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Date December 2, 2020 **Report No.** 2020-577

To Chair and Members
City of Brantford Committee of Adjustment

From Brynne O'Neill
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO.	A21/2020
AGENT/APPLICANT	Pattison Outdoor Advertising
OWNER	Loutia Investments Ltd
LOCATION	205 King George Road

3.0 Recommendation

- A. THAT Application A21/2020 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”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 205 King George Road. A location map is attached as **Appendix A**. A restaurant building is located on the subject lands. The applicant is proposing to replace the existing sign with an electronic billboard sign advertising the business on the property as well as third parties. **Appendices B & B1** provides a concept site plan and elevations of the proposed sign. The sign is proposed to have a height of 8 m, with two sign faces each with an area of 17 m². To facilitate the placement of the proposed billboard sign; relief is required to the following Section of the Municipal Code:

- Section 478.14.6 to permit a billboard sign 3.2 m away from a street line, whereas 9 m is required.

5.0 Site Features

The subject lands are located on the west side of King George Road, north of the intersection with Oxford Street and Dunsdon Street. The lands have an area of 2,342 m² and are currently occupied by a restaurant. There is an existing sign advertising the restaurant that sign will be removed, should the variance be approved. The subject lands are located along the commercial corridor of King George Road. There are commercial uses to the north, east and south. The rear of the subject property (westerly lot line) abuts a residential neighbourhood. An aerial photo and site photograph are attached as **Appendices C** and **D**.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies. The Public Works Department provided transportation comments and noted that the new Official Plan identifies a right of way width of 40 m for this area of King George Road, and the proposed billboard sign will be located within this future widening. The implications

of this are discussed in Sections 7.2 and 7.5. Detailed comments from Building and Engineering Departments are attached as **Appendices E and F**.

6.2 Public Response

Notice of public hearing was issued by personal mail (24 notices) and by posting a sign on-site. At the date of the preparation of this Report, no comments had been received. A plan illustrating the notification area is attached as **Appendix G**.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A21/2020 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario's long term prosperity, environmental health, and social well-being depend on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. Planning Staff is of the opinion that the proposed minor variance application is consistent with the direction set out in the PPS and conforms to the Growth Plan.

7.2 City of Brantford Official Plan

The subject lands are designated "General Commercial Area" in the City's Official Plan (**Appendix H**). The "General Commercial Area" designation permits a broad range of retail and service commercial uses. The general policies for "Commercial Areas" permit the existing use, and accessory uses, including signage. The subject lands are also designated as "Intensification Corridor" in Schedule 1-2 Growth Management Plan of the Official Plan. Intensification Corridors are located along major roads and arterials within the City, including this area of King George Road. These areas are encouraged to develop at higher densities and in a form that is supportive of transit and compatible with surrounding land uses. In particular, new mixed use buildings, as well as apartments or institutional

development is encouraged. It is Planning Staff's opinion that billboard signs support the added residential and commercial densities that intensification corridors are intended to achieve. Billboard signs are typically designed to advertise to vehicular traffic. The intent of Intensification Corridors is to create a denser built community which is more suitable for pedestrians given the availability of commercial services and transit for residents. These goals are further laid out in the City's Urban Design Guidelines, which are referenced in Section 15.5.2 of the Official Plan. The Urban Design Guidelines provide direction of Intensification Corridors, which include creating a vibrant streetscape and a walkable neighbourhood. Billboards are constructed to be viewed by vehicles, and are not favorable to well-designed streets. Planning Staff are of the opinion that the proposed variance does not meet the intent of the Official Plan as the proposed billboard sign, specifically with the decreased setback to the street, is in contravention of the Urban Design Guidelines, and the Intensification Corridor policies.

In addition to the discussion above, this area of King George Road is identified in Schedule 5-2 of the Official Plan where a right-of-way width of 35 m is required. The current right-of-way width is approximately 29 m. Further, a new Official Plan is currently undergoing the approval process, with the intent of it being approved in 2021. This Official Plan is not yet in force and effect, but Staff have reviewed this application against its policies to determine consistency with the future policies. The new Official Plan identifies this section of King George Road as having an ultimate right of way width of 40 m. Section 478.14.14 of the Municipal Code requires all billboard signs go through the Site Plan Control process. As a part of this process the City has the opportunity to request a road widening. Assuming the application is processed under the current Official Plan, a road widening of approximately 3 m will be taken to meet the ultimate road width of 35 m as detailed in Schedule 5-2 of the Official Plan.. This road widening will render the billboard 20 cm away from the property line. For Committee's information, the new Official Plan is not in force and effect, however, Staff provides that a road widening under the new Official Plan would mean that the proposed billboard sign would be encroaching into the right-of-way. This is also stated in the transportation comments received (see **Appendix F**), and further discussed in Section 6.1 of this Report. Planning Staff are of the opinion that the proposed variance to allow the billboard sign to be 3.2 m away from the street line does not conform to the road widening policies of the current Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands a zoned “General Commercial (C8-3) Special Exception Zone” in Zoning By-law 160-90 (**Appendix I**). The C8-3 Zone permits a range of uses including the existing use of a restaurant. The proposed variance seeks relief from Chapter 478 of the Municipal Code for sign variance, and no relief is being sought from Zoning By-law 160-90. The existing building and signage meets all regulations of the C8 Zone.

7.4 Chapter 478 of the City of Brantford Municipal Code

The proposed billboard is subject to Article 14 – Billboard sign of Chapter 478 of the Municipal Code. The proposed location of the Billboard sign along King George Road is within Schedule ‘A’ – Billboard sign – Permitted Areas of Chapter 478 of the Municipal Code. The minor variance seeks relief from Section 478.14.6 of Chapter 478 of the Municipal Code. The objective of Article 14 – Billboard signs are to permit billboard signs within certain Industrial and Commercial Zones within the City and restrict billboards from having a negative impact on residential areas or the streetscape, or any negative impact on transportation corridors in the City. The applicant has requested a variance to allow the billboard to be 3.2 m from the street line, whereas 9 m is required.

To facilitate the development as proposed, the minor variance application request has been made to seek relief from Section 478.14.6 – Location-distance from street – lot line. Section 478.14.6 states “*No billboard sign shall be erected close to any street line than 9 m (29.5 ft), nor close to any side lot line than 0.6m (2 ft), nor closer to any rear lot line than the minimum rear yard requirements of the zoning by-laws of the Corporation of the City of Brantford for a main building on the same lot, unless greater or lesser distance separations between such billboard sign and any front, side or rear lot line required by approval granted pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13*”.

This provision in Article 14 – Billboard Signs is intended to protect the streetscape, the proximity of signs to the street, and the transportation corridors in the City. The street line as defined in Chapter 478 of the Municipal Code, means “*the property line or common boundary between a property or lot and a street...*”. As discussed in Section 7.2 of this Report, through the Site Plan Control process, a road widening will be required, which will result in the billboard sign being located essentially on the

property line, or encroaching into the roadway, depending on when the application is submitted to the City. It is the opinion of Planning Staff that the impact of having a billboard sign this close to the public right-of way does not meet the intent of Section 478 of the Municipal Code, as there are negative impacts on the streetscape as a result of the billboard sign. Therefore, the proposed variance does not meet the intent and purpose of the Municipal Code.

7.5 Planning Analysis

As discussed in Sections 7.2 and 7.4 of this Report, it is Planning Staff's opinion that the proposed variance does not meet the intent of the Official Plan or Section 478 of the Municipal Code. It is also Planning Staff's opinion that the variance is not minor in nature, nor is it appropriate for the development of the lands.

The proposed 3.2 m distance from the street line is approximately one third of what the Municipal Code requires. The required 9 m distance is in place to limit the impact of the scale of the billboard sign on the road, to ensure vehicles and pedestrian traffic alike are not impacted, and that the streetscape is not negatively impacted by billboard signs. The 9 m distance from the street line provides adequate separation to allow for the billboard sign to be viewed at an appropriate distance. In the past, Staff has supported minor reductions for relief from this provision, however given the location and overall impact to the streetscape and road way, Staff is not supportive of this application. Further, by allowing the variance to permit a billboard sign at a distance of 3.2 m away from the street line, the impact of the billboard sign is much greater on the streetscape, and therefore cannot be considered minor. The billboard sign would no longer fit within the existing streetscape; the impact of the billboard sign is much greater on the right-of-way and therefore not appropriate or minor.

As discussed previously, all billboard signs are subject to Site Plan Control. Through this process, a road widening will be taken, which results in the billboard being located much closer to the public right-of-way than the variance suggests. The proposed distance is not minor, and is not appropriate for the development of lands, as the proposed 3.2 m distance from the street line causes negative impacts to the streetscape. Construction projects for King George Road are tentatively scheduled for 2025 and 2029. Through these projects some of the land dedicated to the City may be utilized, meaning the billboard sign will end up being closer to

the street line than 3.2 m which results in negative impacts to the streetscape, and the billboard sign being located directly beside the street, which is not appropriate as the illuminated sign would have a major presence on the street.

Further, the proposed billboard is not appropriate for an intensification corridor and it could result in an adverse impact to the street and pedestrian safety. It is Planning Staff's opinion that the proposed variance is not minor, and is not appropriate for the development of the lands.

7.6 Conclusion

A site visit was completed on November 18, 2020. Upon completion of this site visit, and review of the applicable policies, Staff do not support the application. The variance does not meet the criteria of Section 45(1) of the *Planning Act*. Planning Staff are of the opinion that the proposed variance is not desirable for the appropriate development or use of the land, and is not minor in nature. Planning Staff is not satisfied that the general intent of the Official Plan and Section 478 of the Municipal Code are maintained and recommend that application A21/2020 be refused.



Prepared by: Brynne O'Neill, MCIP RPP
Development Planner
Prepared on: November 26, 2020

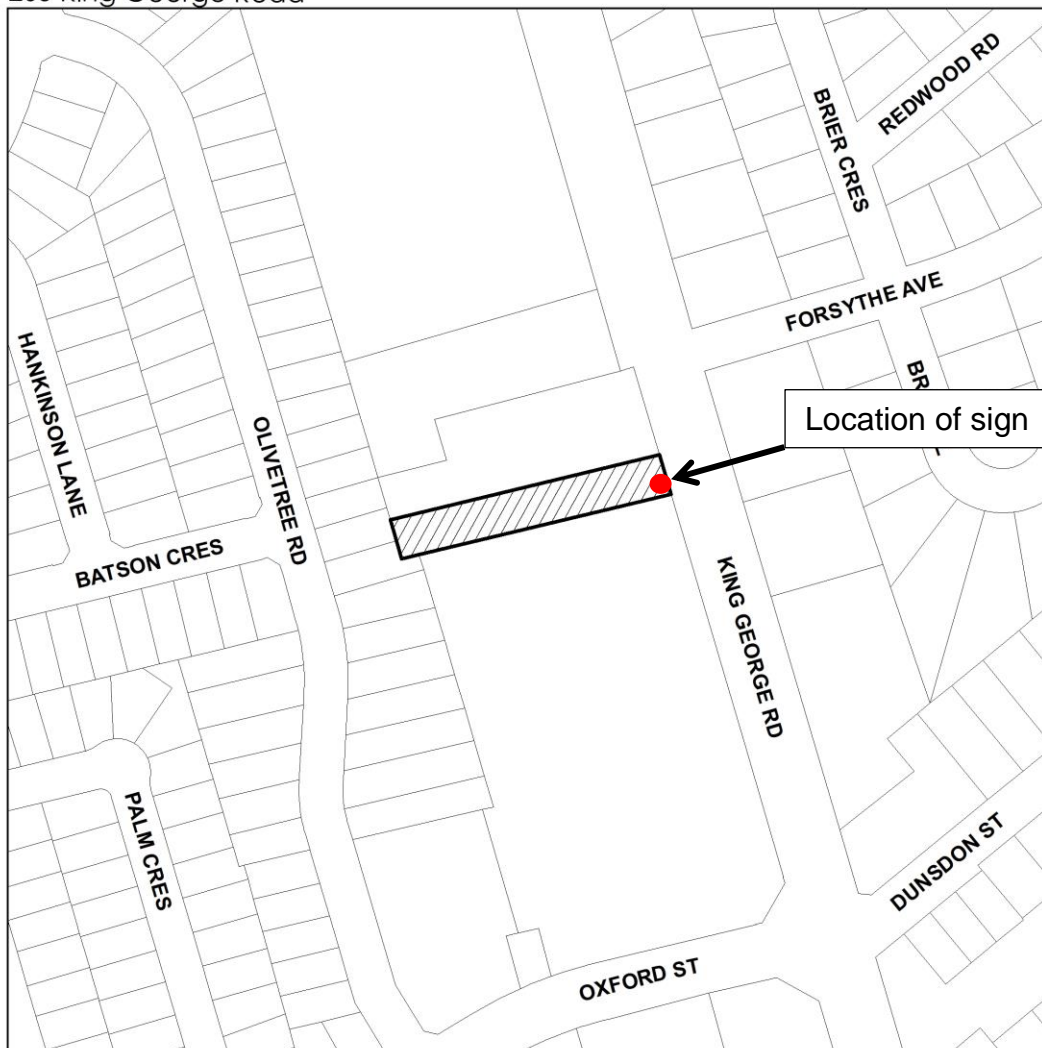


Reviewed By:
Joe Muto, MCIP RPP
Manager of Development Planning

Appendix A – Location Map

LOCATION MAP

Application: A21/2020
205 King George Road



Legend

 SUBJECT LAND



Site plan showing the location of a sign (indicated by a green circle and arrow) relative to the property boundaries and existing structures. The plan includes dimensions in meters (m) and labels for various areas.

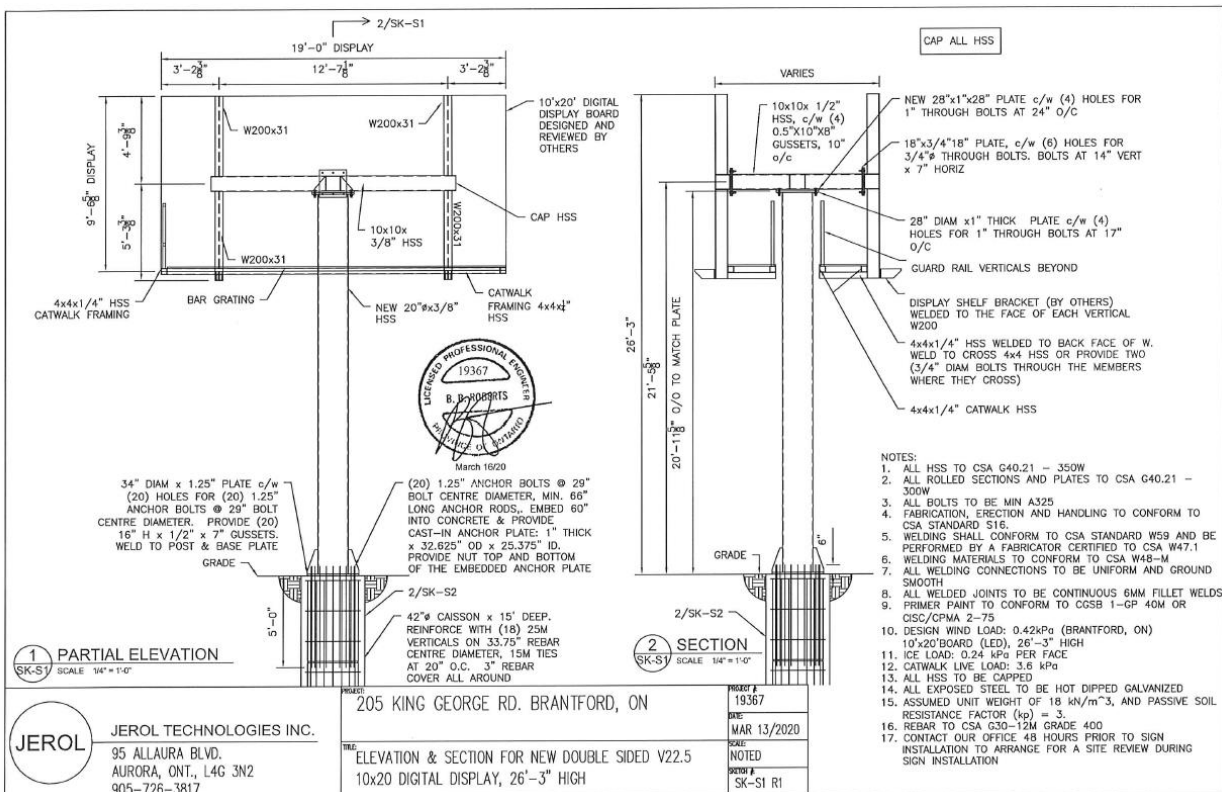
Dimensions (m):

- Top boundary: 26m
- Right boundary: 123.57m
- Left boundary: 123.77m
- Internal horizontal dimension: 11.4m
- Internal vertical dimension: 0.7m
- Bottom-left corner offset: 3.2m
- Bottom-right corner offset: 24m
- Bottom-right corner offset: 21m

Labels:

- One Story Building
- PARKING
- PARKING
- PARKING
- Location of sign
- KING GEORGE ROAD

Appendix B1 – Elevations



Appendix C – Aerial Photograph

AERIAL PHOTO

Application: A21/2020
205 King George Road



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix D – Site Photographs

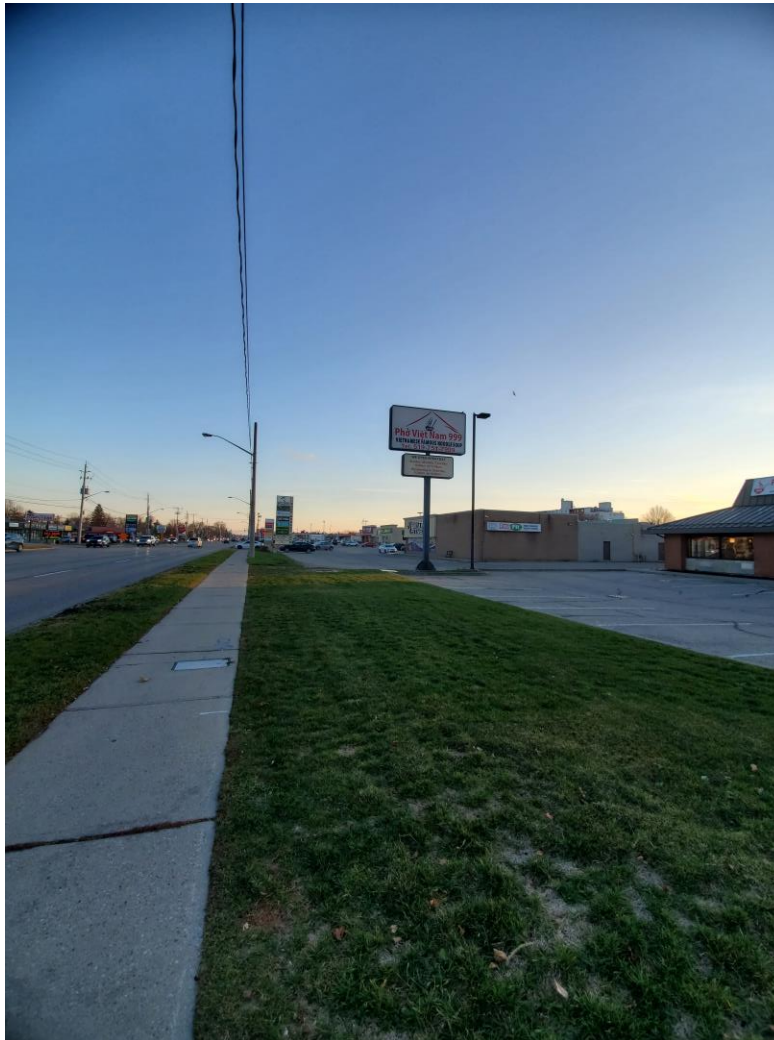


Figure 1: Existing Sign



Figure 2: Existing Sign and Building

Appendix E – Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/> MINOR VARIANCE	<input type="checkbox"/> SEVERANCE
<input type="checkbox"/> DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/> ZONING BYLAW AMENDMENT
<input type="checkbox"/> OFFICIAL PLAN AMENDMENT	<input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/> RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/> SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N^o A21/2020

SITE: **205 King George Rd**

TO PERMIT:

APPLICANT: **Loutia Investment Ltd.**

COMMENTS:

BYLAW: 160-90 ZONE: C8-3

- Minor variance approval is required to permit a billboard sign to be located 3.2 m from the property line, whereas 9 m is required.
- Site Plan Control Approval is required.

Marta Schultz
Senior Plans Examiner

11/17/20

Appendix F – Engineering Department Comments



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		A21/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT / AGENT		Pattison Outdoor Advertising	
OWNER		Loutia Investments Ltd	
ADDRESS		205 King George Road	
TRANSPORTATION			

1. King George Rd right-of-way (ROW) is expected to be identified in the upcoming Official Plan (OP) as requiring an ultimate ROW width of 40m. As the current ROW width of this section of King George Rd is less than 40m, no infrastructure should be installed within the future impacted area of the property.
2. Operation of the digital display should be consistent with respect to the *Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines* from *Transportation Association of Canada (TAC)*, including but not necessarily limited to;
 - a. Frame duration
 - b. Brightness

Jacob McDonald, C.E.T.
Transportation Technologist



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		A21/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT / AGENT		Pattison Outdoor Advertising	
OWNER		Loutia Investments Ltd	
ADDRESS		205 King George Road	
ENVIRONMENTAL SERVICES			

I reviewed the variance application letter and site plan sketch —, as prepared by Pattison Outdoor Advertising—on behalf of Environmental Services and offer the following water comments for consideration when applying for Site Plan Control:

1. City records indicate that 206 King George Road has a 50 mm copper lateral 3.2 m right of right from the corner of the building and out 25m from same;
2. Identify the location of the 50 mm service on the site plan;
3. The proposed billboard must be located a minimum of 3.0 m from all existing watermain, hydrants, services and appurtenances;
4. The Owner must protect, at all times, the existing watermain, hydrants, services and appurtenances in the vicinity of the work zone; and
5. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.

Jennifer Elliott, LET, C.E.T.
Senior Project Manager, Environmental Services



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		A21/2020	
DATE DUE TO PLANNING		November 6, 2020	
APPLICANT / AGENT		Pattison Outdoor Advertising	
OWNER		Loutia Investments Ltd	
ADDRESS		205 King George Road	
DEVELOPMENT ENGINEERING			

Conditions

- No Conditions.

General Comments

- No Comments.

Adam Quibell, P.Eng., C.Tech.
Development Engineering Reviewer

*ADDITIONAL COMMENTS MAY BY ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED *

November 16, 2020

DATE

A handwritten signature in blue ink, appearing to read "G. Peever".

Gary Peever, P.Eng.,
Manager, Development Engineering

Appendix G – Area of Notification

AREA OF PUBLIC NOTIFICATION

Application: A21/2020
205 King George Road



Legend

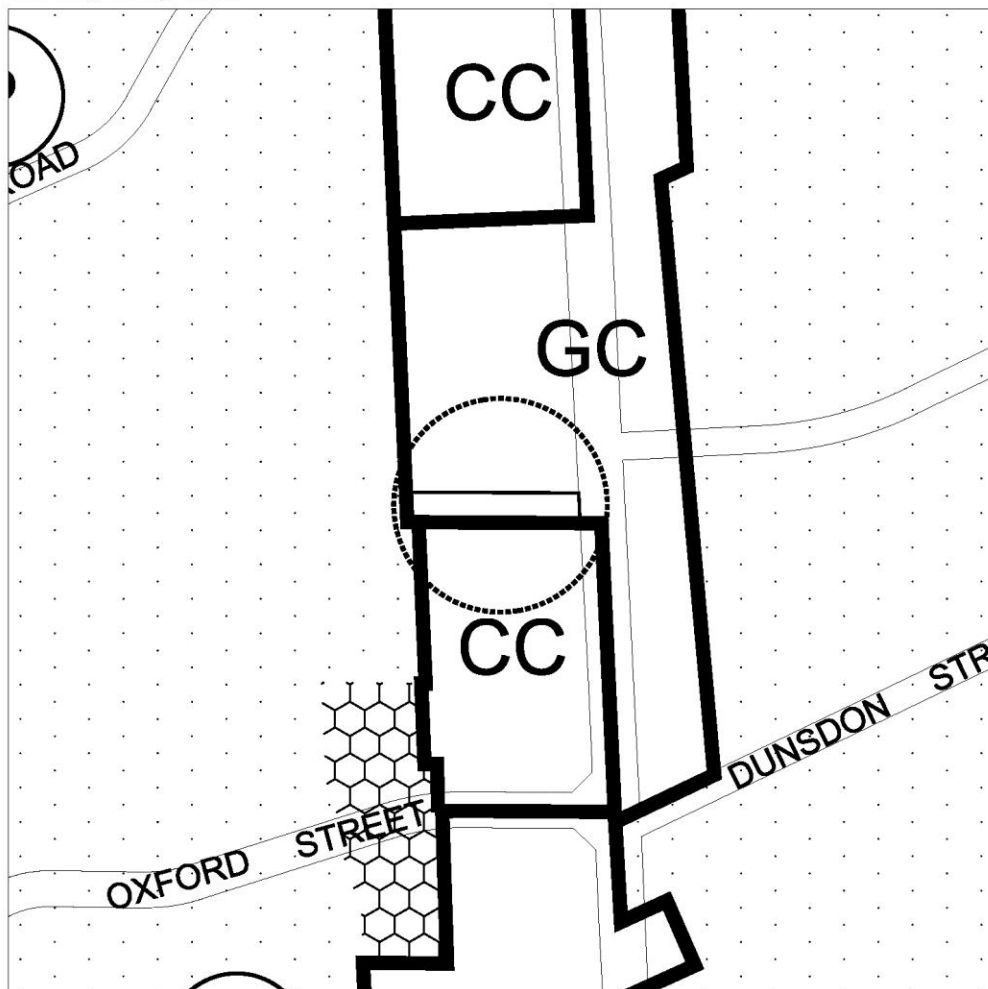
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix H – Official Plan Map

OFFICIAL PLAN

Application: A21/2020
205 King George Road



LEGEND

SUBJECT LAND

- LOW DENSITY RESIDENTIAL AREA
- MEDIUM DENSITY RESIDENTIAL AREA
- HIGH DENSITY RESIDENTIAL AREA
- GENERAL INDUSTRIAL AREA
- MIXED INDUSTRIAL COMMERCIAL AREA
- BUSINESS PARK AREA
- MAJOR INSTITUTIONAL
- MAJOR OPEN SPACE

- CORE COMMERCIAL AREA
- CC COMMUNITY CENTRE COMMERCIAL AREA
- GC GENERAL COMMERCIAL AREA
- MCR MIXED COMMERCIAL RESIDENTIAL AREA
- DC DISTRICT CENTRE COMMERCIAL AREA
- NC NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HC HIGHWAY COMMERCIAL AREA
- NFC NEW FORMAT COMMERCIAL AREA

- (C) CEMETERY
- (S) ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- (SP) SPECIALIZED PARK and OPEN SPACE
- (CP) COMMUNITY PARK and OPEN SPACE
- (P) NEIGHBOURHOOD PARK and OPEN SPACE



Appendix I – Zoning Map

ZONING

Application: A21/2020
205 King George Road



Legend

-  Subject Land
-  Zone Boundary

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

- R1A Residential Type 1A (18 metre)
- R1B Residential Type 1B (15 metre)
- C8 General Commercial
- C10 Community Centre Commercial
- # Exception Number

