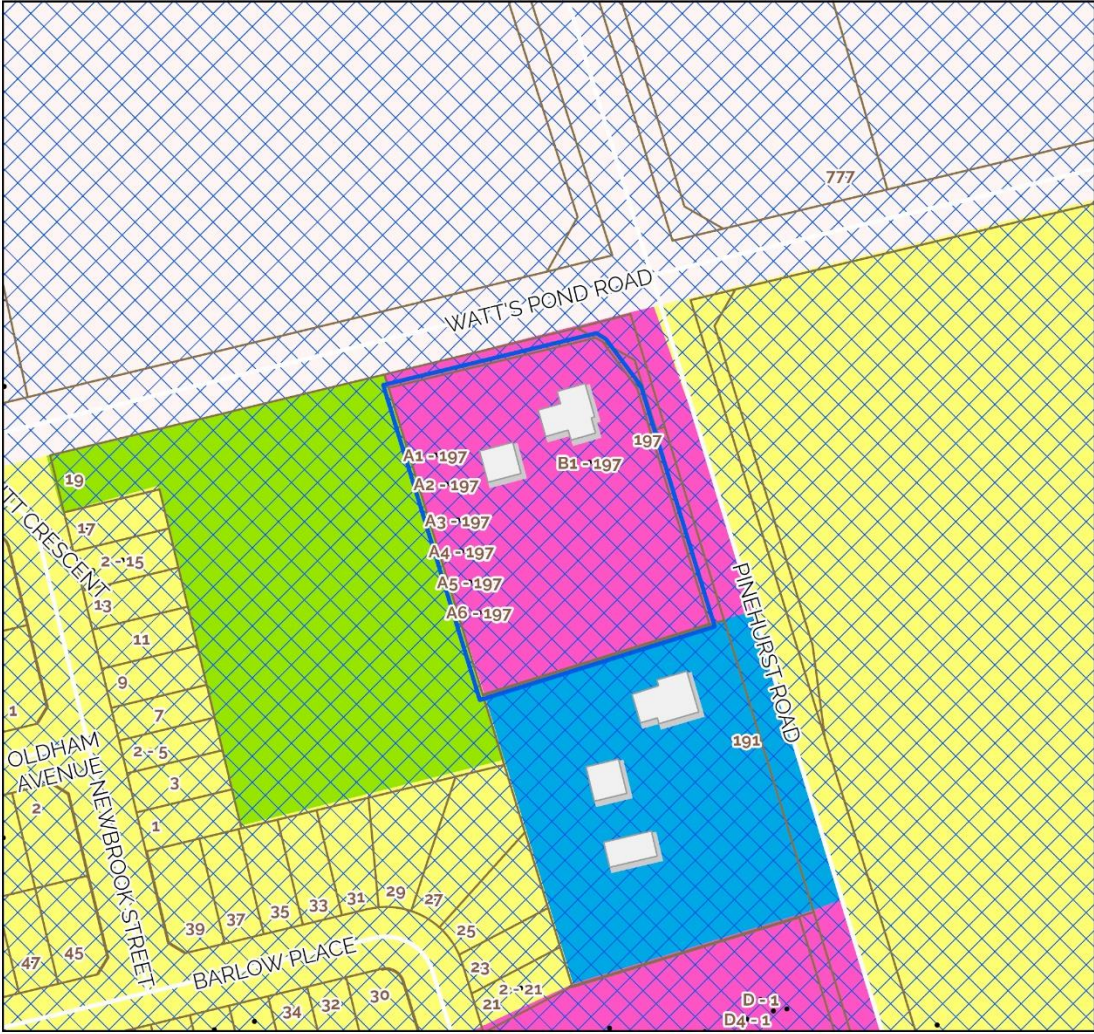
Attachment 3 – Official Plan Map

**MAP 2: Official Plan
FILE NUMBER
B13-24-KD**

197 Pinehurst Road
County of Brant
Ontario



1:2,000
0 10 20 40
Meters
Date Printed: 2024-09-19



Attachment 4 – Aerial Map

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B13-24-KD

197 Pinehurst Road
 County of Brant
 Ontario

12,000
 0 15 30 60 Meters
 Date Printed: 2024-09-19



Attachment 5 – Aerial Detail Map

MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B13-24-KD

197 Pinehurst Road
County of Brant
Ontario



Date Printed: 2024-09-19



Key Map



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 \$328 Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
3. That the Applicant/Owner provide a copy of a Draft Reference Plan prepared by a licensed surveyor, to be reviewed by the County of Brant, prior to the plan being deposited at the Land Registry Office.
4. That the Draft Reference Plan be required to identify the proposed parcels, the location of the existing buildings, entrances (as applicable).
5. That the Draft Reference Plan include any easements, road widening, 0.3m reserves, daylight triangles as required by the County of Brant Development Engineering Division and/or Public Utility as applicable.
6. That the Applicants provide draft transfer documents with legal descriptions of the severed lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office) if required.
7. That the Applicant's lawyer shall prepare and register all the necessary documents following review and approval by the County Solicitor, and immediately following the 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.
8. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two 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.