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**Date** June 5, 2024 **Report No.** 2024-357  
**To** Chair and Members  
City of Brantford Committee of Adjustment  
**From** Lindsay King  
Development Planner

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### 1.0 Type of Report

Committee of Adjustment Decision Regarding  
Application for Minor Variance

### 2.0 Topic

**APPLICATION NO.:** A24-2024  
**AGENT:** Melanie VanAsten  
**APPLICANT/OWNER:** Angelo Abbruzzese  
**LOCATION:** 105 Colborne Street West

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### 3.0 Recommendation

- A. THAT application A24-2024 seeking relief from Section 478.2.31 of municipal Property Maintenance Chapter (Sign By-law) to permit third party advertising, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance is in keeping with the general intent and purpose of the Sign By-law and Official Plan, and the relief requested is considered minor in nature and desirable for the appropriate development and use of the subject lands; and,

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- C. THAT application A24-2024 seeking relief from Section 478.3.5 of Property Maintenance Chapter (Sign By-law) to permit a maximum informational sign face of 1.58 m<sup>2</sup> whereas the maximum sign face is 0.14 m<sup>2</sup>, BE REFUSED;
  - D. THAT the reasons for the refusal of the minor variance application are as follows: the proposed variance is not in keeping with the general intent or purpose of the Sign By-law, and the relief requested is not considered minor in nature; and,
  - E. THAT application A24-2024 seeking relief from Section 478.8.5 of Property Maintenance Chapter (Sign By-law) to permit a minimum street setback of 0.7 m, whereas 1 m is otherwise required, BE REFUSED;
  - F. THAT the reasons for the refusal of the minor variance application are as follows: the proposed variance is not in keeping with the general intent or purpose of the Sign By-law, and the relief requested is not considered minor in nature; and,
  - G. THAT application A24-2024 seeking relief from Section 478.8.9 of Municipal Property Maintenance Chapter (Sign By-law) to permit a minimum unobstructed view of pedestrians of 6 m whereas a minimum of 9 m is otherwise required, BE REFUSED;
  - H. THAT the reasons for the refusal of the minor variance application are as follows: the proposed variance is not in keeping with the general intent or purpose of the Sign By-law and Official Plan, and the relief requested is not considered minor in nature or desirable for the appropriate development and use of the subject lands; and,
  - I. 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 No. 2024-357*

#### 4.0 Purpose and Description of Application

The applicant is seeking a minor variance to permit a new sign that was erected without the benefit of a permit, and that contains third-party advertising. The variance also seeks the approval of an informational sign face (i.e. details the name and address of the owner or occupant) that is larger than otherwise permitted, and that allows vehicular drivers exiting the site less of an unobstructed view of northeast-bound pedestrian traffic than is otherwise required in the Sign By-law. **Table 1** below details the minor variance requests.

Table 1 - Minor Variance Requests

No.	Regulation	By-law Section	Required	Current Proposal
1.	Third party advertising	478.2.31	Not permitted	Permitted
2.	Maximum informational sign face size	478.3.5	0.14 m <sup>2</sup>	1.58 m <sup>2</sup>
3.	Minimum street setback	478.8.5	1 m	0.7 m
4.	Minimum unobstructed view of pedestrians	478.8.9	9 m	6 m

The purpose of this application is to permit a sign to enhance the visibility of businesses in the retail complex and outside of the retail complex to generate additional advertising revenue. **Figure 1** shows the existing sign with the third-party advertising for Mission Thrift (which is on the neighbouring property) and Rockwell Holdings Inc. This sign replaced a similar sized sign (shown in **Figure 2**) that was approved by the Building Department in 1990. A notable difference with the previous sign was that it did not obstruct the view of approaching pedestrians.

Figure 1 - Existing and Proposed Sign

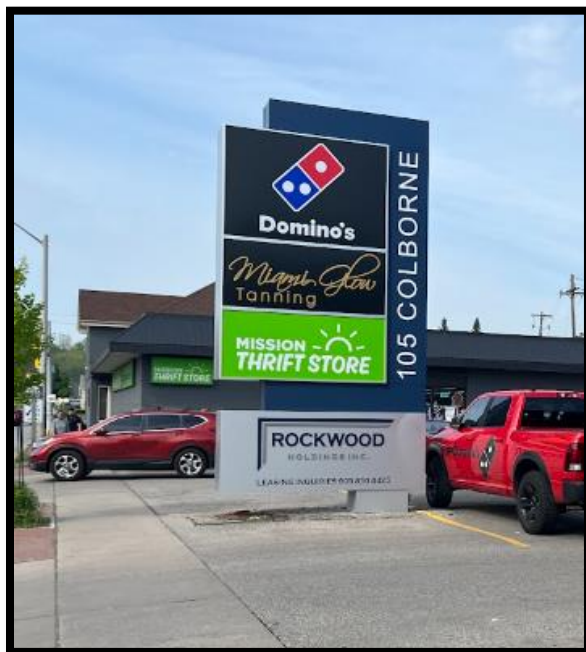
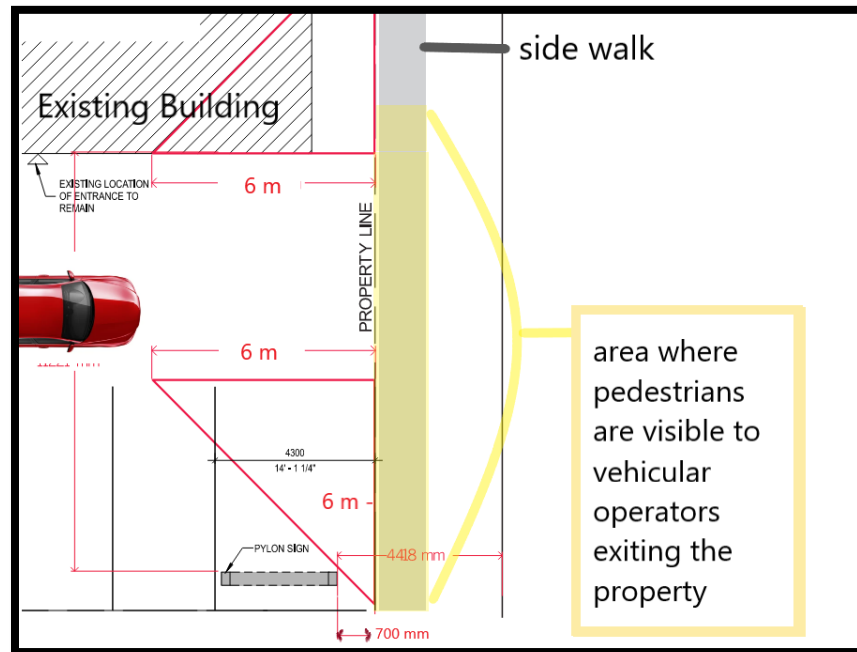


Figure 2 - Previous Sign



**Figure 3** shows (in yellow) the area where vehicular operators exiting the site have an unobstructed view of the sidewalk. **Figure 3** also shows the obstruction on the left driver's side due to the existing commercial building which is setback approximately 1.7 m from the sidewalk.

Figure 3 - Proposed Obstructed View of Pedestrians



## 5.0 Site Features

The subject lands are designated “Intensification Corridor” in the Official Plan and are zoned “Floodplain – General Commercial” (F-C8) in Zoning By-law 160-90, as shown in **Appendix A** and **Appendix B**, respectively. The lands are located on the northeast side of the intersection of Catherine Avenue and Colborne Street West, which is a busy commercial area with significant pedestrian and vehicular traffic. The sign, which is approximately 17.79 m<sup>2</sup> (191.5 sq.ft.), is located approximately 0.7 m from the front property line, denoted with a star in **Figure 4**. A sidewalk runs between the south side of the subject lands and the north side of Colborne Street West. The existing commercial building (approximately 432 m<sup>2</sup>) which contains Domino’s Pizza and Miami Glow, is setback approximately the same distance from the sidewalk.

Figure 4 - Subject Lands



The surrounding land use is primarily commercial, with the following adjacent land uses:

- North: Apartment Building
- East: Vacant Lands
- South: No Frills
- West: Mission Thrift

## 6.0 Input from Other Sources

### 6.1 Technical Comments

Staff circulated this application to all applicable departments and agencies on April 19, 2024. The notable comments are summarized below.

**Building Department** staff identified that contrary to the Sign By-law, the subject sign was constructed without a permit and that the location of the

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previous sign does not “grandfather” this location for future signs, such as the one built without a permit. This is in line with Section 478.16.10 which states that *“any existing sign or other advertising device which does not conform to the provisions of this Chapter shall not be relocated, rebuilt, reconstructed, altered, restored or replaced except in accordance with the provisions of this Chapter and a permit therefore has been issued.”* Building staff also identified a 37 cm discrepancy in the distance from the existing sign to the property boundary; originally the applicant submitted a site plan that indicated the sign was located 1.07 m from the property boundary, however Building staff confirmed that it is located approximately 0.7 m from the property boundary. This discrepancy triggered a fourth variance for required setback from the street. The applicant updated their application and provided a corrected site plan.

**Development Engineering Transportation** Staff commented that the existing sign creates visibility constraints for both motorists and pedestrians when exiting the site and that Transportation Staff do not support the proposed variances. Transportation staff conducted a site inspection and recommend that the current constraints be rectified immediately.

**Economic Development** Staff shared that while they understand the role that signage plays in commercial plazas, they are concerned about the overall scale and massing of the sign, along with the sightline restrictions. Because the property is designated as an Intensification Corridor, and will see an increase in pedestrian activity, Economic Development Staff are concerned about pedestrian and vehicular safety and do not support the variances, with the exception of the request to permit third-party advertising since it reduces the need for signage at the neighbouring site (Mission Thrift).

**Public Operations** Staff noted that a property owner must obtain a Right-of-Way Activity Permit for any construction in the right-of-way.

## 6.2 Public Comments

This application was circulated for public comment on May 16, 2024, to property owners within 60 m of the subject lands. At the time of writing this report, no public comments on this application have been submitted.

## 7.0 Planning Staff Comments and Conclusion

### 7.1 Planning Analysis

Table 2 - Minor Variance Tests – Third Party Advertising (recommended approval)

Four Tests	Discussion
1. That the requested variance is <b>minor</b> in nature	“Minor” is determined by impact, not by the value of the variance being sought. Permitting third-party advertising is considered minor in nature since one of the third-party advertisements pertains to the neighbouring property “Mission Thrift”, and the other pertains to a private company. The inclusion of third-party advertising should not have negative impacts on either drivers or pedestrians.
2. That the intent and purpose of <b>Zoning By-law 160-90</b> is maintained	There are no provisions within Zoning By-law 160-90 that prohibit third-party advertising and so staff consider the general intent and purpose of the Zoning By-law to be maintained.
3. That the general intent and purpose of the <b>Official Plan</b> is maintained	The subject lands are designated “Intensification Corridor”, and Section 5.3.3 (a) of the Official Plan states that the intent of this zone is to “ <i>function as the connective spines of the City, as well as destinations for the surrounding neighbourhoods. It is the intent of the Plan that the lands within the Intensification Corridor Designation provide significant opportunities for creating vibrant, pedestrian and transit-oriented places through investment in infrastructure, residential intensification, infill, and redevelopment, with particular attention to urban design.</i> ” Staff are of the opinion that permitting third-party advertising in this designation maintains the purpose and intent of the Official Plan.
4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure	Permitting third-party advertisements is desirable for the appropriate development and use of these commercial lands. The sign in question provides advertising for a neighbouring establishment, Mission Thrift. Additionally, third-party advertising is already allowed along Colborne Street W., including billboard signs. The subject sign is classified as a “Ground Sign” rather than a “Billboard Sign”, meaning that the subject sign contains information for the establishment that exists on the same property as the sign (in this case, Domino’s Pizza and Miami Glow). With this technicality in mind, and the ability for the property owner to establish a Billboard ‘as of right’ which would contain <i>only</i> third-party advertising, staff feel that the variance is both

Four Tests	Discussion
	desirable and appropriate.

Table 2 – Maximum informational sign face Size, minimum unobstructed view, minimum setback from public street (recommended refusals)

Four Tests	Discussion
1. That the requested variance is <b>minor</b> in nature	<p>“Minor” is determined by impact, not by the value of the variance being sought. An “informational sign face” refers to the area of a sign face that indicates the <i>“name and address of the owner or occupant of the premises on which the sign is located”</i>. The maximum size of an informational sign face is 0.14 m<sup>2</sup>, and the applicant is proposing a sign greater than 11 times the permissible size totaling 1.58 m<sup>2</sup>. Staff are of the opinion that such a deviation cannot be considered minor and significantly impacts the streetscape and surrounding neighbourhood aesthetics. Furthermore, requests to reducing the minimum unobstructed view of pedestrians from 9 m of sightlines to 6 m of sightlines and reducing the minimum sign setback from the street significantly impact pedestrian safety and are not considered minor.</p>
2. That the intent and purpose of the <b>Zoning By-law 160-90</b> is maintained	<p>The applicant’s proposal does not maintain the intent and purpose of the Sign By-law, which aims to ensure safety, orderliness, and visual harmony. The proposed deviations may also create an undesirable precedent and encourage a streetscape of large signage that aggressively targets vehicular operators.</p>
3. That the general intent and purpose of the <b>Official Plan</b> is maintained	<p>The subject lands are designated Intensification Corridor, which is intended to prioritize pedestrian traffic over vehicular traffic and be designed as a safe and welcoming space. Staff are of the opinion that the proposed variance to permit such a large informational sign face, that obstructs the view of pedestrians and is closer to the street than otherwise permitted.</p> <p>Section 3.3(b) of the Official plan states that <i>“[a]ll new development shall be consistent with the City’s Urban Design Manual, to the satisfaction of the City.”</i></p> <p>Section 2.4.5 of the Urban Design Manual speaks directly to the stretch of Intensification Corridor lands on Colborne Street containing the subject lands, 105 Colborne Street</p>



Four Tests	Discussion
	<p>West. It states that <i>“mixed use areas and nodes along different sections of Colborne Street are envisioned to become higher density, vibrant areas that are pedestrian friendly and transit oriented.”</i> Staff are of the opinion that the proposed sign, due to its size and intended audience (vehicular operators), does not align with the vibrant and pedestrian friendly vision provided in the Official Plan.</p> <p>Section 3.3 of the Urban Design Manual explains that <i>“[t]he scale, visibility, and design of signage should respond to the surrounding neighbourhood and intended users. For example, in areas of high pedestrian activity such as the Downtown and Intensification Corridors, street signs and advertising signs should be designed for optimal visibility by pedestrians to be viewed at the speed of pedestrian traffic. Signage that is optimized for pedestrians does not need to be as large as signage that is optimized for vehicular traffic.”</i></p>
<p>4. That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure</p>	<p>The oversized sign is disproportionate to its surroundings, creating visual clutter and can be a distraction for drivers, which compromises road safety for vehicles and pedestrians. Furthermore, Staff are of the opinion that this could set an undesirable precedent, which would have a significant cumulative effect.</p>

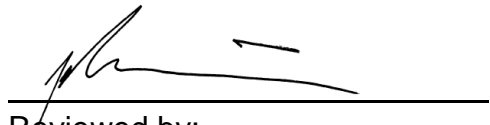
## 7.2 Conclusion

After a thorough review of the file including a site inspection completed on May 13, 2024, staff are supportive of the request for relief from the prohibition of third-party advertising, but are not supportive of the request to reduce the minimum unobstructed view of pedestrians from 9 m to 6 m, to permit a sign within 0.7 m of the street, whereas a 1 m setback is otherwise required, or to increase the maximum sign face size from 0.14 m<sup>2</sup> to 3.63 m<sup>2</sup>. Staff are of the opinion that permitting a sign of this size, which obstructs the ability of vehicular drivers to view oncoming pedestrians and is closer to the street than otherwise permitted, is not minor in nature or desirable for the lands. In conclusion, Staff are recommending refusal of the relief being sought for the other requests in the application.



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Prepared by:  
Lindsay King  
Development Planner  
May 29, 2024



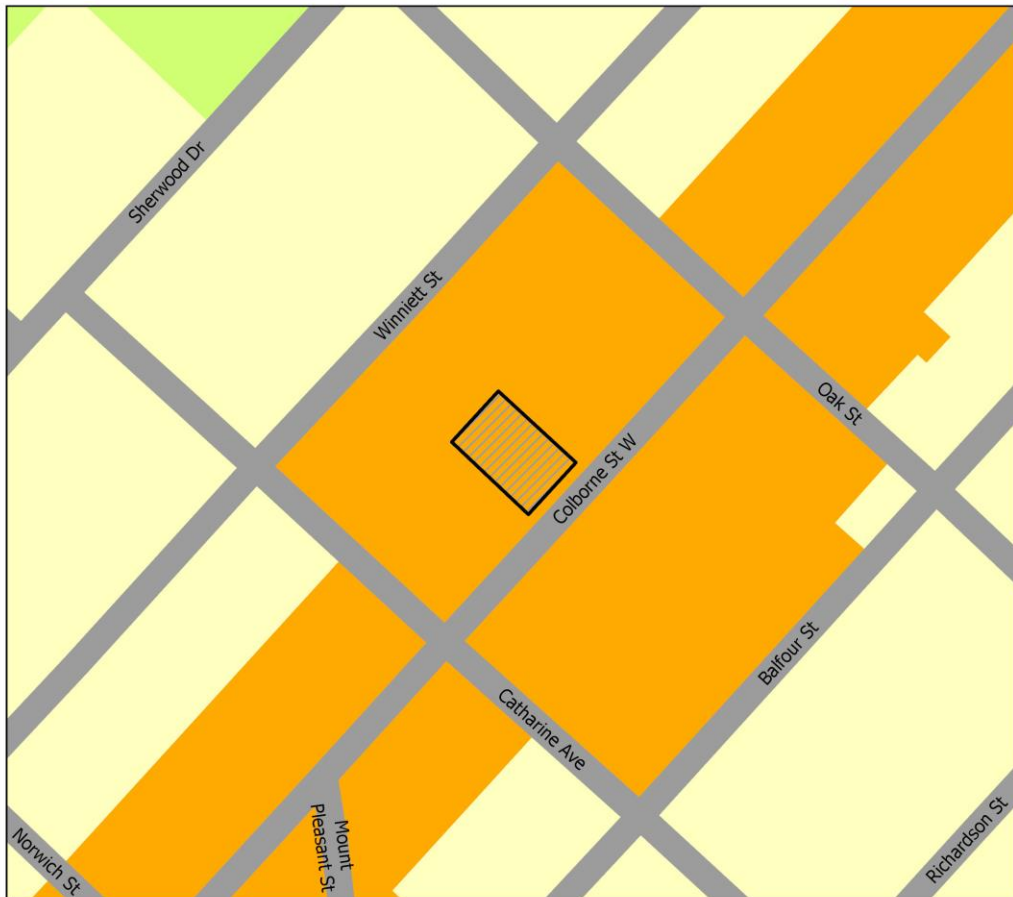
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Reviewed by:  
Jeff Medeiros, MCIP RPP  
Senior Project Manager

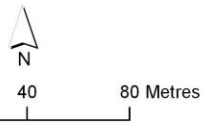
**APPENDIX A – OFFICIAL PLAN DESIGNATION**

**OFFICIAL PLAN EXCERPT MAP**

Application: A24-2014  
105 Colborne Street West



- Legend**
- Agricultural Designation
  - Core Natural Areas Designation
  - Residential Designation
  - Major Institutional Designation
  - Parks and Open Space Designation
  - Downtown Urban Growth Centre Designation
  - Major Commercial Centre Designation
  - Intensification Corridor Designation
  - Prestige Employment Designation
  - Commercial Mixed Use Corridor
  - General Employment Designation
  - StkNationsTerritory
  - VIAStation
  - TransitTerminal
  - Subject Land



**APPENDIX B – ZONING**

**ZONING MAP**

Application: A24-2014  
 105 Colborne Street West



**Legend**

- Subject Land
- Zoning District

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

- R1C Residential Type 1C (12 metre)
- RC Residential Conversion
- R4A Residential Medium Density Type A
- R4B RESIDENTIAL MEDIUM DENSITY Type B
- I2 Institutional School
- C8 General Commercial
- F Floodplain Provision
- # Exception Number

