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Date September 4, 2024 **Report No.** 2024-531
To Chair and Members
City of Brantford Committee of Adjustment
From Ashley Timbs
Development Planner

1.0 Type of Report

Application for Minor Variance [X]
Item for Consideration or Consent []

2.0 Topic **Application A41-2024 – 299 Wayne Gretzky Parkway**

Applicant – SSG Enterprises (Simon Ive)

Agent/Owner – McDonalds Restaurants of Canada c/o Bruce Graham (Franchisee)

3.0 Recommendation

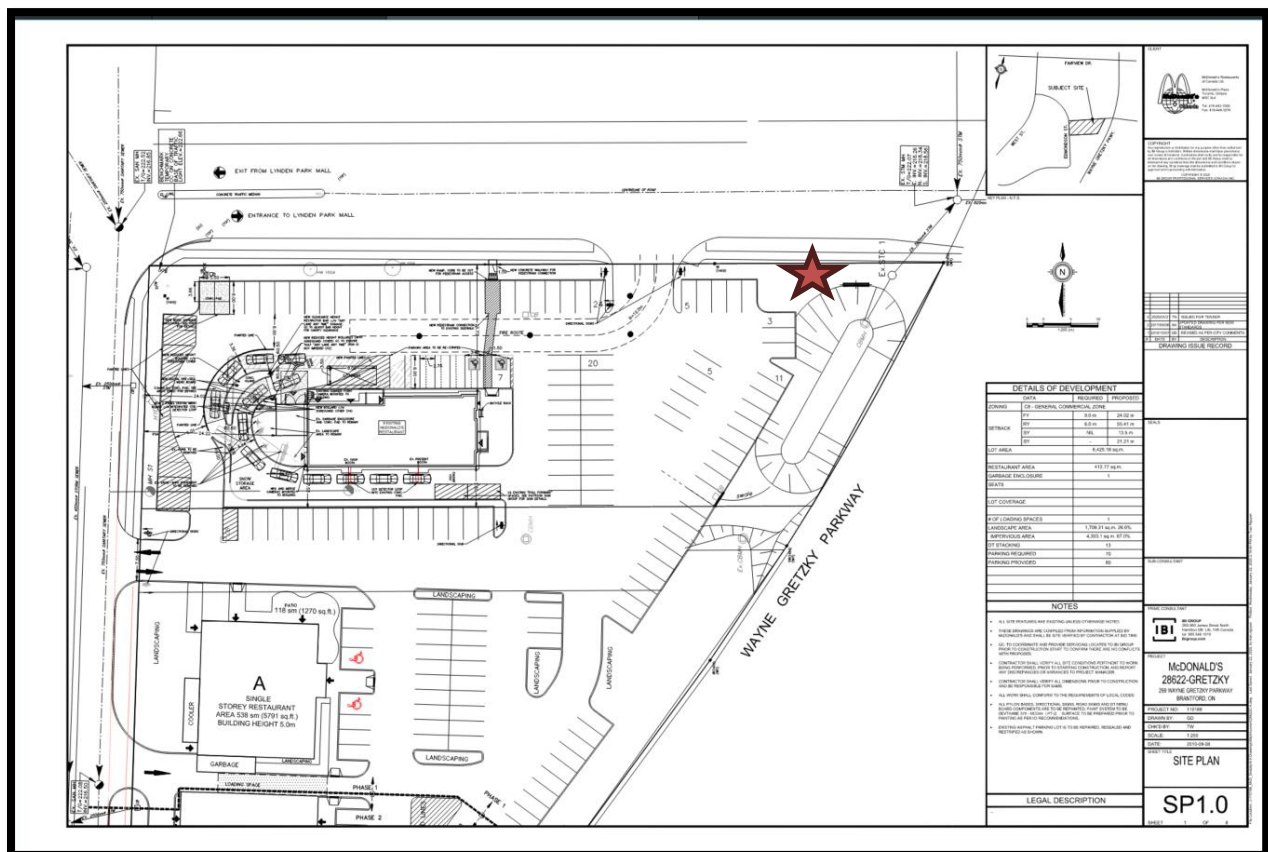
- A. THAT application A41-2024 seeking relief from Section 478.4.14.v. of Municipal Code 478 (Sign By-law) to permit a distance of 17.0 m from the digital sign to the nearest traffic signal, whereas 30.0 m is otherwise required, BE APPROVED;
- B. THAT the reason(s) for approval of the minor variances are as follows: the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and,
- C. 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 2024-531”

4.0 Purpose and Description of Applications

A Minor Variance application has been received for the lands municipally addressed as 299 Wayne Gretzky Parkway. The purpose of the application is to facilitate the conversion of a manual change letter board to a digital sign, as shown in **Figure 1**, the approximate sign location is denoted with a star.

Figure 1 – Conceptual Site Plan (full-scale version attached)



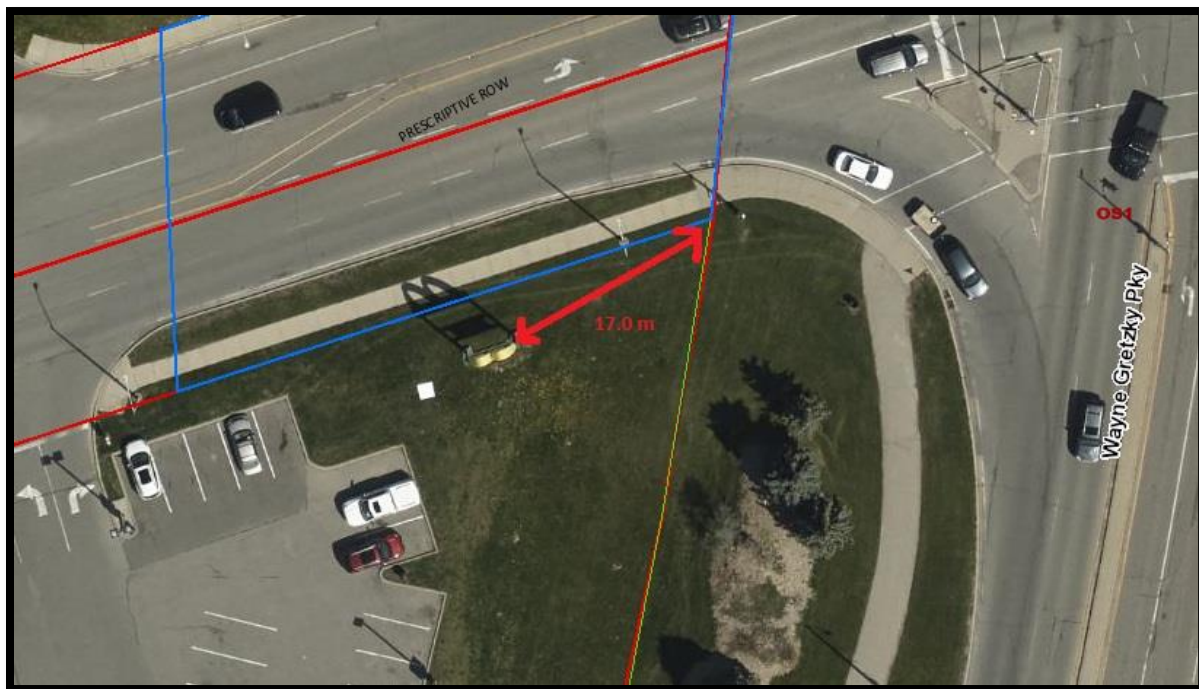
The applicant is seeking relief from Municipal Code 478 (Sign By-Law) to reduce the minimum distance from a sign to a traffic signal as shown in **Table 1**.

Table 1 - Requested relief from Municipal Code 478 (Sign By-law)

Regulation	By-law Section	Required	Proposed	Relief Requested
Minimum distance from digital sign to the nearest traffic signal.	Section 478.4.14.v.	30.0 m	17.0 m	-13.0 m

Note that as per Section 478.4.14.V. in the case of a corner lot this distance is measured to the projected intersection of the two lot lines abutting the street as illustrated in **Figure 2**.

Figure 2 – Measurement Distance



5.0 Site Features

The subject lands are located on the corner of Wayne Gretzky Parkway and Edmondson Street. The lands contain a McDonalds restaurant, drive through, parking space, and an existing manual letter change board as shown in **Figure 3**.

Figure 3 – Photo of Subject Lands



The following is a description of the land surrounding the subject lands.

- North** Commercial plaza.
- South** Commercial restaurant.
- East** Lynden Park Mall.
- West** Commercial restaurant.

6.0 Input from Other Sources

6.1 Technical Comments

The application was circulated to all applicable departments and agencies on July 19, 2024. No objections were received. Notable comments are summarized below.

MTO – have no objection with the application. The subject property does fall within the MTO permit control area, however given the proposed scope of work and separation from the highway network, MTO review, approval and permits will not be required for this project as this sign is not visible to MTO Highway 403.

Building – confirmed the measurement of 17.0 m from the sign to the projected intersection of the two lot lines abutting the streets.

6.2 Public Response

A Notice of Public Hearing was issued by personal mail on August 16, 2024, to property owners within 60 metres of the subject lands pursuant to the *Planning Act*. At the time of writing this report, no public comments on this application have been received.

7.0 Planning Staff Comments and Conclusion

The Subject Lands are designated “Major Commercial Centre” in the Official Plan and zoned “General Commercial Zone (C8)” in Zoning By-law 160-90 as shown in **Appendix A** and **Appendix B**, respectively.

7.1 Planning Analysis for Minor Variance

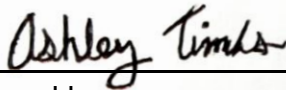
When evaluating the merits of a minor variance application, the Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met. To be approved, a minor variance must be minor in nature, desirable for the appropriate development and use of the land, and the general intent and purpose of the Zoning By-law and Official Plan must be maintained. These tests are discussed in the table below:

Table 2 - Four Tests of a Minor Variance

Four Tests	Discussion
<p>1. That the requested variance is minor in nature</p>	<p>“Minor” is determined by impact, not by the value of the variance being sought.</p> <p>The surrounding land use is commercial adjacent to the subject site and as such it is not anticipated that this relief would cause any disturbance to neighbouring properties. The sign currently exists as a manual change letter reader board. This application is proposing to convert it to a digital sign in its current location. No safety concerns were identified in Staff’s technical circulation by the MTO or engineering and transportation departments. Therefore, Staff is of the opinion that the relief sought in this application is minor.</p>
<p>2. That the intent and purpose of the Zoning By-law is maintained</p>	<p>Signs are regulated by Municipal Code 478, and the intent of Section 478.4.14.v. is to ensure a safe distance between traffic signals and digital illumination for vehicular and pedestrian safety. Safety concerns were not identified in Staff’s technical circulation, and the principal use on the subject lands is permitted within the General Commercial zone. It is Staff’s opinion that the relief sought for the sign placement maintains the general intent of the Sign By-law.</p>
<p>3. That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Major Commercial Centre” in the Official Plan wherein restaurants are permitted. One intent of this designation is to support the “ongoing evolution” of the commercial sector. The proposed digital sign intends to enhance and modernize the property and to allow for a wider variety of visual advertisement. It is the opinion of Staff that the proposed variance would maintain the general intent and purpose of the Official Plan.</p>
<p>4. That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<p>It is the opinion of Staff that the proposal is desirable as it would facilitate the conversion of an existing manual change letter reader board to a digital sign, a permitted use in Municipal Code 478. The proposed sign upgrade will improve the function and appearance of the sign, and in Staff’s opinion is an appropriate use for the subject site.</p>

7.2 Conclusion

A site inspection was completed on August 12, 2024, upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The proposed application is minor in nature and will facilitate the conversion of a manual change letter reader board to a digital sign, a permitted use under Municipal Code 478. The variance is intended to upgrade the existing sign and allow for improved function and appearance of advertising. For these reasons and the ones mentioned above, the minor variance satisfies the criteria of Section 45(1) of the *Planning Act*, and Staff recommends that application A41-2024 be approved.



Prepared by:
Ashley Timbs, Planner, Development
Planning
August 29, 2024

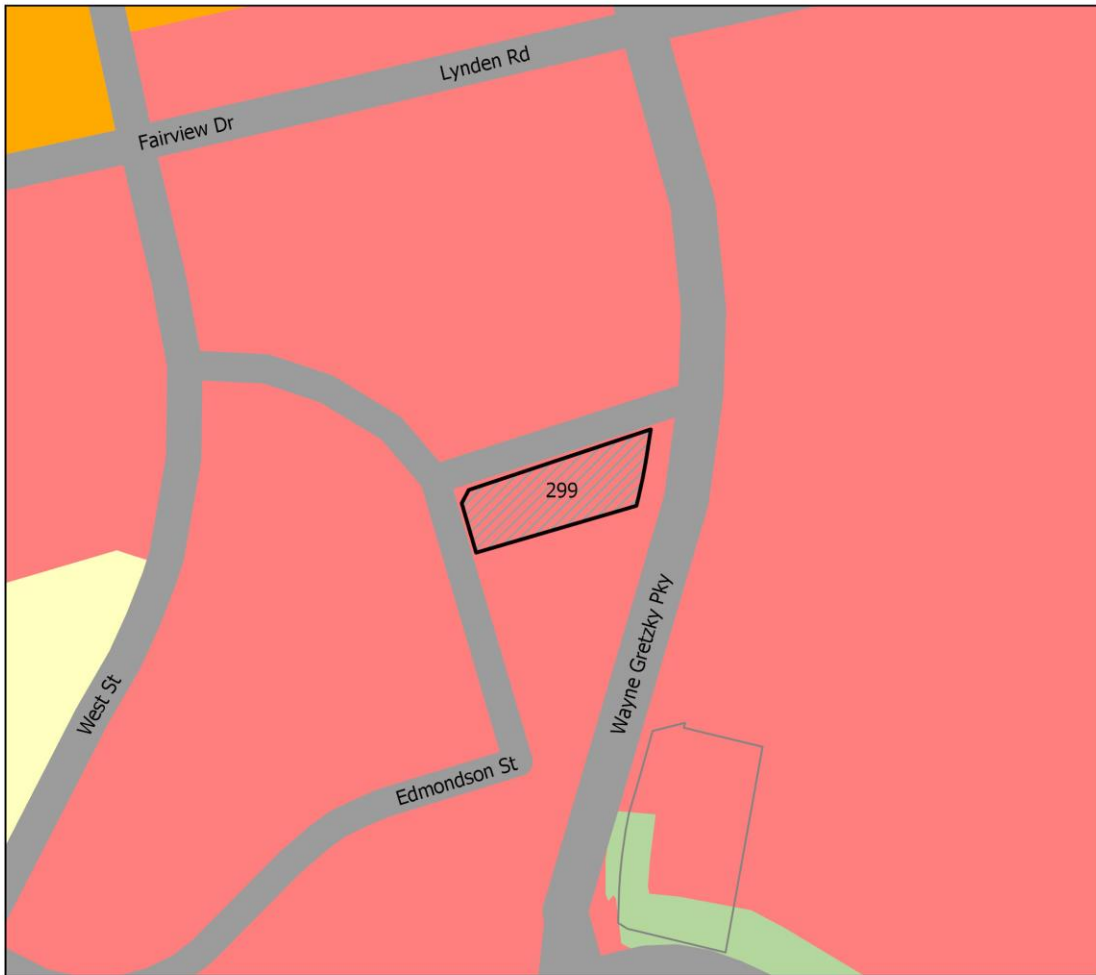


Reviewed by:
Sean House, RPP, MCIP, \
Senior Project Manager
August 29, 2024

Appendix A – Official Plan

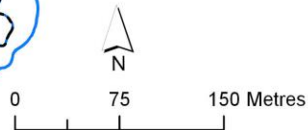
OFFICIAL PLAN EXCERPT MAP

Application: A41-2024
299 Wayne Gretzky Parkway



Legend

- | | |
|--|---------------------------------|
| Agricultural Designation | Prestige Employment Designation |
| Core Natural Areas Designation | Commercial Mixed Use Corridor |
| Residential Designation | General Employment Designation |
| Major Institutional Designation | Six Nations Territory |
| Parks and Open Space Designation | VIA Station |
| Downtown Urban Growth Centre Designation | Transit Terminal |
| Major Commercial Centre Designation | Subject Land |
| Intensification Corridor Designation | |



Appendix B – Zoning

ZONING MAP

Application: A41-2024
 299 Wayne Gretzky Parkway



Zoning

- Subject Land
- Zoning

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

- R4A Residential Medium Density Type A
- RHD Residential High Density
- I1 Institutional Service
- C6 Automobile Service Commercial
- C8 General Commercial
- C11 District Centre Commercial
- M1 Industrial Commercial
- M2 General Industrial
- OS1 Open Space Type 1
- H Holding Provision
- # Exception Number

