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Date: January 14, 2021

To: Chair and Members of Committee of Adjustment

From: Brynne O'Neill
Development Planner

Re: A21/2020 – 205 King George Road – Memo regarding amended minor variance application and recommendation

At the December 2, 2020 Committee of Adjustment Hearing, Application A21/2020 regarding 205 King George Road was deferred for the following reason:

“To defer for one meeting cycle to give the applicant and staff time to reach a more suitable setback.”

Since the original application and presentation to the Committee, Planning Staff, the Ward Councillor and the applicant have had the opportunity to discuss the application. The applicant has amended their application to set the billboard sign back 5.2 m from the street line. The location map and concept site plan are attached as **Appendices A & B** to this memorandum. The amended application has been circulated to applicable departments and agencies, with no concerns. An amended public notice was issued by personal mail (24 notices) and by posting a sign on-site. At the date of the preparation of this memorandum, one member of the public had emailed with concerns regarding the proposed billboard and its proximity to residential. The resident was provided the location, details and dimensions of the billboard, and was advised that the billboard met the requirements of the Municipal Code Section 478 in terms of proximity to residential. The email is attached as **Appendix C**.

The billboard is still proposed to be located within the grassed area on the subject property. The original application proposed a setback of 3.2 m. The additional 2 m that is now provided ensures that the billboard will be located outside of any future road widening, it also minimizes any impacts on the streetscape. The setback of 5.2 m allows for the billboard sign to be placed far enough away from the street that it will form part of the collection of signs along King George Road, and will not overwhelm the streetscape. The sign is still located over 85 m away from the closest residential use, which meets

the requirements of Section 478 of the Municipal Code, and allows for adequate separation to ensure there are no impacts on the residential uses. As amended, the proposed variance to allow a billboard sign 5.2 m away from the street line is minor and appropriate for the development of the lands.

A site visit was completed on November 18, 2020. Upon completion of this site visit, and review of the applicable policies, Staff supports the application. The variance, as amended meets the criteria of Section 45(1) of the *Planning Act*. Planning Staff are of the opinion that the proposed variance is desirable for the appropriate development and use of the land, and is minor in nature. Planning Staff is satisfied that the general intent of the Official Plan and Section 478 of the Municipal Code are maintained.

In order to bring forward a new recommendation reflecting the amended request for a setback of 5.2 m, the original recommendation brought forward to Committee of Adjustment on December 2, 2020 must first be dealt with. Planning Staff recommend refusal of the following, which is the original recommendation as laid out in Report 2020-577:

- A. THAT Application A21/2020, as detailed in Report 2020-577 at the December 2, 2020 Committee of Adjustment meeting, seeking relief from Section 478.14.6 of the Brantford Municipal Code to permit a billboard sign 3.2 m away from a street line whereas 9 m away is required BE REFUSED; and,
- B. That the reason(s) for refusal are as follows:
 - The relief requested is not considered minor in nature and the application does not comply with the criteria set out in Section 45(1) of the Planning Act; and
 - The proposed variance is not in keeping with the general intent of the Official Plan and Chapter 478 of the Brantford Municipal Code
- 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 No. 2020-577”.

Should the above recommendation of refusal be failed, Planning Staff recommend approval of the following recommendation, which reflects the amended application for a setback of 5.2 m:

- A. THAT Application A21/2020 as amended, detailed in this memo 2021-85, seeking relief from Section 478.14.6 of the Brantford Municipal Code to permit a billboard sign 5.2 m away from a street line whereas 9 m away is required BE APPROVED; and,
- B. That the reason(s) for approval are as follows:
- The relief requested is considered minor in nature and the application complies with the criteria set out in Section 45(1) of the Planning Act; and
 - The proposed variance is in keeping with the general intent of the Official Plan and Chapter 478 of the Brantford Municipal Code.
- 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”.

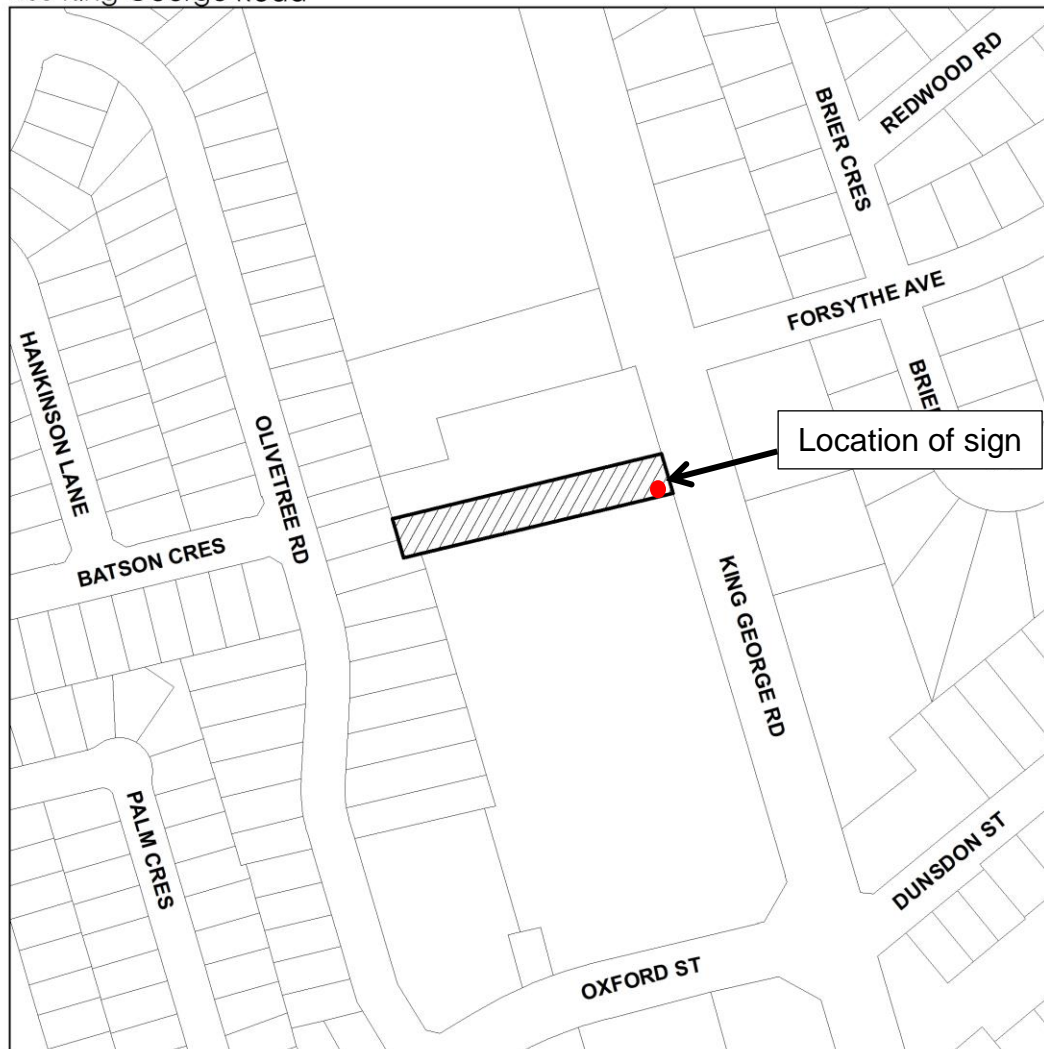


Brynne O'Neill, MCIP, RPP
Development Planner

Appendix A – Location Map

LOCATION MAP

Application: A21/2020
205 King George Road

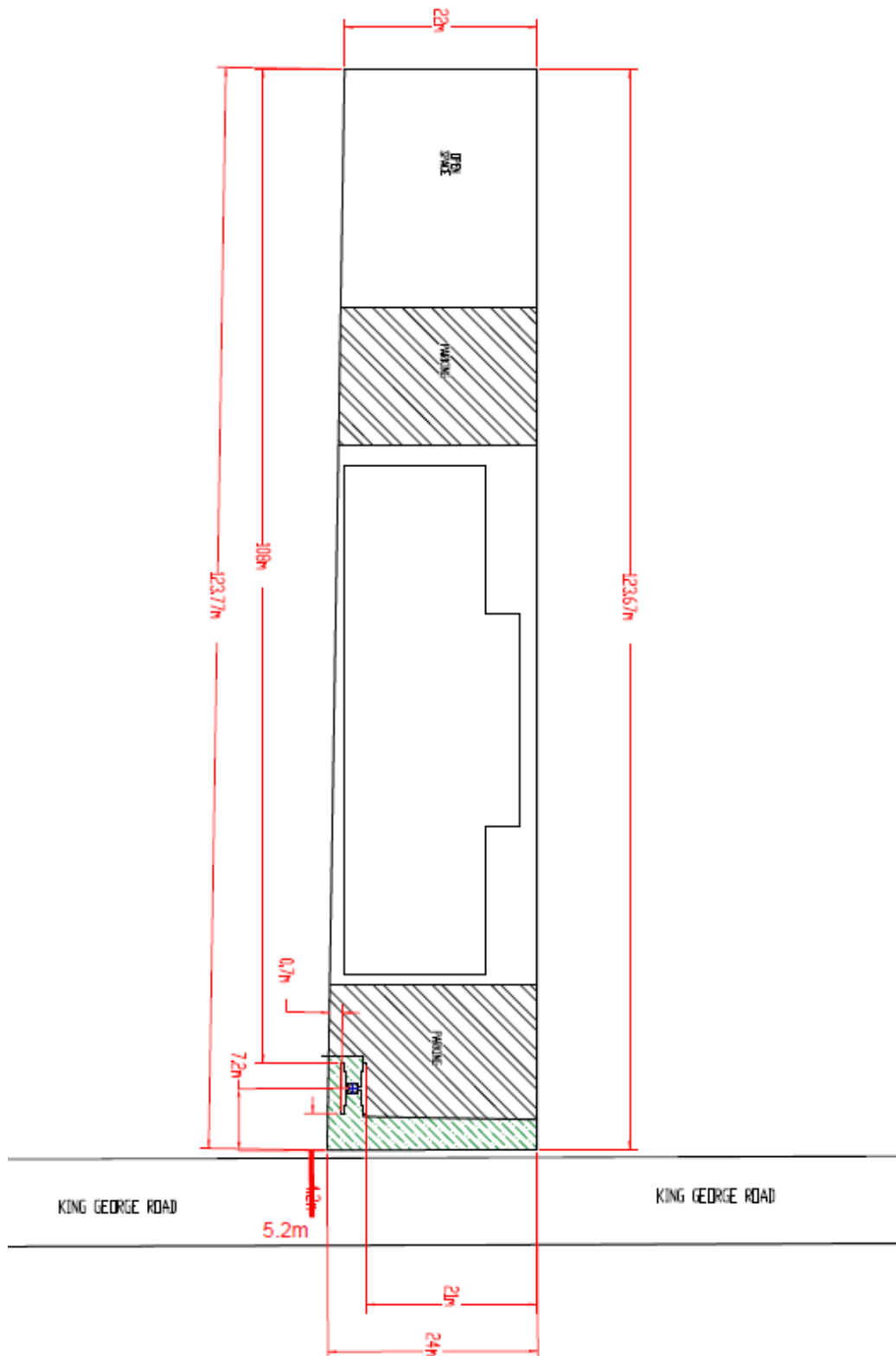


Legend

 SUBJECT LAND



Appendix B – Concept Site Plan



Appendix C – Resident Email

From: Ron Polidori [mailto:ron.polidori@brantford.ca]
Sent: Wednesday, December 02, 2020 4:36 PM
To: Clerks Office
Subject: File No. A21/2020 (Minor Variance Application)

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Hello,

I received a notice of public hearing regarding the noted subject and file number.

Unfortunately, I cannot attend the Zoom meeting but did have some questions please:

1. Where exactly will the billboard sign be located? The grassed area is large so I was wondering if the billboard will be closer to the homes or King George Road?
2. What is the physical size of the proposed billboard?
3. Will the billboard be a standard billboard or will it be an electronic, illuminated billboard (similar to Brant Ave and St. Paul intersection)?

Regardless of the answers to the noted questions, I am in opposition to allowing any type of variance.

As long time residents of Olivetree Road, we have dealt with a significant number of issues (noise bylaws mostly) that have not been deemed urgent by City Police and have not been addressed (delivery trucks at 3:30a.m.).

Although these are unrelated issues, I do not want to add ANY potential items of concern that could possibly detract from our ability to enjoy our backyard and diminish our quality of life.

Ron Polidori
[REDACTED]