



COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: March 20, 2025

REPORT NO: RPT-0103-25

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

FROM: Lauren Graham, Planner

APPLICATION TYPE: Minor Variance Application

APPLICATION NO: A2-25-LG

LOCATION: 539 Paris Road

OWNER: Roger Kropf

APPLICANT: Peter Graham

SUBJECT: Request for a decision on a Minor Variance Application seeking relief from Zoning By-law 61-16.

RECOMMENDATION

THAT Application for Minor Variance **A2-25-LG** from Peter Graham, Applicant on behalf of Roger Kropf, Owner(s) of lands legally described as BRANTFORD CONCESSION 1 PART LOT 18 RP-2R8715 PARTS 2 AND 8, municipally known as 539 Paris Rd, Former Township of Brantford, County of Brant, seeking relief from Zoning By-law 61-16, Section 11, Table 11.2.1 to permit a street setback of 33 metres, whereas 50 metres is required to facilitate a future industrial development, **BE APPROVED.**

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

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

EXECUTIVE SUMMARY

Minor Variance Application **A2-25-LG** is requesting relief from Zoning By-law 61-16, Section 11, Table 11.2.1 to permit a street setback of 33 metres, whereas 50 metres is required to any property line abutting an arterial road, or collector road.

The applicant has provided a concept plan to demonstrate how the parcel will be able to accommodate future industrial development. Future development of the subject lands will be subject to technical review as part of a Site Plan Control Application.

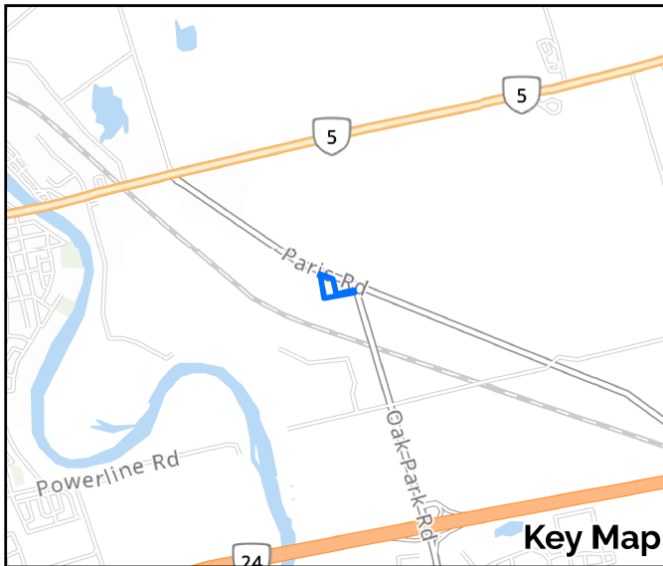
It is my professional opinion that the relief requested is considered minor in nature, is desirable for the appropriate development and use of the subject lands and the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16 and therefore recommend that the Minor Variance Application **A2-25-LG** be **Approved**.

LOCATION / EXISTING CONDITIONS

The subject lands are located south of Paris Road and west of Oak Park Road, in the Urban Settlement Area of Paris.

LOCATION MAP
Application: A2-25-LG
539 Paris Road

AERIAL IMAGE
Application: A2-25-LG
539 Paris Road



The subject lands are irregular in shape, having a frontage of approximately 102.49 metres (336.27 feet), a depth of 183.45 metres (601.87 feet) and a total area of approximately 16,996.8 square metres (4.2 acres).

The subject lands contain a residential dwelling, barn and accessory structures, which will be demolished in order to facilitate future development.

The surrounding area consists of residential lands uses to the north, commercial land uses to the east and industrial land uses to the south west.

REPORT

Planning Act

Section 45 (1) of the *Planning Act* sets out criteria to be considered when reviewing Minor Variance Applications.

In reviewing the application staff analyzed the four tests as established in Section 45(1) of the *Planning Act* R.S.O 1990:

- (a) Shall be minor;
- (b) Shall be desirable for the appropriate development or land use of the land, building or structure;

- (c) Shall maintain the general intent and purpose of the Zoning By-Law; and
- (d) Shall maintain the general intent and purpose of the Official Plan.

Conformity with Provincial and Municipal Policies/Plans

Provincial Planning Statement, 2024

The *Provincial Planning 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*.

The following demonstrates consistency with the applicable policies of the Provincial Planning Statement (2024):

<i>Provincial Planning Statement – 2024</i>	<i>Planning Analysis</i>
<p><i>Section 2.8.1 of the Provincial Planning Statement advises Planning authorities shall promote economic development and competitiveness by:</i></p> <p><i>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</i></p>	<p><i>The minor variance will permit future development for lands designated for General Employment uses and zoned as Heavy Industrial with Site Specific provision (M3-28) within a settlement area.</i></p>
<p><i>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</i></p>	
<p><i>c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</i></p>	
<p><i>d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and</i></p>	<p><i>This application will allow for the intensification of employment uses within an area designated for employment uses.</i></p>
<p><i>e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.</i></p>	<p><i>Future development will be subject to a Site Plan Control Application. Land use compatibility will be addressed through the Site Plan Control process.</i></p>
<p><i>Section 2.8.2 of the Provincial Planning Statement advises Planning authorities shall plan</i></p>	<p><i>The subject lands are connected to municipal water and septic system.</i></p>

<i>for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.</i>	<i>The extension of sewer services has been planned for this area of Paris, with construction between 2025-2026.</i>
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It is my professional opinion that the minor variance request is consistent with the policies of the Provincial Planning Statement.

County of Brant Official Plan 2023

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 designated as General Employment within the County of Brant Official Plan (2023) and located with the Urban Settlement Area of Paris.

The following demonstrates conformity with the applicable policies of the County of Brant Official Plan (2023):

<i>Official Plan (2023)</i>	<i>Planning Analysis</i>
<i>Part 3, Section 1.1 advises Employment Areas within the Urban System are clusters of economic activities that are generally industrial in nature and have existing or planned municipal water and/or wastewater servicing infrastructure.</i>	<i>The subject lands are located within the Urban Settlement Area of Paris and are serviced by municipal water, with future sewer connections.</i>
<i>Part 5, Section 7.2 advises the General Employment Designation is intended to accommodate employment uses that are largely industrial in nature and remain a crucial component of the County’s economy. The Employment designation applies to land that is comprised of or intended to be developed for a range of industrial uses and may include service commercial uses and related uses that directly service the employment area.</i>	<i>The subject lands are designated as General Employment. The minor variance is required to facilitate future industrial development.</i>
<i>Part 5, Section 6.8.2 advises arterial Roads are designed to move large volumes of traffic within and through the County of Brant. To preserve the traffic carrying capacity of these thoroughfares, individual access to these roads shall be limited. This policy may also apply to Collector Roads, or a portion thereof, where it is determined by the County for the prioritization of the flow of traffic and transportation.</i>	<i>Schedule E classifies Paris Road as an Urban Arterial Road.</i>

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

County of Brant Zoning By-Law 61-16

The subject lands at 539 Paris Road are zoned as Heavy Industrial with site specific provision (M3-28) within the County of Brant Zoning By-Law 61-16.

Section 11, Table 11.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Heavy Industrial.

The Site-Specific Provision (M3-28) permits in addition to the uses permitted in the Heavy Industrial (M3) Zone; the following shall also apply:

- A studio workshop shall be permitted.
- A studio workshop shall be defined as "shall mean a building or part of a building used to provide training workshops for arts and crafts and may include accessory retail space for the sale of art and craft supplies and may include overnight accommodation for a maximum of 5 bedrooms or suites for persons engaged in the training workshops.
- Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment, and Propane Transfer Facility shall be prohibited.
- All other provisions of the Zoning By-law apply.

Heavy Industrial with Site Specific Provision (M3-28)	Required	Proposed
Lot Area, Minimum (sq. m)	1100	16,996.8 (existing)
Lot Frontage, Minimum (metres)	30.0	102.49 (existing)
Street Setback, Minimum (metres)	50.0 (to any property line abutting an arterial road, or collector road)	33.0
Interior Side Yard Setback, Minimum (metres)	3.0	8.0
Rear Yard Setback, Minimum (metres)	8.0	8.0
Lot Coverage, Maximum	60%	26%
Landscaped Open Space, Minimum	10%	>10%
Building Height Maximum, (metres)	12.0	8.0

- ***A reduced street setback is required to permit future industrial development.***
- ***Future development will be subject to a detailed technical review as part of a Site Plan Control Application.***
- ***All other requirements of the Zoning By-Law 61-16 are being satisfied.***

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

Analysis of the Four Tests (Section 45(1) of the Planning Act R.S.O 1990)

Four Tests	Discussion – A2-25-LG
<p>That the general intent and purpose of the Official Plan is maintained.</p>	<p>539 Paris Road is designated as General Employment within the Urban Settlement Area of Paris under the County of Brant Official Plan (2023). The subject lands are serviced by municipal water and future sewage connections.</p> <p>The General Employment designation is intended to support industrial and employment-related land uses that contribute to economic development and job creation within the municipality. The proposed minor variance is required to facilitate the efficient use of employment lands while maintaining compatibility with the surrounding industrial and commercial land uses. As the proposal supports employment growth within a designated settlement area and aligns with the objectives of the Official Plan, it is my professional opinion that the variance maintains the general intent and purpose of the County of Brant Official Plan.</p>
<p>That the intent and purpose of the Zoning By-Law is maintained.</p>	<p>The subject lands are zoned Heavy Industrial with site specific provision (M3-28) within the Zoning By-law 61-16. The applicant is seeking relief from Section 11, Table 11.2.1 of the Zoning By-Law to permit a reduced street setback of 33 metres, whereas 50 metres is required to any property line abutting an arterial road. The intent of the 50 metre street setback is to ensure that the impact of the employment uses on adjacent uses is minimized, while establishing a uniform streetscape, maintaining adequate sightlines for safety, allowing space for potential road widening, and public infrastructure.</p> <p>The proposed reduction in setback aligns with the permitted employment uses and will not result in adverse impacts to adjacent properties or the streetscape. The variance does not compromise the intent of the zoning provisions, as the site will continue to function as an industrial property while meeting all other applicable zoning regulations. Future development will be subject to a detailed technical review as part of a Site Plan Control Application. In my professional opinion, the proposal maintains the general intent and purpose of the Zoning By-law 61-16.</p>
<p>That the variance is desirable for the appropriate development</p>	<p>The requested variance is desirable as it will facilitate the efficient use of designated employment lands, ensuring compatibility with the surrounding industrial and commercial</p>

and use of the land, building or structure	land uses. Due to the irregular lot fabric a reduced setback will allow for a more functional site layout while ensuring continued compliance with zoning performance standards. The relief requested is expected to support local economic growth and contribute to the long-term viability of the employment area. In my professional opinion, the variance is desirable for the appropriate development and use of the land.
That the requested variance is minor in nature.	<p>Determining whether or not a minor variance request is considered ‘minor’ is based on review of the merits of the application from both a qualitative and quantitative perspective. A variance may be considered “minor” where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.</p> <p>The requested reduction in the street setback from 50 metres to 33 metres is not anticipated to adversely impact adjacent properties, infrastructure, or the surrounding area. The site will maintain compliance with all other zoning regulations, ensuring orderly development. As future development will be subject to a Site Plan Control Application, additional technical review will ensure proper site planning and mitigation of any potential impacts. In my professional opinion, the variance is minor in nature, as it does not compromise the function of the site or surrounding area.</p>

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	<ul style="list-style-type: none"> No comments.
Parks Capital Planning & Forestry	<ul style="list-style-type: none"> Parks Capital Planning & Forestry have no comments regarding this minor variance application.

PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on March 5, 2025, to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

The posting of the Public Notice sign was completed on February 27, 2025, by the owner/applicant and the site visit was completed on March 5, 2025.

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

CONCLUSIONS AND RECOMMENDATIONS

Minor Variance Application **A2-25-LG** is requesting relief from Zoning By-law 61-16, Section 11, Table 11.2.1 to permit a street setback of 33 metres, whereas 50 metres is required to facilitate future industrial development.

The applicant has provided a concept plan to demonstrate how the parcel will be able to accommodate future industrial development. Future development of the subject lands will be subject to technical review as part of a Site Plan Control Application.

Review of this Minor Variance application has had regard for Section 45(1) of the *Planning Act* R.S.O 1990 and Planning analysis confirms that the requested relief meets the 'four tests'

- The Minor Variance request maintains the general intent and purpose of the Official Plan;
- The Minor Variance request maintains the general intent and purpose of the Zoning By-law;
- The Minor Variance request is desirable for the appropriate development or land use of the land, building or structure.
- The minor variance request is minor in nature.

Based on review of applicable planning policy and comments received as part of the technical and public circulation, it is my professional recommendation to the Committee of Adjustment that Minor Variance Application **A2-25-LG** be **Approved**.

Lauren Graham

Lauren Graham

Planner

Reviewed By: Dan Namisniak, BA, MCIP, RPP – Manager of Development Planning

ATTACHMENTS

1. Drawings
2. Zoning Mapping, Official Plan Mapping and Aerial Photo
3. Circulation Notice

COPY TO

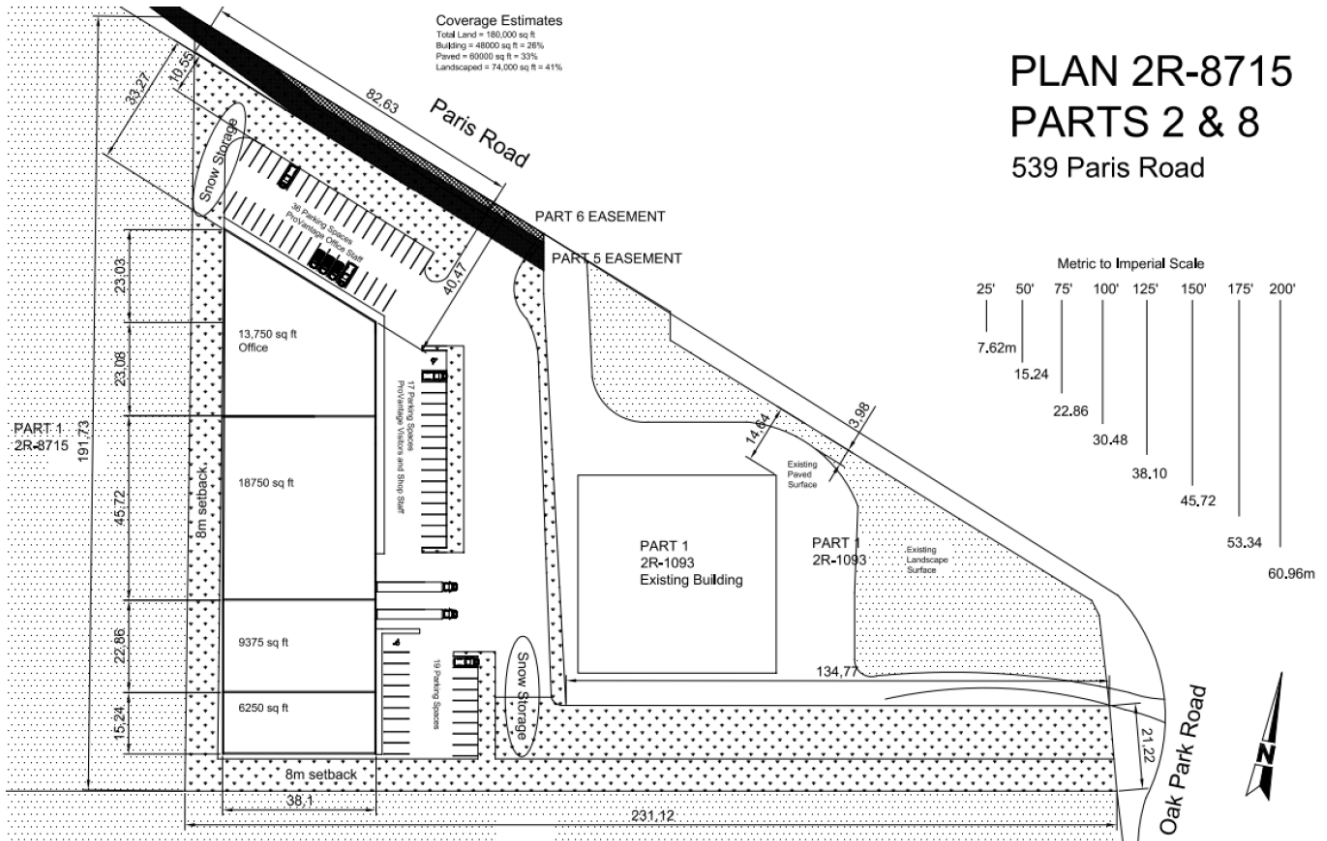
1. Jeremy Vink, Director of Planning
2. Applicant/Agent

FILE # A2-25-LG

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 – Concept Plan



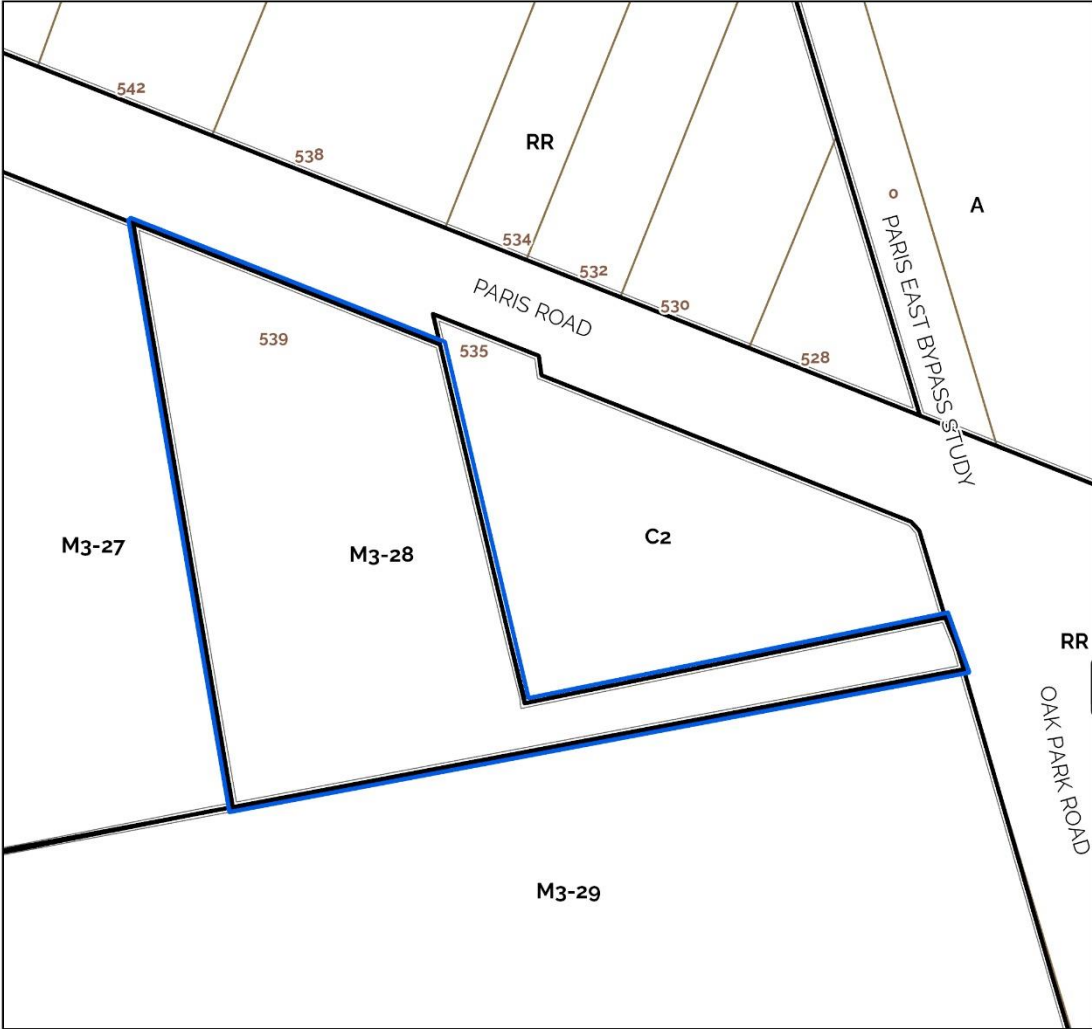
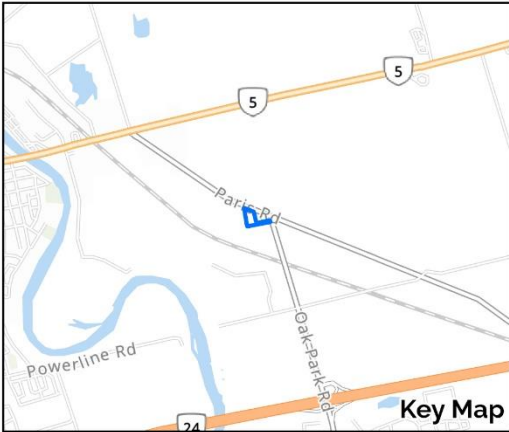
Attachment 2 – Zoning Map

**MAP 1: ZONING
FILE NUMBER
A2-25-LG**

539 Paris Road
County of Brant
Ontario



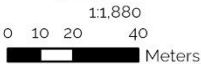
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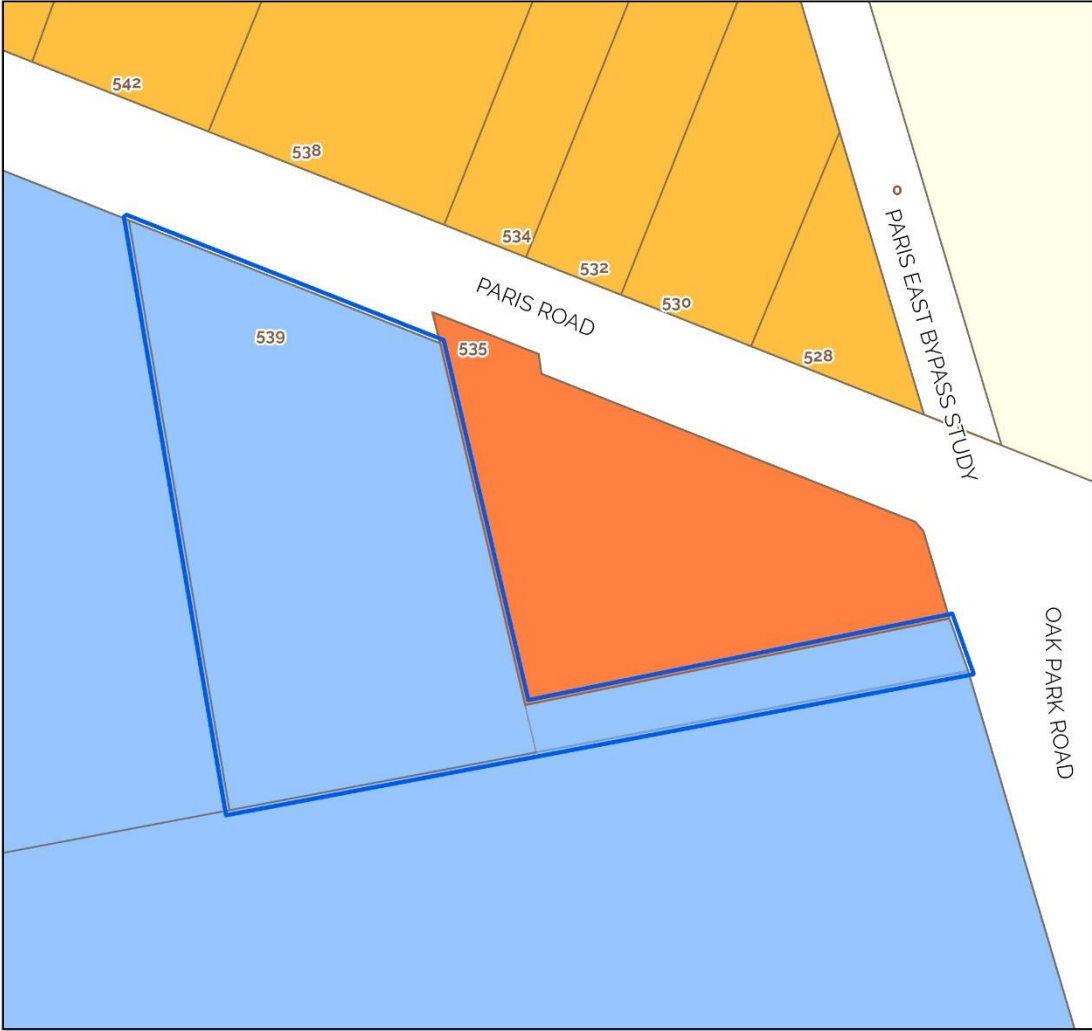
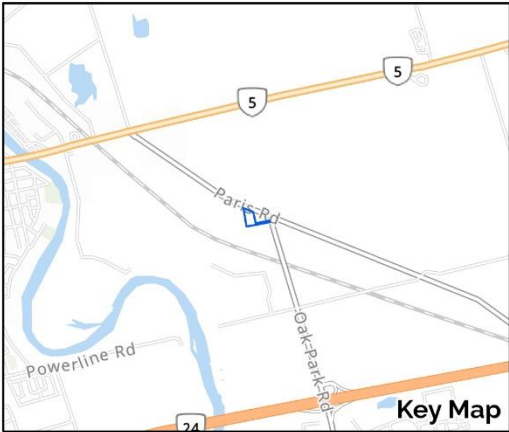
Attachment 3 – Official Plan Map

MAP 2: Official Plan
FILE NUMBER
A2-25-LG

539 Paris Road
County of Brant
Ontario



Date Printed: 2025-01-30



Attachment 4 – Aerial Imagery

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
A2-25-LG

539 Paris Road
County of Brant
Ontario



Date Printed: 2025-01-30

