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Date October 6, 2021 **Report No.** 2021-630

To Chair and Members
City of Brantford Committee of Adjustment

From Joshua Schram
Intermediate Long Range Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO. A36/2021

AGENT Veronica Wood

APPLICANT/OWNER Damon Shanks – The Brantford Central Baptist Church

LOCATION 300 Fairview Drive

3.0 Recommendation

- A. THAT Application A36/2021 requesting relief from Section 478.4.12 of Chapter 478 of the City of Brantford Municipal Code to permit the flashing illumination of a sign to be located 14 m from a residential zone, whereas a minimum of 40 m is required, BE APPROVED;
- B. THAT the reason(s) for approval are as follows: the proposed variance is in keeping with the general intent of the Official Plan, Zoning By-law and Chapter 478 of the Municipal Code, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands; and,

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- 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 submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2021-630.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands addressed as 300 Fairview Drive, also municipally known as 290 Fairview Drive. A location map is attached as **Appendix A**. A place of worship “The Brantford Central Baptist Church” and institutional use “Central Baptist Academy” are located on the subject property. The applicant is proposing to retrofit an existing ground sign, which is oriented in an east-west location along Fairview Drive (refer to **Appendix B** and **C** for locational plans and sign characteristics and dimensions). The current double-sided sign is located adjacent to the front entrance of the Central Baptist Church. The proposed double-sided electronic message display will be used only by the Church to display static information and text regarding church info and event details. The applicant has advised Staff that there will be no third-party advertising on the sign. To facilitate the proposed retrofitting of the sign, the applicant is seeking relief from the following Section of Chapter 478 of the Municipal Code:

- Section 478.4.12 to permit the flashing illumination of a sign (double-sided electronic message display) to be located 14 m from a residential zone, whereas a minimum of 40 m is required.

5.0 Site Features

The subject lands are located on the southeast corner of Fairview Drive and North Park Street. The lands have an area of approximately 3 acres in size and are occupied by the Brantford Central Baptist Church and the Central Baptist Academy. The existing ground sign is located on the north side of the subject property adjacent to the municipal sidewalk with frontage along Fairview Drive. Located along a Minor Arterial road (Fairview Drive) and Major Collector (North Park Street) the subject lands are surrounded by a diverse range of land uses. Higher density residential apartment uses are located directly to the north and northeast and lower density residential development is located within an established neighbourhood directly to the south. Commercial uses are located

to the west and northwest of the subject property, this includes the North Park Shopping Mall (225 Fairview Drive) and the Northview Professional Centre (222 Fairview Drive). Institutional uses are located east including St. Patrick School and Brant Haldimand Norfolk Catholic District School Board and also to southwest which includes North Park Collegiate and Vocational School and the Wayne Gretzky Sports Centre. An aerial photo and site photographs are attached as **Appendices D** and **E**.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies. No adverse comments or objections were received from the commenting agencies. The applicant will be reminded to review all applicable comments, including feedback from Environmental Services. Detailed comments from Building and Engineering Departments are attached as **Appendices F** and **G**.

6.2 Public Response

Notice of public hearing was issued by personal mail (29 notices) and by displaying (2) signs on-site. At the date of the preparation of this Report, no responses have been received. A map of the area of notification is included as **Appendix H** of this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A36/A was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (2020) (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 – Envisioning Our City: 2051

The subject lands are designated “Residential” in *Schedule 3: Land Use Plan* of the City of Brantford new Official Plan: Envisioning Our City 2051 (**Appendix I**). The “Residential” designation permits a full range of residential dwelling types and supporting land uses that are intended to serve local residents and service commercial uses. *Section 5.2.s.* of the new Official Plan states that: “*Existing places of worship are located throughout the City of Brantford and may be recognized as a permitted use within the Residential Designation*”. In addition to allowing for existing places of worship the land designation also allows for private and public elementary schools to be permitted.

7.3 City of Brantford Zoning By-law 160-90

The subject land is zoned “Institutional School (I2) Zone” in Zoning By-law 160-90 (**Appendix K**). The (I2) Zone permits a range of uses including places of worship and elementary school and private schools. 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 is considered legal non-compliant and therefore deemed to conform to the Zoning By-law. The current sign conforms to regulations reviewed under the permit issued in 1991 (File No.OS1991-006113).

7.4 Chapter 478 of the City of Brantford Municipal Code

Chapter 478 of the City of Brantford Municipal Code outlines standards and requirements for signage erected on property within the City of Brantford. The proposed retrofitting of the current ground sign includes a double-sided electronic display which is subject to the regulations under *Article 4 – General Provisions of Chapter 478 of the Municipal Code*. The proposed variance seeks relief from *Section 478.8.12*. The proposed electronic display meets all other regulations under *Article 4 of Chapter 478 of the Municipal Code*. The existing ground sign received a permit in 1991 (OS1991-006113) and therefore the existing sign and its conformity

has been reviewed. The proposed sign alteration will require a permit from the Building Department.

7.5 Planning Analysis

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.

To facilitate the retrofitting of the current ground sign in its current location, the minor variance application seeks relief from *Section 478.4.12 of Chapter 478 of the Municipal Code, which establishes that: "No flashing illumination of signs shall be permitted within 40 m (131.2 ft) of any residential zone, except where the construction of the building or structure upon which the sign is erected is such that any such sign is not visible from such residential zone"*. When evaluating the subject lands and residential land uses to the north, the residential zone line is within the centerline of the Fairview Drive, approximately 14 m from the current ground sign, the propose location of the double-sided electronic message display (see **Appendix B**). In evaluating the sign location beyond the residential zone line and proximity to the residential apartment to the north, the additional distance between the existing residential building and zone line provides additional area between the residential use and the proposed electronic message display which the applicant has indicated will be used for displaying static images and text only, with no flashing animation or video. The applicant has also specified that the proposed sign will not be used for third-party advertising. It is Planning Staff's opinion that this additional distance and the intended use of the electronic message display will assist in mitigating potential impacts to the adjacent residential uses.

The characteristics and layout of the ground sign and proposed electronic message display are oriented facing east and west along Fairview Drive. The current and proposed structure does not directly face the adjacent residential building to the north and is intended to only be visible to pedestrian and vehicular traffic travelling along Fairview Drive. Planning Staff are of the opinion that the sign orientation will mitigate impacts as the

view and light will be minimized as it will not directly face the adjacent residential uses, as it will be located in an easterly and westerly orientation.

Adhering to the guidelines of the *Municipal Code* and *Section 478.4.10 Illumination - in residential area - hours visible*, the applicant has also specified that the proposed electronic message display will not be in operation from 11:00 PM (2300 hours) to 7:00 AM (0700 hours) to ensure that the sign is not visible from any habitable living space within a residential zone during the established timeframe.

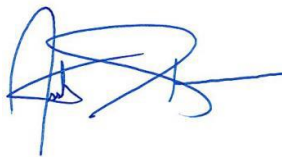
The intent of the minimum setback between signs with flashing illumination and the residential Zones in Chapter 478 of the Municipal Code is to ensure that there is no negative impact from the illumination of signage to the living areas of residential units within a residential Zone. Planning staff are of the opinion that the proposed electronic message display, its orientation, intended use, and setbacks are appropriate and provide adequate separation from the adjacent residential uses as stated above. For the reasons mentioned above, Planning Staff are of the opinion that proposed variance is minor in nature and will not have an adverse impacts on the surrounding residential uses.

The existing place of worship and private school meet the existing regulations of the Institutional School (I2) Zone in the Zoning By-law 160-90. No relief is being sought from Zoning By-law 160-90 and Planning Staff are of the opinion that the intent of the Zoning By-law is maintained.

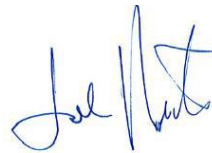
The City of Brantford new Official Plan: Envisioning Our City 2051 permits a full range of residential dwelling types and supporting land uses that are intended to serve local residents and service commercial uses within the Residential Designation. Places of Worship and private elementary schools are permitted within this Residential Designation and the proposed retrofitting of the existing ground sign allows the institutional uses to evolve and modernize methods for information sharing with local residents and the general public. Planning Staff are of the opinion that the proposal will maintain the general intent and purpose of the Official Plan.

7.6 Conclusion

A site visit was conducted on September 22, 2021. Upon completion of this visit and a detailed review of applicable policies and regulations, Planning Staff are supportive of this application. The minor variance as proposed will facilitate the retrofitting of the ground sign at a distance that will not negatively impact the surrounding residential uses. For reasons mentioned above, the minor variance satisfies the criteria set out in Section 45(1) of the *Planning Act* and Staff recommends that application A36/2021 be approved.



Prepared by: Joshua Schram
Intermediate Long Range Planner
Prepared on: September 22, 2021



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

Appendix A – Location Map

LOCATION MAP

Application: A36/2021
300 Fairview Drive

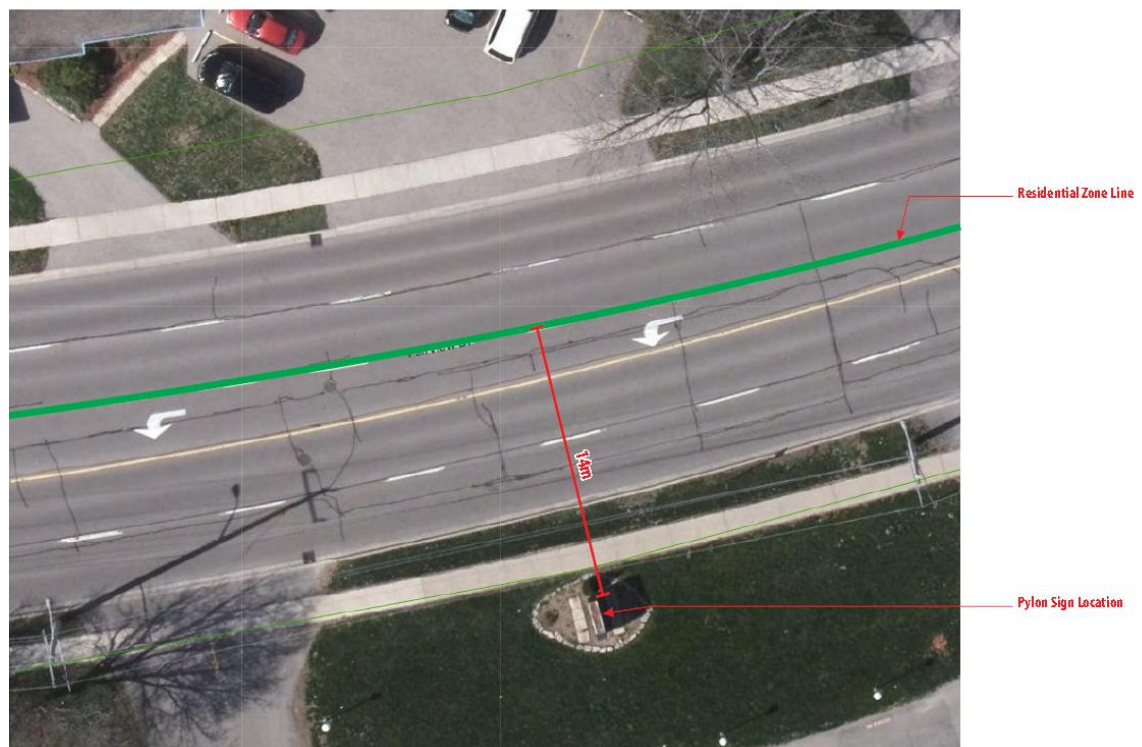
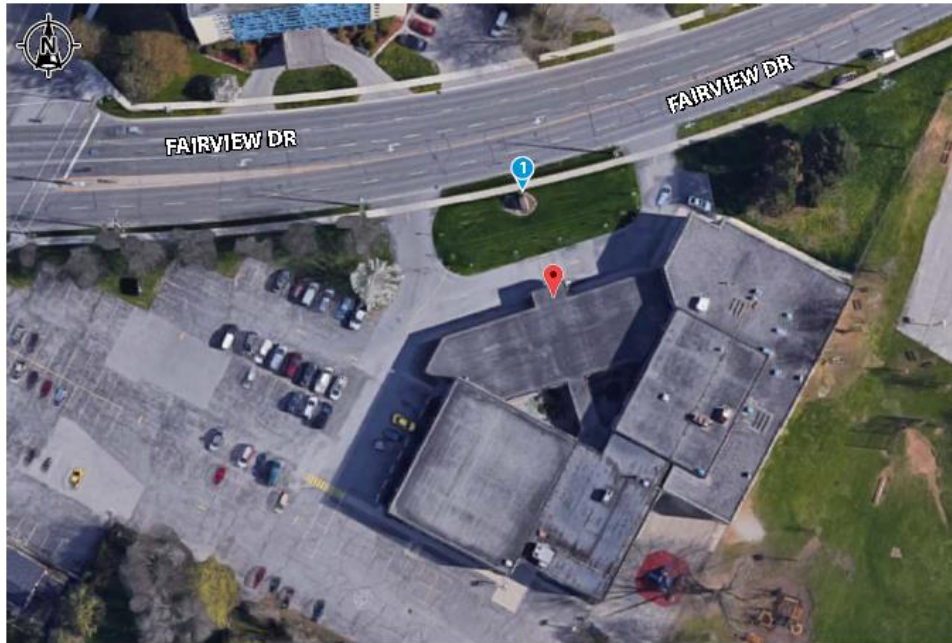


Legend

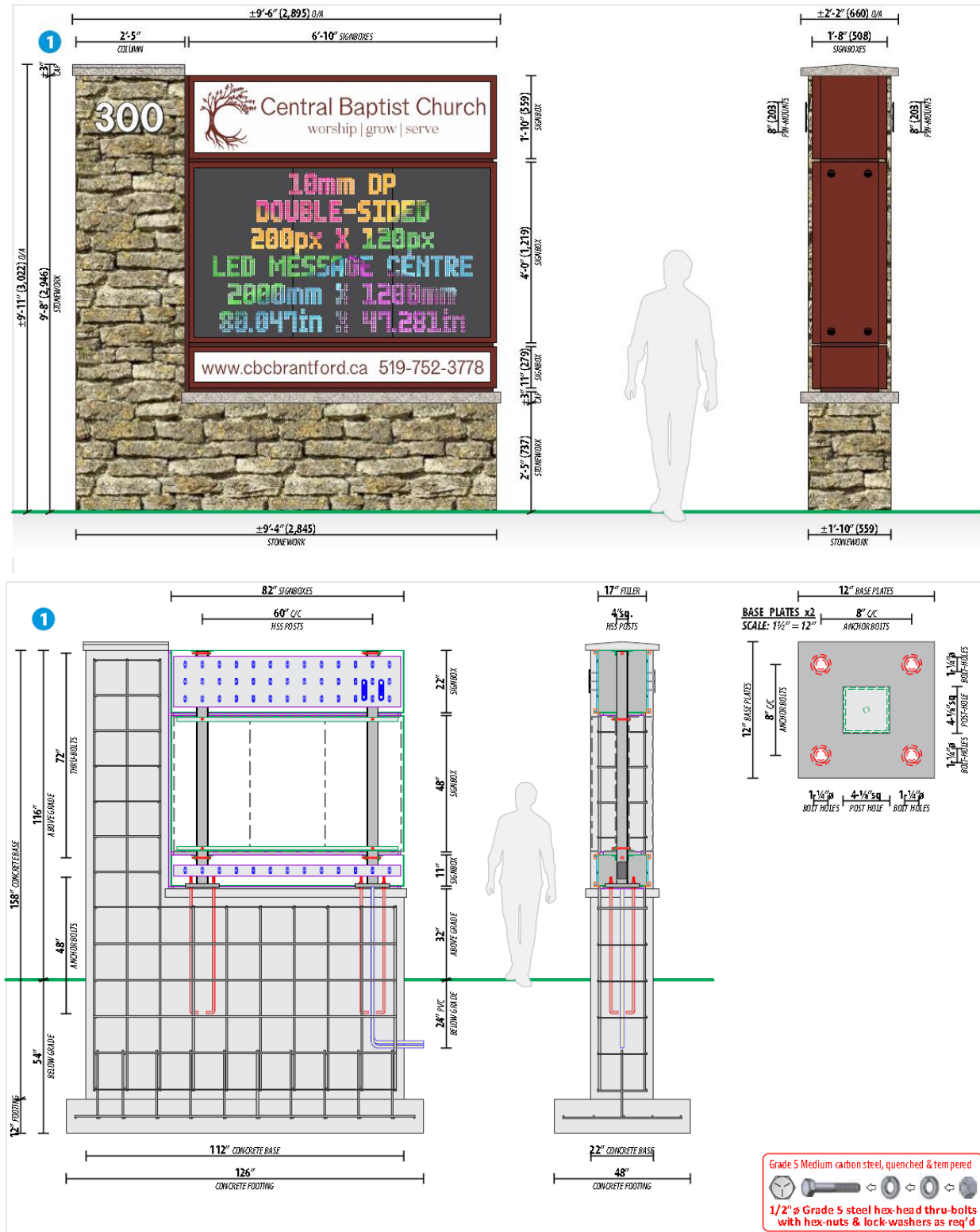
 SUBJECT LAND



Appendix B – Locational Plan



Appendix C - Sign Characteristics and Dimensions



Appendix D – Aerial Photograph

AERIAL PHOTO

Application: A36/2021
300 Fairview Drive



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix E – Site Photographs



Photo of the subject property looking south along Fairview Drive



Photo of the subject property looking east along North Park Street

Appendix F – Building Department Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

_____ MINOR VARIANCE	_____ SEVERANCE
_____ DRAFT PLAN OF SUBDIVISION	_____ ZONING BYLAW AMENDMENT
_____ OFFICIAL PLAN AMENDMENT	_____ DRAFT PLAN OF CONDOMINIUM
_____ RENTAL HOUSING PROTECTION ACT	_____ SITE PLAN CONTROL APPROVAL
	_____ RELIEF FROM PART LOT CONTROL

APPLICATION / SUBMISSION N° **A-36/2021**

SITE: **300 Fairview Drive**

APPLICANT: **Central Baptist Church**

COMMENTS:

BYLAW: 160-90 ZONE: I2

- The proposed illuminated LED sign does not comply to the sign Bylaw 418 section 478.4.12 No flashing illumination of signs shall be permitted within 40 m (131.2 ft) of any residential zone, a variance is required to install a LED sign
- Existing sign was installed with sign Permit in 1991 (OS1991-006113)
- Any proposed Sign alteration will require that a building permit to be approved through this department.

Shelly Kunkel

Shelly Kunkel
Senior Plan Examiner

September 10th, 2021

Date

Appendix G – 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.:		A36/2021	
DATE DUE TO PLANNING		September 10, 2021	
OWNER		Damon Shanks	
APPLICANT		Mohammad Abulaban	
AGENT		Veronica Wood	
ADDRESS		290 (300) Fairview Drive	
TRANSPORTATION			

➤ No comments.

Sivana Younan
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.:		A36/2021	
DATE DUE TO PLANNING		September 10, 2021	
OWNER		Damon Shanks	
APPLICANT		Mohammad Abulaban	
AGENT		Veronica Wood	
ADDRESS		290 (300) Fairview Drive	
ENVIRONMENTAL SERVICES			

I reviewed the subject noted application and proposed double-sided electronic message display—as prepared by Brantford Central Baptist Church—on behalf of Environmental Services and have no objections or concerns but offer the following comments for consideration;

1. The proposed electronic sign must be located a minimum of 3.0 m from all existing watermain, hydrants, services and appurtenances;
2. The Owner must protect, at all times, the existing watermain, hydrants, services and appurtenances in the vicinity of the work zone; and
3. 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.:		A36/2021	
DATE DUE TO PLANNING		September 10, 2021	
OWNER		Damon Shanks	
APPLICANT		Mohammad Abulaban	
AGENT		Veronica Wood	
ADDRESS		290 (300) Fairview Drive	
DEVELOPMENT ENGINEERING			

➤ No comments.

Adam Quibell, P.Eng.
Development Engineering Reviewer

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

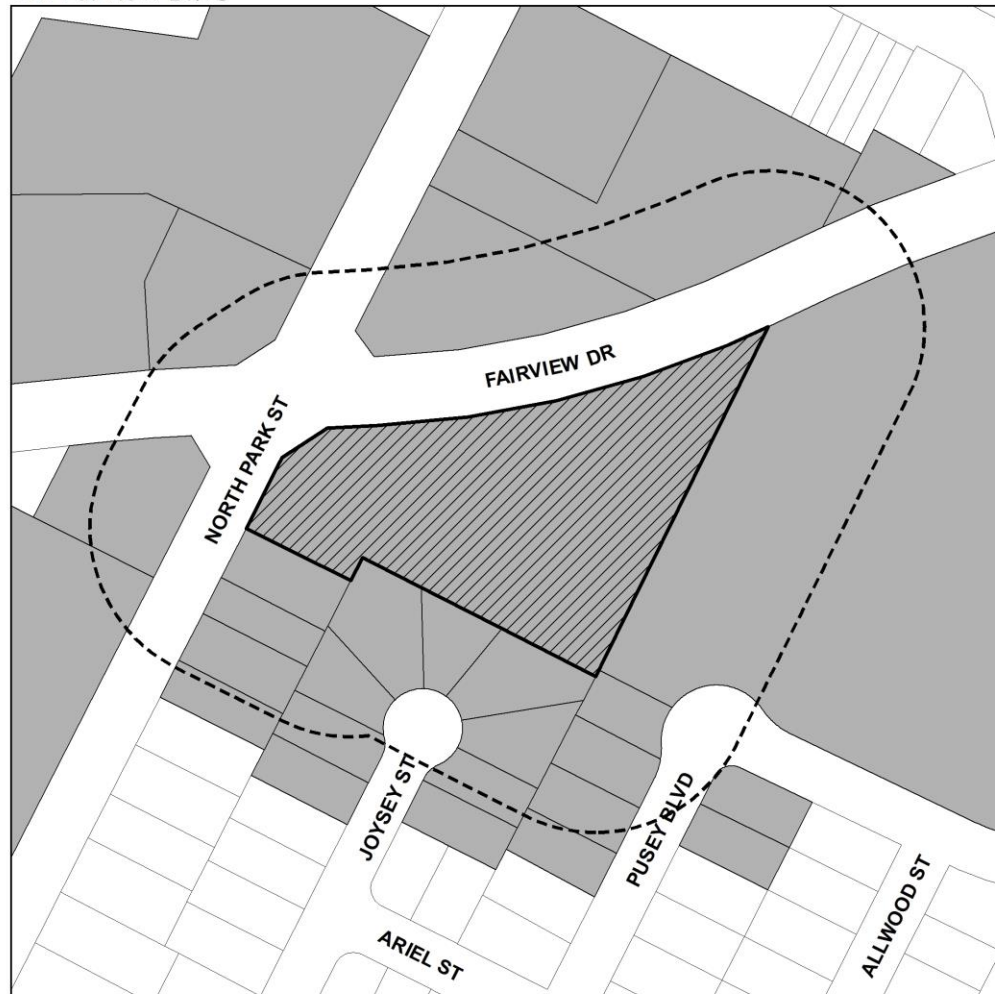
September 21, 2021
DATE


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

Appendix H– Area of Notification

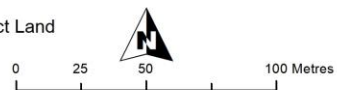
AREA OF PUBLIC NOTIFICATION

Application: A36/2021
300 Fairview Drive



Legend

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



Appendix I – Official Plan Map

OFFICIAL PLAN EXCERPT MAP

Application: A36/2021
300 Fairview Drive





Appendix J – Zoning

ZONING

Application: A36/2021
300 Fairview Drive



Legend

-  Subject Land
-  Zone Boundary



0 50 100 Metres

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

- R1B Residential Type 1B (15 metre)
- R2 Residential Type 2
- RHD Residential High Density
- I2 Institutional School
- I3 Institutional Major
- C8 General Commercial
- C10 Community Centre Commercial
- # Exception Number