



## COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

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**DATE:** May 15, 2025

**REPORT NO:** RPT-0185-25

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

**FROM:** Piere Bordeaux, Planner

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**APPLICATION TYPE:** Minor Variance Application

**APPLICATION NO:** A5-25-PB

**LOCATION:** 10 Markel Dr

**OWNER:** Kingwood Rest Acres Commercial Ltd.

**APPLICANT:** Zelinka Priamo Ltd.

**AGENT:** Maverick Development Corporation

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

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### RECOMMENDATION

**THAT** Minor Variance Application received from Zelinka Priamo Ltd., Agent and Applicant, Maverick Development, on behalf of Kingwood Rest Acres Commercial Limited, Owner of lands legally described as PLAN 2M1973 BLOCK 1, County of Brant, in the geographic Township of Paris, municipally known as 10 Markel Drive seeking the following relief from Zoning By-Law 61-16 to facilitate commercial development of the subject lands be **APPROVED**:

1. To permit a minimum street setback of 2.5 metres and 3.0 metres for a portion of Building A & B where 6.0 metres is required (Section 10.2.1);
2. To permit a maximum driveway width of approximately 14.50 m for the Hutchings Road access, whereas the maximum driveway width is 10 m (Section 5.7.2);
3. To permit 195 parking spaces, whereas a minimum of 208 parking spaces is required (Section 5.12.1); and
4. To permit the use of 10 required parking spaces for temporary snow storage (Section 5.1.d).

### **THAT the reasons(s) for approval are as follows:**

- a. The application meets all four tests under Section 45 (1) of the Planning Act;
- b. The proposed development conforms with the County of Brant Official Plan (2023), is consistent with the Provincial Planning Statement (2024), and generally complies with the intent of Zoning By-Law 61-16.
- c. Technical justification has been provided to support functional site operations and ensure minimal impact to the surrounding context;

- d. The relief accommodates site constraints without undermining urban design or infrastructure objectives.

## EXECUTIVE SUMMARY

This Minor Variance Application (A5-25-PB) seeks relief from select provisions of Zoning By-law 61-16 to facilitate the development of a commercial plaza, consisting of a supermarket and a drugstore, at 10 Markel Drive within the Paris Meadows Plan of Subdivision.

Four specific variances are requested:

- A reduced front yard setback of 2.5 m and 3.0 m (where 6.0 m is required);
- An increased driveway width of 14.5 m (where 10.0 m is permitted);
- A reduced parking supply of 195 spaces (where 208 are required); and
- Temporary winter snow storage on 10 of the required parking spaces.

These requests are driven by site-specific constraints, determined by corner lot configuration, maintaining visibility triangles, and servicing alignment. All aspects of detail design have been reviewed as part of the technical circulation completed as part of related Site Plan Control Application SP19-24-DN. It has been determined that the variances requested lead to improvements in landscaping, internal circulation, and public interface design.

A professional parking study confirms that, even under peak demand, the site will retain a functional surplus of 27 spaces. Further, mitigation measures—including off-peak truck delivery and roll-over curb design—address concerns related to circulation and pedestrian safety.

Collectively, the requested relief is considered minor in nature, maintains the intent of the County's Official Plan and Zoning By-law, and supports broader goals of intensification, walkability, and service delivery within the Community Corridor designation.

For the reasons outlined in this report, it is my professional recommendation that Minor Variance A5-25-PB be **APPROVED**.

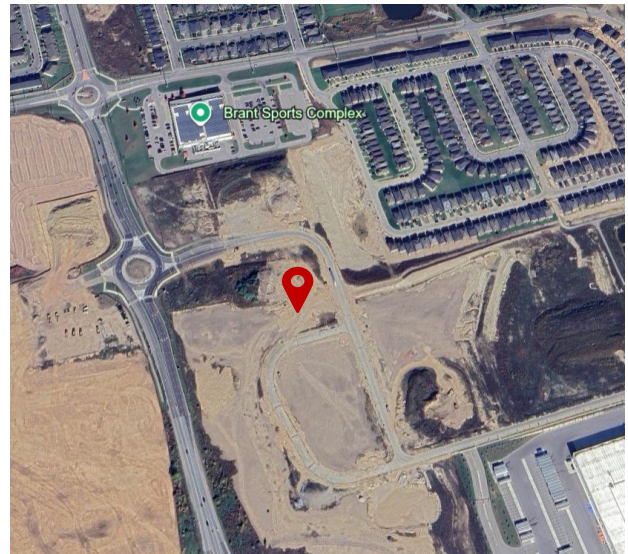
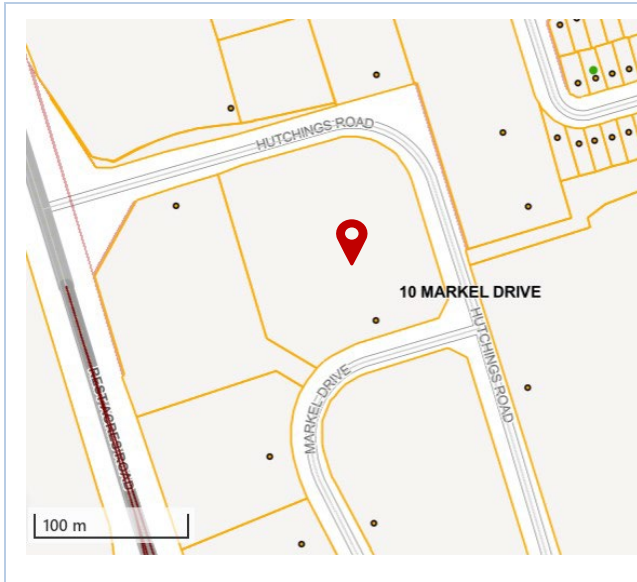
## LOCATION / EXISTING CONDITIONS

### Location Description

The subject land is part of the Paris Meadows Subdivision Registered Plan 2M-1973 currently vacant situated at the corner of Markel Drive and Hutchings Road. This site lies immediately north of Highway 403, near the Rest Acres Road / Highway 24 interchange, which provides regional access to the area.

LOCATION MAP – Fig 01  
Application: A5-25-PB  
10 Markel Dr

AERIAL IMAGE – Fig 02  
Application: A5-25-PB  
10 Markel Dr



### Key Roads Nearby

- **Highway 403:** A major east-west highway directly south of the site.
- **Rest Acres Road (Highway 24):** A major north-south arterial connecting 403 to Paris and Brantford.
- **Markel Drive:** Local road forming the southern boundary of the subject site.
- **Hutchings Road:** Curving along the east and north sides of the subject site.

### Nearby Landmarks

- **Brant Sports Complex (Northwest):** A major recreational facility offering arenas, event space, and fields.
- **Future Residential Development (Northeast & North):** Grid-street pattern with homes under construction and recently completed.
- **Large Industrial Building (Southeast):** distribution and logistics warehouse facility, at Markel Dr and Pottruff Rd.
- **Grand River (Northeast):** A major natural corridor defining the regional landscape

### Existing conditions:

**Area:** 1.45 ha (3.67 acres)

**Zoning:** General Commercial (C2)

**Official Plan Designation:** Community Corridor

**Surrounding Uses:** Predominantly residential to the north and east, future employment to the west and south, and institutional lands to the northeast.

## 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 in nature;
- (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 2024)** provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the *Planning Act*, all decisions affecting planning matters shall be consistent with the PPS.

The following demonstrates that the proposed minor variance application is consistent with the applicable policies of the PPS 2024:

PPS Policy	Policy Direction	Consistency Status	Planning Analysis
<b>2.3.1 Settlement Areas: Focus of Growth and Development</b>	Settlement areas shall be the focus of growth and development.	Consistent	The subject property is located within the Urban Settlement Area of Paris. The proposal supports intensification by introducing retail uses on a currently vacant parcel, contributing to local employment and walkable access to daily goods and services.
<b>2.3.1.2 Land Use Patterns and Efficient Use of Infrastructure (a–d)</b>	Land use patterns should: <ul style="list-style-type: none"><li>a) efficiently use land and resources.</li><li>b) optimize infrastructure.</li><li>c) support active transportation;</li></ul>	Consistent	The development efficiently uses urban land and existing infrastructure (a, b), and includes sidewalks and bicycle parking to support active transportation (c). Although some internal circulation conflicts remain, the ongoing Site Plan Control process—now in its fourth iteration—demonstrates a sustained effort to improve transit-supportive design features, such as pedestrian connectivity and separation from service areas. The proposal is anticipated

	d) be transit supportive.		to fully satisfy the intent of 2.3.1.2(d) upon final refinement.  It is anticipated that forthcoming revisions will further refine the site's circulation and interface, contributing to improved conformity with the intent of Policy 2.3.1.2 (c) and (d).
<b>2.2 Housing and Mixed-Use</b>	Planning authorities shall provide for an appropriate mix of uses and support mixed-use communities.	Consistent	Although the proposal does not include residential uses, it complements adjacent residential development by adding walkable, community-serving retail, thereby contributing to a complete community framework.
<b>3.2 Transportation Systems</b>	Transportation planning must be integrated with land use.	Consistent	The site is well-connected to the local and regional road network, including Rest Acres Road and Highway 403. Access locations have been reviewed through a Transportation Impact Brief and confirmed to meet required safety and sightline standards.
<b>3.5 Land Use Compatibility</b>	Development shall minimize negative impacts on adjacent uses.	Consistent	The proposed commercial plaza is compatible in scale and use with its surrounding residential and institutional context. Design refinements introduced through the Site Plan Control process, including landscaping and buffering measures, mitigate potential conflicts.
<b>5.1 Natural and Human-Made Hazards</b>	Development should avoid hazard lands.	Consistent / Not Applicable	The site is not located within or adjacent to hazard lands such as floodplains or erosion-prone areas.

### **County of Brant Official Plan 2023**

The **County of Brant Official Plan (2023)** establishes the vision, goals, and policy direction for land use planning and development within the municipality. In accordance with the *Planning Act*, all decisions affecting planning matters must conform to applicable municipal planning documents, including the County's Official Plan.

The subject lands are designated **Community Corridor** and are located within the **Urban Settlement Area of Paris**. The proposed development is subject to Site Plan Control and has undergone multiple design revisions to align with Official Plan objectives. The following demonstrates conformity with key applicable policies:

Official Plan Policy	Policy Direction	Conformity Status	Planning Analysis
<b>5.1.2 – Community Corridors</b> Land Use Designation	Encourage compact, mixed-use, and pedestrian-friendly development that efficiently uses land and infrastructure.	Conforms	The proposed retail uses (supermarket and drugstore) are permitted within the Community Corridor designation. The development supports intensification goals by utilizing a vacant parcel within the urban settlement area and contributes to a walkable, service-oriented corridor.
<b>5.15 – Design and Built Form</b>	New development must enhance the pedestrian realm, respect adjacent character, and minimize conflicts between vehicles and pedestrians.	Conforms (with mitigation)	While the 14.5 m driveway width exceeds zoning standards, mitigation measures—including a roll-over curb design and confirmation that loading will occur outside peak pedestrian hours—reduce its impact. The proposal reflects ongoing refinement through Site Plan Control to address circulation and streetscape integration.
<b>5.15.4 – Landscape Design</b>	Landscaping should buffer incompatible uses, enhance visual character, and frame pedestrian pathways.	Conforms	The Site Plan Control process includes the preparation of a detailed landscape plan that demonstrates buffering and aesthetic improvements along all public frontages, particularly where setback relief is proposed.
<b>5.15.7 – Access and Circulation</b>	Access points should reduce conflict with pedestrians and support safe internal circulation.	Conforms (with continued refinement)	The development incorporates internal pedestrian pathways and is improving circulation through iterative site design. Although initial configurations presented challenges, revisions have enhanced internal movement and reduced pedestrian-vehicle conflict.

<b>5.15.2.3 – Contextual Compatibility</b>	Development should be compatible in scale, massing, and relationship to adjacent uses.	Generally, Conforms	The proposed massing and use are compatible with the surrounding commercial and residential context. While the corner setback at Markel and Hutchings differs from nearby built form, this variation is balanced by landscaping and massing articulation to maintain streetscape rhythm.
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### **County of Brant Zoning By-Law 61-16**

#### **Zoning Classification:**

- Zone: C2 – General Commercial Zone
- Mapping Reference: Schedule A to Zoning By-law 61-16

The subject lands, municipally known as 10 Markel Drive, form part of Block 1 of the registered Paris Meadows Subdivision. The site is legally situated within the County of Brant and is designated within the Urban Settlement Area of Paris.

#### **Site Characteristics:**

- Approximate area: 1.45 hectares (3.67 acres)
- Current status: Vacant and undeveloped
- Location: Northeast corner of Markel Drive and Hutchings Road, with direct frontage on Rest Acres Road (Highway 24), a major arterial road
- Configuration: Rectangular, with visibility triangles registered at the intersection to preserve corner sightlines
- Infrastructure: Fully serviced with municipal water, stormwater, and road access, with sanitary connections planned

#### **Zoning By-law provision analysis: Section 10: Commercial (C) Zone:**

<b>Regulation</b>	<b>Required (C2 Zone)</b>	<b>Proposed / Relief Requested</b>
<b>Minimum Lot Area</b>	No minimum	1.45 ha
<b>Minimum Lot Frontage</b>	15 m	78.73 m
<b>Minimum Street Setback</b>	6.0 m	<b>2.5 m / 3.0 m</b> <b>Does not comply</b>
<b>Minimum Rear Yard</b>	7.5 m	7.7 m
<b>Maximum Building Height</b>	12.0 m	9.5 m



<b>Minimum Landscaped Open Space</b>	10%	15.3 %
<b>Parking (Section 5.12.1)</b>	208 spaces	195 spaces <b>Does not comply</b>
<b>Maximum Driveway Width (5.7.2)</b>	10.0 m	14.5 m <b>Does not comply</b>

The proposed commercial development conforms to the permitted uses and general intent of the C2 Zone, which allows for retail and service commercial uses intended to serve the surrounding residential community. Relief is required from specific performance standards to accommodate the proposed site layout and access configuration. These variances include:

- A reduction in front yard setbacks at the building corners.
- An increase in driveway width to facilitate truck access at a prominent corner.
- A minor shortfall in required parking, supported by a transportation and parking study.
- The temporary use of 10 required parking spaces for snow storage, which has been justified through technical analysis.

These variances are evaluated in detail in relation to the four tests of a minor variance under Section 45 (1) of the *Planning Act*.

### **Relief Request 1: Minimum Street Setback**

**Zoning Standard:** 6.0 metres

**Relief Requested:** 3.0 metres (Retail A), 2.5 metres (Retail B)

#### **Test 1 – Intent of the Official Plan:**

The subject property is designated Community Corridor under the County of Brant Official Plan, which encourages compact, mixed-use, and pedestrian-oriented development. The proposed reduced setbacks maintain the intent of this designation by facilitating a walkable retail node and enabling efficient land use. Therefore, the general intent and purpose of the Official Plan is maintained.

#### **Test 2 – Intent of the Zoning By law:**

The Zoning By-law sets minimum street setbacks to provide area for site grading, drainage and servicing as well as appropriate separation between built form and the public realm, support landscape buffering, and ensure sightline safety. While the proposed relief is a measurable reduction, it applies only to the corners of the building. The modified facade design at these corners, along with space for appropriate landscaping and servicing, and not impact to site lines help preserve the functional and visual intent of the regulation. As such, the general intent of the Zoning By-law is upheld with mitigation.

#### **Test 3 – Desirability:**



The variance allows for proper site layout and building orientation while avoiding more substantial impacts that would arise from relocating buildings or driveways. It enables compatible commercial development on a constrained parcel, consistent with its context and urban structure. The variance is therefore desirable for the appropriate use of the land.

**Test 4 – Minor in Nature:**

The reduction in setback is localized and does not affect the full building footprint. Mitigating design measures including landscaping, public interface, and corner articulation minimize any adverse impacts. Relief is thus considered minor in nature, both in scale and effect.

**Relief Request 2: Maximum Driveway Width**

**Zoning Standard:** 10.0 metres

**Relief Requested:** 14.5 metres (Hutchings Road)

**Test 1 – Intent of the Official Plan:**

The driveway provides essential access to a retail plaza and supports its operational function. The Official Plan promotes an efficient multi-modal transportation network using the principle of complete streets, balancing safety and movement with needed functional infrastructure. The roll-over curb and mitigation measures maintain alignment with Official Plan policies through a balanced, site-responsive approach.

**Test 2 – Intent of the Zoning By-law**

The intent of the Zoning By-law is to limit wide driveways that create both a vehicle and pedestrian safety concern when they disrupt pedestrian pathways and streetscape continuity. Although the proposed width exceeds the standard by 45 percent, this deviation is mitigated through roll over curb design and operational controls such as limited delivery windows. These measures help preserve safety and functional circulation. Therefore, the intent of the By-law is maintained through design refinement.

**Test 3 – Desirability:**

An increased driveway width is necessary to accommodate the minimum truck turning radii and ensure safe access. This contributes to consolidated and efficient site circulation. It is considered desirable given the site's function and configuration.

**Test 4 – Minor in Nature:**

While the numerical deviation is substantial, the impact is mitigated by targeted design strategies. The location, use frequency, and supporting curb design reduce the potential for pedestrian conflict. Accordingly, the variance is considered minor in effect.

**Relief Request 3: Minimum Required Parking**

**Zoning Standard:** 208 spaces

**Relief Requested:** 195 spaces (13-space shortfall)

**Test 1 – Intent of the Official Plan:**

The Official Plan encourages compact and efficient development. By relying on shared trip generation and avoiding excess paving, the proposed parking reduction aligns with broader sustainability and land use efficiency goals. The relief supports intensification while meeting commercial needs.

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**Test 2 – Intent of the Zoning By-law:**

The Zoning By-law aims to ensure that sites provide sufficient parking for their intended use. The accompanying Parking Study demonstrates that demand will peak below the proposed supply, even accounting for snow storage. The intent of ensuring sufficient, unobstructed parking is therefore maintained.

**Test 3 – Desirability:**

The reduced parking supports an efficient site layout and avoids unnecessary impervious surface area. It enables the development to function appropriately without compromising adjacent infrastructure or causing parking spillover. The variance is desirable and compatible with the intended commercial use.

**Test 4 – Minor in Nature:**

The reduction amounts to approximately 6.25 percent, and the shortfall is functionally mitigated through shared-use assumptions and demand analysis. The operational impact is minimal and manageable. The variance is considered minor.

**Relief Request 4: Snow Storage on Required Parking Spaces**

**Zoning Standard:** Parking spaces must not be used for other purposes

**Relief Requested:** Temporary snow storage on 10 required parking spaces

**Test 1 – Intent of the Official Plan:**

The Official Plan promotes year-round functionality and efficient use of land. Allowing temporary snow storage without expanding asphalt areas aligns with sustainability objectives and supports uninterrupted operation of the commercial plaza. The relief maintains the general intent of the Official Plan.

**Test 2 – Intent of the Zoning By-law:**

Zoning By-law prohibits use of required parking spaces for other purposes to ensure availability of parking. However, a professional Parking Study has confirmed that, even during peak demand, the site will maintain a surplus of 27 spaces, preserving functional parking availability. Thus, the general intent is maintained.

**Test 3 – Desirability:**

The proposed snow storage strategy avoids overdesigning the site and ensures efficient winter maintenance. It supports practical site operations and minimizes disruption to users, making the relief desirable.

**Test 4 – Minor in Nature:**

The variance is seasonal, and supported by technical evidence. The operational impact is negligible and does not affect compliance with functional parking needs. The relief is minor in both duration and effect.

**Conclusion**

Each of the four requested variances satisfies all four tests under Section 45 (1) of the Planning Act. The variances maintain the general intent and purpose of the County's Official

Plan and Zoning By-law, are desirable for the appropriate use of the land, and are minor in nature when considered in context and with the mitigating strategies introduced through the Site Plan Control process.

## INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	No comment by DED, reviewed by others.
Operations Development	<p>External Works:</p> <ul style="list-style-type: none"> <li>Modifications to Hutchings Road will be completed by the County to support the proposed new site entrances located east of the roundabout.</li> <li>A conceptual road design is currently underway.</li> </ul> <p>Sightlines and Landscaping:</p> <ul style="list-style-type: none"> <li>As per the Transportation Impact Study (TIS), sightlines at the north entrance extend across private property.</li> <li>No landscaping should be installed that may obstruct visibility to the east from this entrance.</li> </ul> <p>Site Servicing:</p> <ul style="list-style-type: none"> <li>All servicing works will be completed by the site developer.</li> <li>Standard inspection fees for connections at the property line will be included in Schedule F of the Site Plan Agreement.</li> </ul> <p>Water and Wastewater Capacity:</p> <ul style="list-style-type: none"> <li>Capacity is available for this development.</li> <li>Allocation will occur at the time of site plan registration.</li> </ul> <p>Site Entrances and Access Design:</p> <ul style="list-style-type: none"> <li>The proposed entrances exceed the size required for anticipated traffic volumes and do not align well with internal drive lanes and parking layout.</li> <li>Entrances appear to be oversized to accommodate truck turning movements.</li> <li>Re-design is recommended to: <ul style="list-style-type: none"> <li>Include only necessary entrance and exit lanes.</li> <li>Accommodate truck turning with features such as concrete aprons.</li> </ul> </li> </ul>
Parks Capital Planning & Forestry	No comments.
Canada Post	No comments
Grand Bridge Energy	No Comments
Hydro One	No Comments
The Mississaugas of the Credit First Nation (MCFN)	No comments or concerns currently

## PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on April 30, 2025, to all property owners within 60 meters 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 April 28, 2025, by the owner/applicant and the site visit was completed on April 25, 2025.

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

## CONCLUSIONS AND RECOMMENDATIONS

In my professional opinion, the proposed minor variance application satisfies all four tests set out under Section 45 (1) of the *Planning Act*. The proposed commercial uses are permitted within the applicable zoning and conform to the Community Corridor designation of the County of Brant Official Plan, thereby supporting local intensification and service delivery objectives.

While the requested variances — specifically the reduced front yard setbacks and increased driveway width — introduce challenges with respect to the intent of the Zoning By-law and the urban design policies of the Official Plan, these matters have been substantially addressed through the ongoing Site Plan Control process. The application has undergone multiple design iterations in consultation with County staff, and further refinements are anticipated to resolve outstanding issues related to interface, circulation, and buffering.

Operational comments provided during review do not invalidate the minor variance application. Rather, they reinforce the need for coordination with final engineering design, suggest refinements at the Site Plan stage to ensure full functionality, and emphasize the importance of confirming that driveway widths are justified based on truck turning requirements. These are implementation-level issues that fall within the scope of Site Plan Control and do not alter the conclusion that the requested variances meet the intent and purpose of applicable planning documents.

Furthermore, the requested relief for temporary snow storage is supported by a professional parking study that confirms a functional surplus during peak conditions, maintaining alignment with the Zoning By-law's intent for adequate and accessible parking.

Given the existing site constraints created by the registered plan of subdivision and the parcel's configuration, the proposed development represents a reasonable and context-sensitive solution.

Accordingly, the requested variances are considered appropriate, maintain the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the land, and are minor in nature and impact.

**For the reasons outlined in this report, it is my professional recommendation that Minor Variance Application A5-25-PB be APPROVED.**

Pièrre

**PIERE BORDEAUX**

Planner

### **Reviewed By:**

1. Dan Namisniak, Manager of Development Planning
2. Jeremy Vink, Director of Planning

## ATTACHMENTS

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

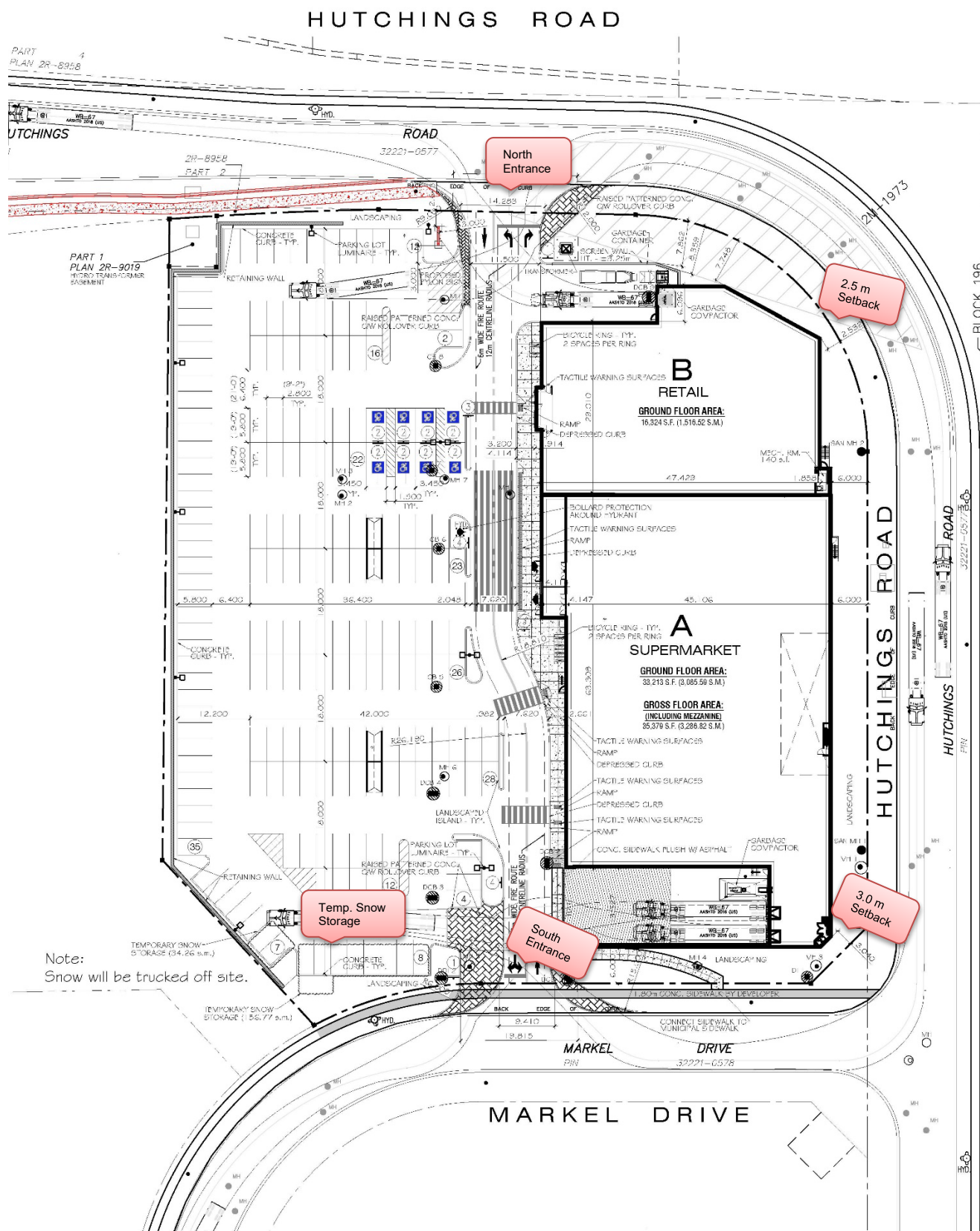
## COPY TO

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

## FILE # A5-25-PB

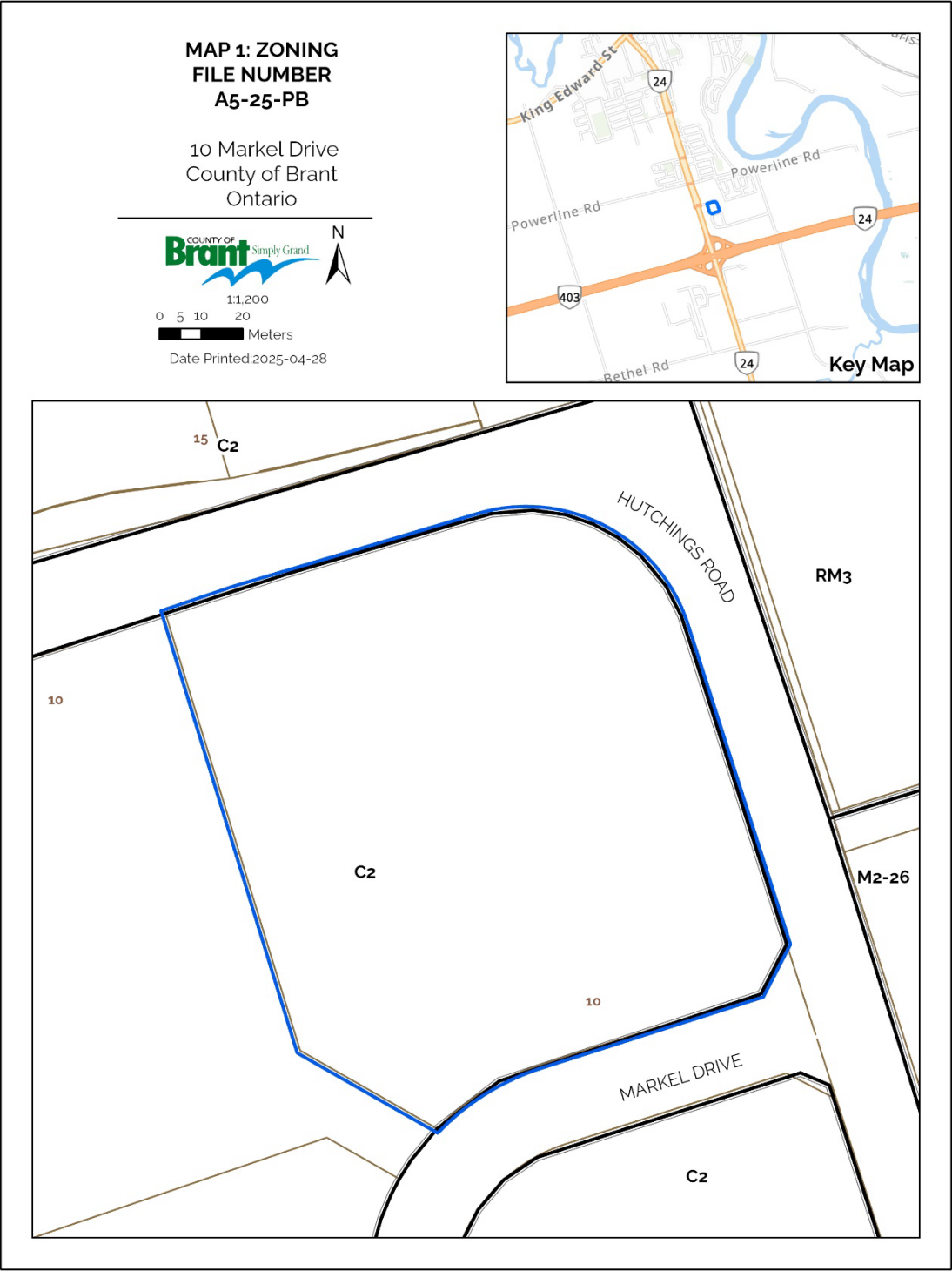
In adopting this report, is a bylaw or agreement required?	
By-Law required	NO
Agreement(s) or other documents to be signed by Mayor and /or Clerk	NO
Is the necessary By-Law or agreement being sent concurrently to the Council?	NO

PART 4  
PLAN 2R-8958





Attachment 2 – Zoning Map



Attachment 3 – Official Plan Map

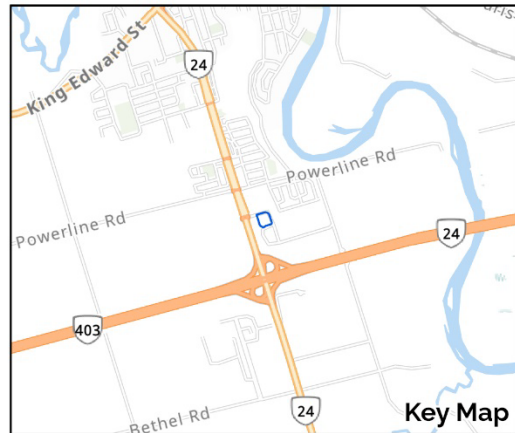
**MAP 2: Official Plan  
FILE NUMBER  
A5-25-PB**

10 Markel Drive  
County of Brant  
Ontario



0 5 10 20  
Meters

Date Printed: 2025-04-28



Attachment 4 – Map 3: Aerial Imagery



Attachment 5 – Map 4: Detailed Map

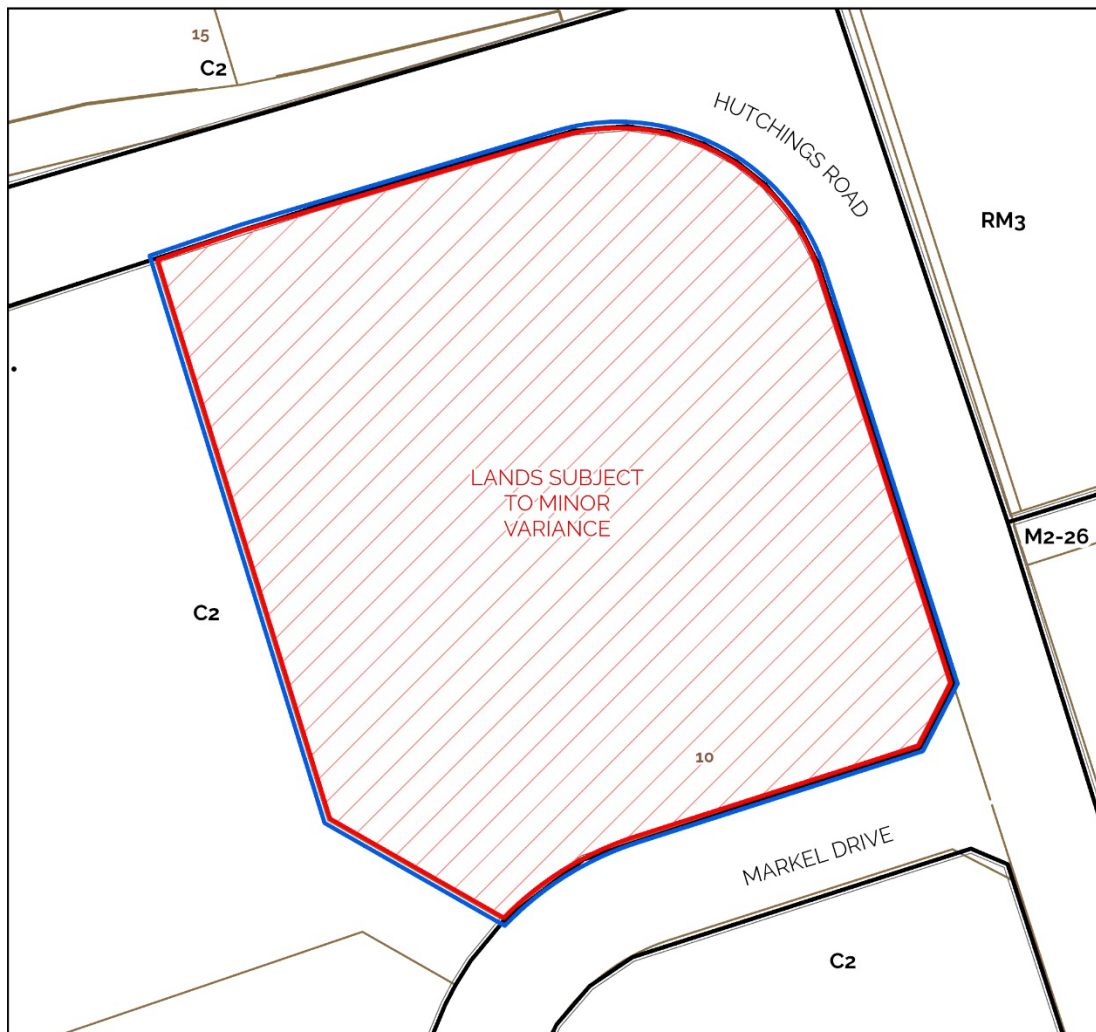
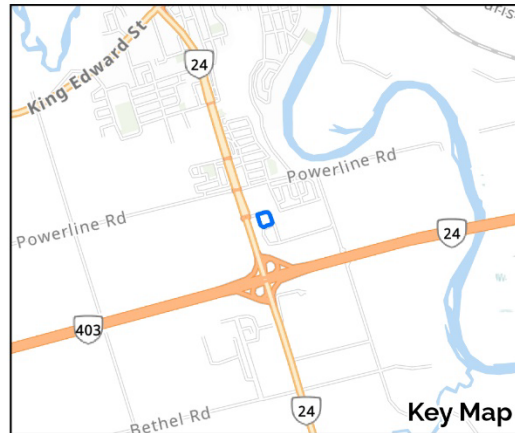
**MAP 4: DETAILED MAP  
FILE NUMBER  
A5-25-PB**

10 Markel Drive  
County of Brant  
Ontario



0 5 10 20  
Meters

Date Printed: 2025-04-28



**Attachment 6 – Photographic Observation**





Photograph taken from Hutchings Street, southeast of the subject lot, looking at the neighboring lot located northeast



Photograph taken from Hutchings Street, southeast of the subject lot, looking west and showing Market Drive



Photograph taken from Hutchings Street, southeast of the subject lot, looking at the neighboring residential development located east



Photograph taken from Hutchings Street, southeast of the subject lot, looking at the neighboring residential development located east





Photograph taken from Hutchings Street, southeast of the subject lot, looking north showing Hutchings Street



Photograph taken from the intersection between Hutchings Street and Markel Drive, looking north and showing the east side of the subject lot and part of Hutchings Street



Photograph taken from the intersection between Hutchings Street and Markel Drive, looking west and showing Markel Drive



Photograph taken from the intersection between Hutchings Street and Markel Drive, looking northwest and showing the subject lot