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Date March 7, 2024 **Report No.** 2024-142
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application Minor Variance

2.0 Topic

APPLICATION NO.: A12-2024
AGENT: Pattison Outdoor Advertising c/o
Brandon Lincz
APPLICANT/OWNER: Pattison Outdoor Advertising
LOCATION: East side of Wayne Gretzky Parkway (south of
CN Rail Line)
Roll #2906010990013650000

3.0 Recommendation

- A. THAT application A12-2024 seeking relief from Section 478.14.6 of Chapter 478 of the Municipal Code to permit a Billboard Sign within 7 m of a street lot line, whereas a minimum of 9 m is otherwise required, BE REFUSED;
- B. THAT the reasons for the refusal of the minor variance to Section 478.14.6 are as follows: the relief requested is not in keeping with the general intent of Chapter 478 of the Municipal Code, it is not desirable for the appropriate

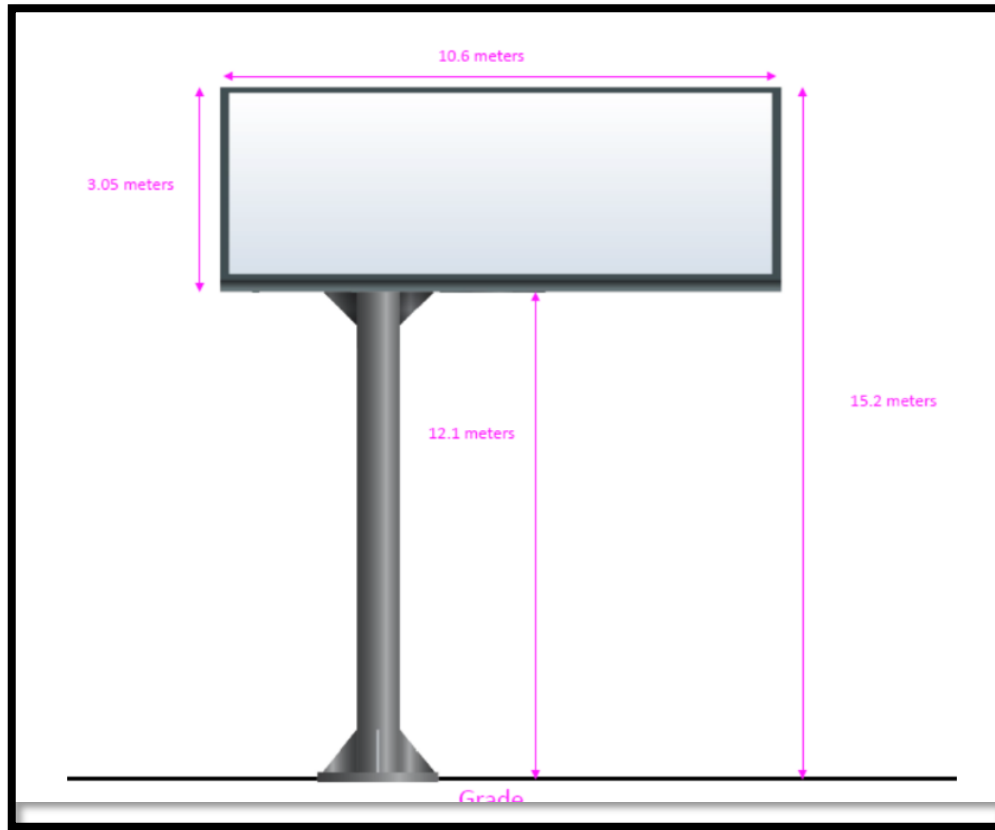
development and use of the subject lands, and the relief requested is not considered minor in nature; and,

- C. THAT application A12-2024 seeking relief from Section 478.14.9 of Chapter 478 of the Municipal Code to permit a Billboard Sign that is 15.24 m tall, whereas 10.5 m is otherwise the maximum permitted height, BE REFUSED;
- D. THAT the reasons for the refusal of the minor variance to Section 478.14.9 is as follows: the relief requested is not in keeping with the general intent of Chapter 478 of Municipal Code, it is not desirable for the appropriate development and use of the subject lands, and the relief requested is not considered minor in nature, and;
- E. 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 2024-142.”

4.0 Purpose and Description of Application

The applicant is seeking relief from the Sign By-law to allow for the erection of a Billboard Sign that exceeds the height and street setback requirements, specifically pertaining to its placement in proximity to Wayne Gretzky Parkway. The proposed billboard is intended to serve as a prominent advertising structure targeting motorists travelling northbound on Wayne Gretzky Parkway. It is envisaged to stand 15.24 m tall (whereas 10.5 m is otherwise the maximum permitted height) and 7 m from the street (whereas 9 m is the minimum otherwise permitted). The purpose of this application is to obtain the necessary approvals to facilitate the installation of a billboard sign that exceeds prescribed height and setback limitations and to optimize visibility and impact for advertising purposes.

Figure 1 - Conceptual Electronic Billboard Sign



5.0 Site Features

The proposed location of the Billboard Sign is on land owned by CN Railway and adjacent to the CN Rail line, close to where Wayne Gretzky Parkway intersects with the railway. This strategic positioning offers significant exposure to northbound traffic along the Wayne Gretzky Parkway. The site is designated “General Employment” and zoned “Holding – General Industrial – Special Exception 61” (H-M2-61). The Holding stipulates that any development requires a Transportation Impact Study. This was not included as an application requirement because Staff had not deemed the installation of a Billboard Sign as “development”. There is a pedestrian recreational trail that runs parallel to the Wayne Gretzky Parkway and leads to the proposed billboard site. **Figure 2** was taken on this trail and shows the existing Pattison standard billboard approximately 25 m east of the proposed site, and **Figure 3** shows the approximate location of the proposed electronic billboard site from a northbound driver’s perspective.

Figure 2 - Proposed Billboard Site from Trail



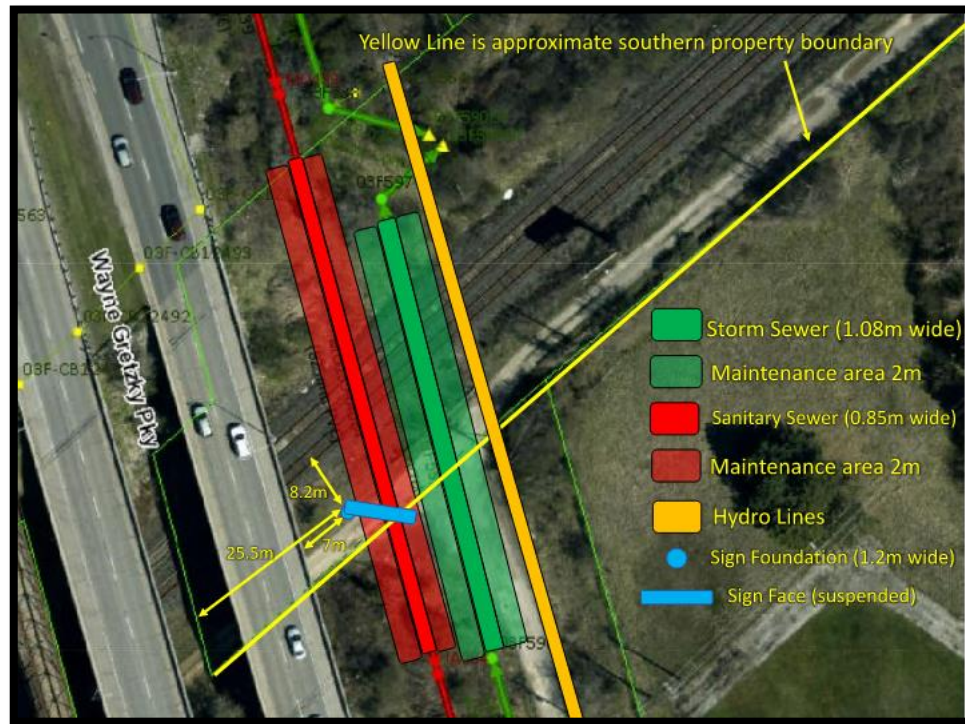
Figure 3 - Proposed Billboard Location for Northbound Drivers



The site is near various commercial sites as well as the S.C. Johnson industrial site (to the east). This section of Wayne Gretzky Parkway is part of a capital plan to initiate a Municipal Class EA to enhance transportation infrastructure in the near future. The site is also near existing municipal sewers, which service a significant portion of employment and residential land. **Figure 4** below shows the proposed billboard location highlighted.

Further, Council recently voted to remove Billboards from the definition of “development” in the context of Site Plan Control, so if this Minor Variance application was to be approved, it would not be subject to Site Plan Control.

Figure 4 - Concept Plan



6.0 Input from Other Sources

6.1 Technical Comments

City Departments and external agencies were circulated for technical review on January 26, 2024. The following is a summary of the comments provided:

1. Development Engineering Staff raise significant concerns regarding the proposed modifications to setbacks for the sign location, primarily due to its proximity to existing municipal sewers. The proposed sign location could impede the City’s ability to conduct repairs or replacements/upgrades of underground municipal sewers, which serve a significant portion of employment and residential lands in this area of the City. The proposed sign location

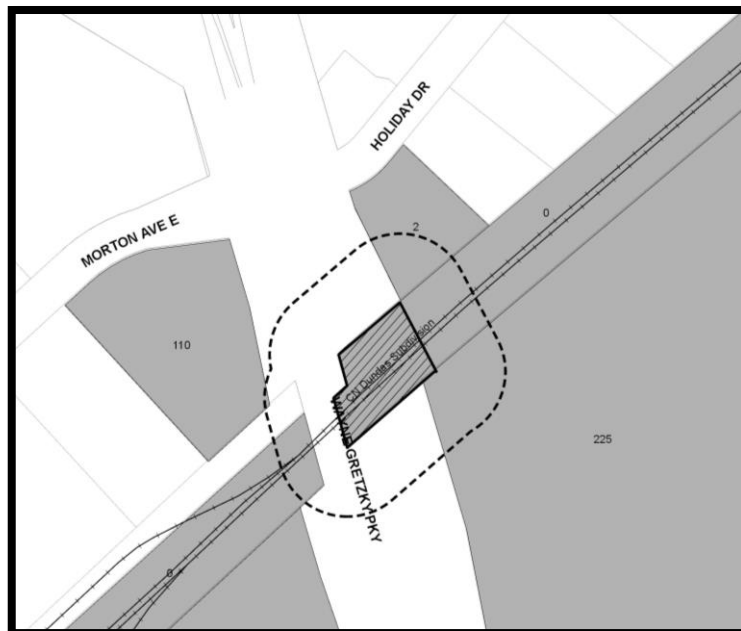
has the potential to also constrain future infrastructure plans, including the City's capital plan to initiate a Municipal Class EA for additional lanes to Wayne Gretzky Parkway.

2. Development Engineering Transportation Staff note the proposed sign also has the potential to distract motorists and also impact any future road widening and potential active transportation infrastructure.
3. Parks Staff note that while they have no direct concerns with the billboard itself, they are concerned about the potential impacts on the nearby trail leading to the site resulting from the construction of the billboard.
4. Building Department Staff note that, if approved, the applicant will need to apply for a sign permit.

6.2 Public Comment

Property owners within 60 m of the subject location were circulated for comment on February 20, 2024. A public notification sign was also erected on the subject lands. At the time of writing this Report, staff have not received any public comment.

Figure 5 - Notification Map



7.0 Planning Staff Comments and Conclusion

The technical comments emphasize significant challenges and potential negative implications of the proposed billboard installation. Table 1 summarizes these concerns in the context of the four tests:

Table 1 - Four Tests of a Minor Variance

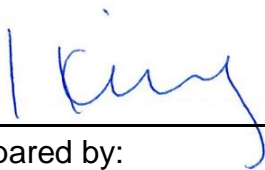
Four Tests	Discussion
1. That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the sought variance. Staff are of the opinion that the proposed relief is not minor as it would have the effect of hindering the maintenance of municipal infrastructure and any future road widening for this section of the Wayne Gretzky corridor. Furthermore, the billboard has the potential to distract drivers and thus poses a safety concern in the opinion of Staff.
2. That the intent and purpose of the Sign By-law is maintained	The City of Brantford’s Sign By-law controls the size, location, and type of signs permitted within the City of Brantford. Various provisions in the Sign By-law are designed to ward against safety hazards. At this time, and without knowing the location and view of future northbound traffic along Wayne Gretzky Parkway, the proposed billboard could pose a safety hazard. With this, Staff are of the opinion that the purpose and intent of the Sign By-law are not met.
3. That the general intent and purpose of the Official Plan is maintained	The subject lands are designated “General Employment Designation”, where various economic activities and ancillary uses are supported. Staff are of the opinion that the proposed variance would maintain the general intent and purpose of the Official Plan.
4. That the variance is desirable for the appropriate development and use of the land, building or structure	Staff are of the opinion that the proposed Billboard is not desirable for the site since it could negatively impact the City’s ability to maintain and upgrade its infrastructure. Furthermore, it may pose a safety hazard to future northbound drivers along the Wayne Gretzky Parkway. With nearby electronic billboards, such as the one located near the Bank of Montreal on the other side of Wayne Gretzky Parkway, staff are concerned that the accumulative effect from the digital flashing lights will be overly distracting and not desirable for the site and the corridor from a streetscape perspective.

After a careful review of the minor variance application and a site inspection conducted on February 9, 2024, staff are not supportive of this application. Though included in a capital plan for road widening, Wayne Gretzky Parkway remains in the preliminary planning stages. The lack of clarity regarding the specific height and proximity (to the proposed billboard) introduces substantial uncertainty regarding the compatibility of the proposed billboard with future infrastructure improvements. This uncertainty poses significant challenges in assessing the long-term viability and appropriateness of the proposed billboard sign placement.

The proposed location of the billboard has also raised operational concerns for staff responsible for the maintenance and future upgrades of Wayne Gretzky Parkway. The proximity of the billboard has the potential to impede routine maintenance activities and infrastructure enhancements. This limitation could compromise the effectiveness and efficiency of municipal operations along this corridor.

Staff have also raised serious concerns regarding the potential safety hazards associated with the billboard placement. Given its proximity to Wayne Gretzky Parkway and the potential for distraction among motorists and passersby, there is a legitimate concern that the presence of the billboard could compromise driver attention and increase the risk of accidents or traffic incidents.

The potential risks and challenges associated with the proposed billboard placement outweigh any perceived benefits in terms of advertising opportunities. Staff also note that, as per Council's direction through the passage of By-law 185-2023, Billboard Signs are no longer subject to Site Plan Control, therein removing this mechanism that might otherwise ensure compliance with City standards. Planning Staff recommend that this application A12-2024 be refused.



Prepared by:
Lindsay King
Development Planner
Prepared on: February 29, 2024



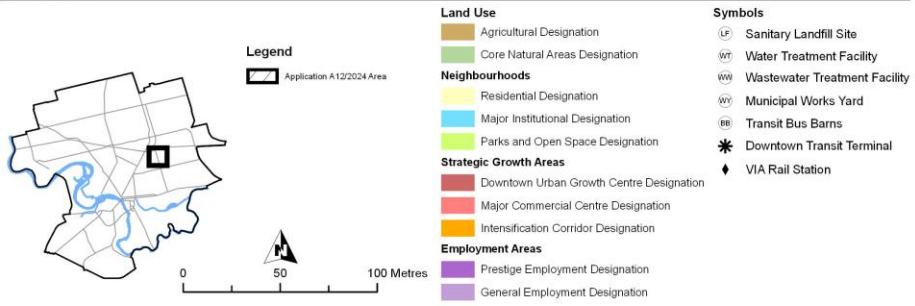
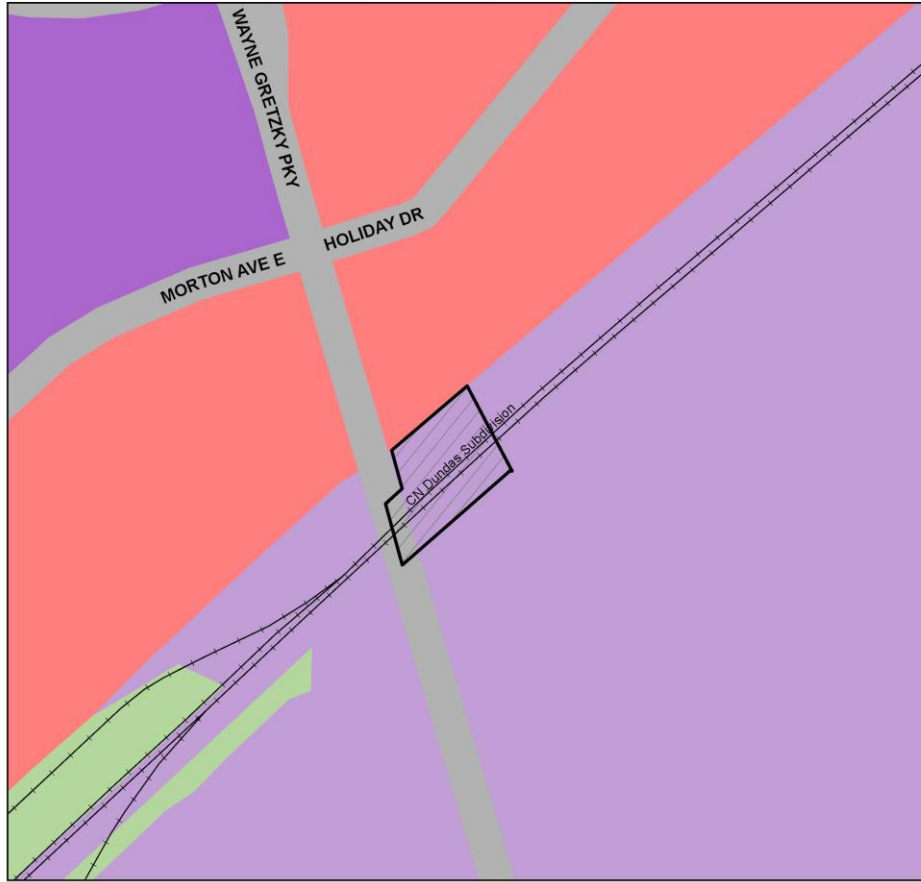
Reviewed by:
Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: A12/2024

Railroads area northeast of Wayne Gretzky Parkway



Appendix B – Zoning



ZONING

Application: A12/2024

Railroads area northeast of Wayne Gretzky Parkway



Legend

-  Application A12/2024 Area
-  Zone Boundary

ZONING (Bylaw 160-90) and County of Brant(61-16)

- C8 GENERAL COMMERCIAL
- M2 GENERAL INDUSTRIAL
- H HOLDING PROVISION
- # Exception Number



0 50 100 Metres