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Date: July 3, 2024

To: Chair and Members - Committee of Adjustment

From: Lindsay King
Intermediate Development Planner

Re: 105 Colborne Street West - Minor Variance File No. A24-2024

This memo provides a final recommendation to the Committee regarding the minor variance application for the property municipally known as 105 Colborne Street West. The applicant sought relief to bring a sign, erected without a permit, into compliance with the Municipal Code 478 (Sign By-law). The requested variances were as follows:

1. Third party advertising on a ground sign whereas it is otherwise not permitted (Section 478.2.31)
2. An informational sign face that is 6.44 m², whereas 0.14 m² is otherwise the maximum (Section 478.3.5).
3. A ground sign that is 0.7 m from a public street, whereas 1 m is otherwise the minimum (Section 478.8.5).
4. An unobstructed view of oncoming pedestrians 6 m away, whereas at least 9 m is otherwise required (Section 478.8.9).

The application was originally brought to the Committee in June 2024, but was deferred to allow for an on-site meeting between staff and the applicant to review the application and consider modifications made to the sign. An on-site visit took place on June 25, 2024.

During the site visit, it was noted that the applicant removed the bottom sign panel, reducing some visual obstruction within an area extending approximately 1.66 m above ground level. Although the frame of the bottom panel remains, causing partial visual

obstruction, the applicant intends to remove this frame as it is not structurally necessary.

According to the Transport Accident Commission (TAC) standards, site distance for turning movements is typically measured from the height of the turning vehicle driver's eye (1.05 m above the ground). With the bottom sign panel removed, there is now a 9 m unobstructed view of oncoming pedestrians for vehicular operators. The applicant provided a photo showing the view of a pedestrian standing 9 m from the driveway (**Appendix A**). Transportation, Building, and Planning Staff each visited the site and are satisfied that the sign is no longer in contravention of Section 478.8.9.

Following the Committee meeting, it was determined that the sign contains an informational face of 6.44 m², which includes the signage for "Dominos" and "Miami Glow". The informational sign face remains 6.44 m², which is significantly larger than the 0.14 m² allowed. This size is not considered 'minor' and adversely impacts the streetscape, which establishes a problematic precedent. The sign does not align with the Official Plan, which prioritizes pedestrian-oriented signage within the Intensification Corridor. Therefore, staff recommend refusing the requested relief from Section 478.3.5.

Although the sign is still within 0.7 m from the property line, the removal of the bottom panel means that this distance still exists only above 1.66 m. With this change, staff now consider this variance minor, consistent with the Zoning By-law, and the Official Plan, and desirable for the appropriate use of the property. As such, staff are recommending approval of the requested relief from Section 478.8.5.

Based on this analysis, staff recommend the following for minor variance application A24-2024:

- Refusal of the requested relief from Section 478.3.5 (maximum size of an informational sign face)
- Approval of the requested relief from Section 478.8.5 (minimum distance to a public street) and from Section 478.2.31 (third party advertising)

Please refer to **Appendix B** for the complete revised Staff Recommendation.



Lindsay King
Intermediate Development Planner

APPENDIX A – SITE PHOTO



APPENDIX B – REVISED 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,
- 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 6.44 m² whereas the maximum sign face is 0.14 m², 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 or desirable for the appropriate use of the lands; 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 APPROVED;
- F. THAT the reasons for the refusal 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 the relief requested is considered minor in nature and desirable for the appropriate use of the lands; and,
- G. 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