



THE CORPORATION OF THE CITY OF BRANTFORD
 CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2
 TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: A22/2023
Related File Numbers: N/A
Address: 10 King George Road
Roll Number: 2906030008037000000
Agent: Dave Liesemer
Applicant: Brantford Home Hardware
Owner: 2668393 Ontario Inc.

**IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION
 45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

A minor variance application has been received for Home Hardware at the lands municipally addressed as 10 King George Road. The applicant is requesting relief of the City of Brantford Municipal Code Chapter 478 (Signs – Outdoor – Other Advertising Devices) for a new digital sign to be installed on the existing sign infrastructure on the property. The new sign has already been installed, but is currently operating as a static sign, with no flashing illumination, which is permitted under Chapter 478. If approved, the new digital sign will display products and sales for the existing retail establishment, and not be used for third party advertising.

The replacement of part of the current ground sign includes a double-sided digital 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 Sections 478.4.14 and 478.8.5. The proposed digital sign meets all other regulations under Article 4 of Chapter 478 of the Municipal Code.

Regulation	By-law Section	Required	Proposed	Relief Requested
Minimum distance for flashing illumination from nearest traffic signal	478.4.14	30.0 m	14.3 m	15.7 m
Minimum distance for flashing illumination from nearest pedestrian crossing signal	478.4.14	30.0 m	6.4 m	23.6 m
Minimum distance for flashing illumination from nearest intersection	478.4.14	30.0 m	15.25 m	14.75 m
Minimum distance from the street line	478.8.5	1.0 m	0.25 m	0.75 m

DECISION: APPROVED

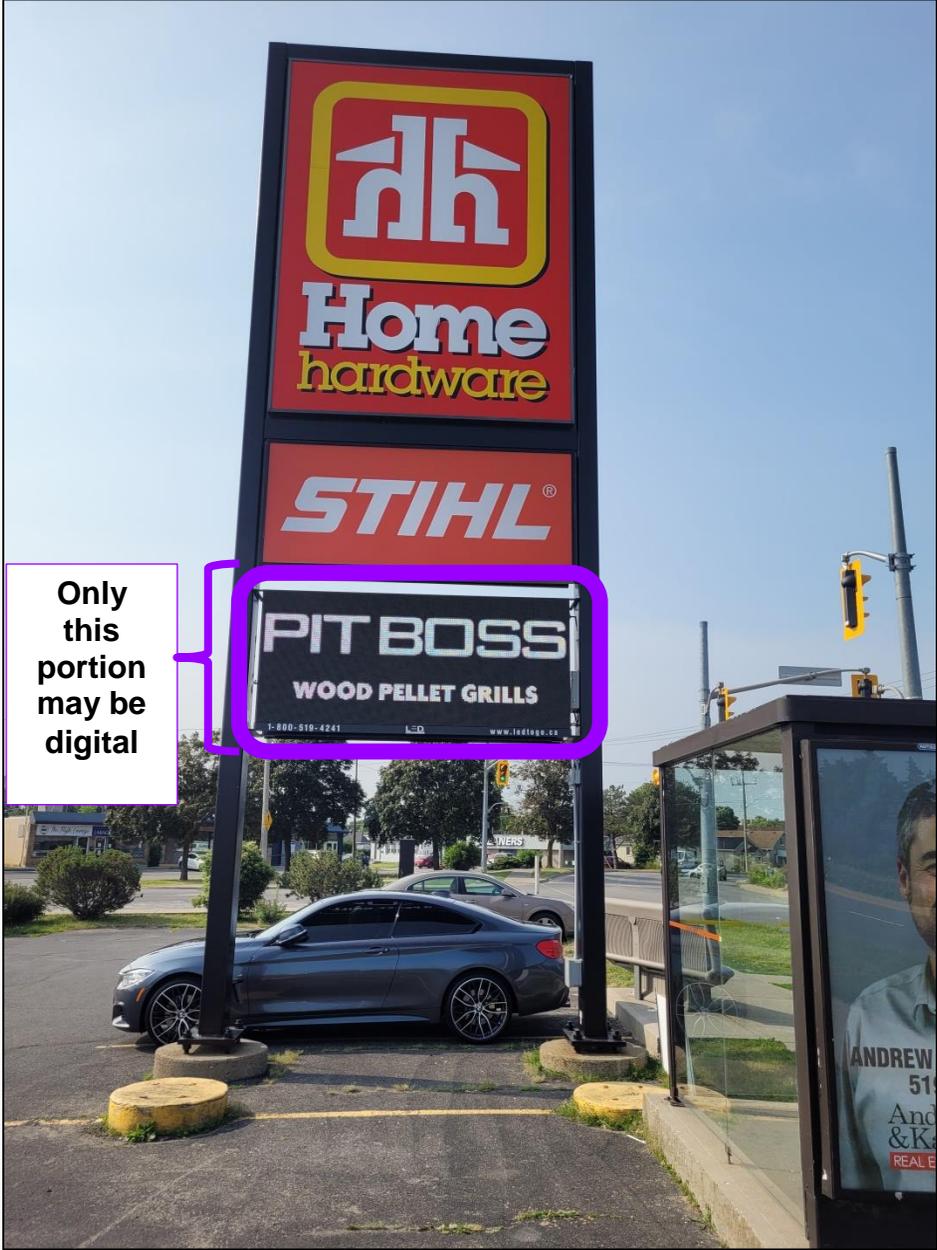
DATE: July 5, 2023

THAT application A22/2023 seeking relief from Section 478.4.14 of Chapter 478 of the Municipal Code to permit a digital sign within 14.3 m to the nearest traffic signal, 6.4 m to the nearest pedestrian crossing signal and 15.25 m from the intersection, whereas a minimum distance of 30.0 m is required, and from Section 478.8.5 of Chapter 478 of the Municipal Code to allow a sign to be setback 0.25 m from the street line, whereas the minimum setback distance is 1.0 m, BE APPROVED, provided the digital sign face is no greater than 4.0 m² in area and the bottom of the sign face is no greater than 3.5 m above the final grade/ground surface, as shown in Appendix A;

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, Zoning By-law 160-90 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.

Pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1990, c. P. 13, 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 2023-434.

Appendix A – Area of Sign Face Permitted to be Digital



Electronically signed by V. Kershaw,
Chair/Member

Electronically signed by M. Bodnar
Member

Electronically signed by T. Cupoli,
Member

Absent - T. Gaskin
Member

Electronically signed by G. Kempa,
Member

Absent - J. Panag,
Member

Electronically signed by M. Simpson
Member

CERTIFICATION

I hereby certify that this is a true copy of the original document



Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, shague@brantford.ca or Holly Stemberger, Deputy Secretary-Treasurer, (519)759-4150 ext. 5125, hstemberger@brantford.ca

APPEALS

The applicant, the Minister, a specified person (as defined under Section 1(1) of the *Planning Act*), or public body that has an interest in the matter may, not later than 20 days after the giving of notice of a decision under Section 45(12) for minor variances) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal. Please note that members of the public are no longer entitled to appeal decisions of the Committee of Adjustment.

The fee for an appeal to the Ontario Land Tribunal is \$400.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: **"Minister of Finance"**. In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$575.00 administrative fee made payable to the Corporation of the City of Brantford.

Notice of Changes

You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

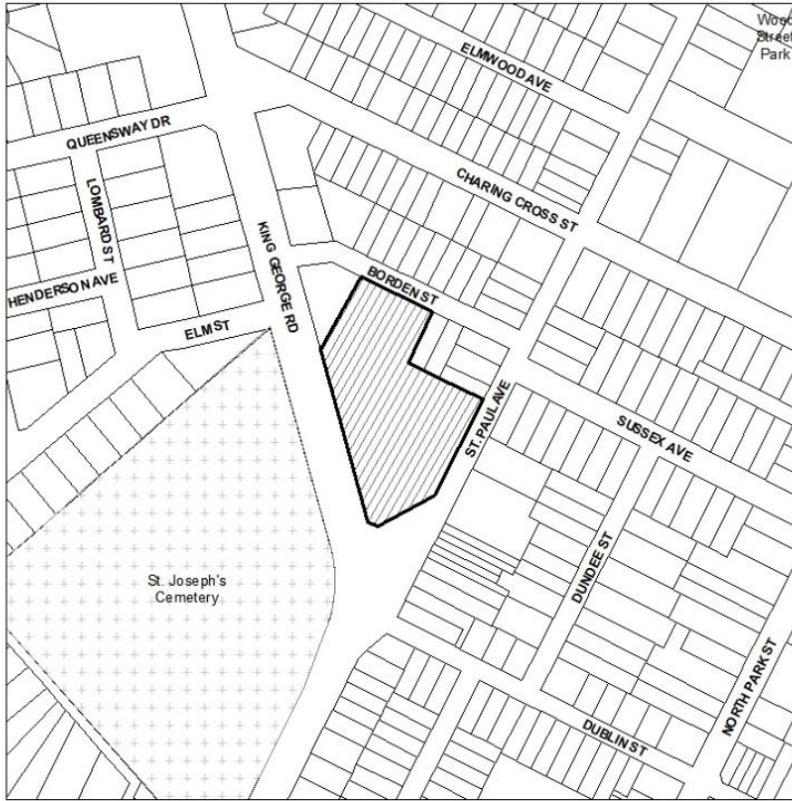
The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is July 25, 2023

END OF DECISION

LOCATION MAP

Application: A22/2023

10 King George Road (Home Hardware)



Legend

 SUBJECT LAND



Conceptual Site Plan

Electronic message display ONLY
 Electronic message display – defined
 “electronic message display” means a sign that displays only text or copy, which can be electronically changed by remote and/or automatic means, but does not include a digital sign.

ALL CONSTRUCTION TO MEET ONTARIO BUILDING CODE REQUIREMENTS

SIGNS MUST BE INSTALLED IN COMPLIANCE WITH THE CITY OF BRANTFORD SIGN BYLAW 122-91/51-2018 SIGNS - OUTDOOR OTHER ADVERTISING DEVICES Chapter 478

PLEASE CONTACT THE BUILDING INSPECTOR TO DISCUSS AND ARRANGE FOR INSPECTIONS

THE CORPORATION OF THE CITY OF BRANTFORD BUILDING DEPARTMENT
 These plans have been reviewed in connection with Building Permit No. 2022-3825
 The owner is responsible to ensure that all construction conforms with the Ontario Building Code.
 08/15/2022 Date Shelly Kunkel
ONE STAMPED SET TO BE KEPT ON CONSTRUCTION SITE

NOTE: REVIEW OF THESE PLANS DOES NOT NECESSARILY GUARANTEE THAT THEY ARE IN CONFORMANCE WITH THE ONTARIO BUILDING CODE



THE CORPORATION OF THE CITY OF BRANTFORD
 CITY HALL – 58 DALHOUSIE STREET - BRANTFORD – ON N3T 2J2
 TELEPHONE 519-759-4150

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: A23/2023
Related File Numbers: N/A
Address: 372-384 St. Paul Avenue
Roll Number: 2906020011234000000
Applicant/Owner: Amber Lea Place Ltd. c/o Dev Mundi
Agent: J.H. Cohoon Engineering Ltd. c/o Bob Phillips

**IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION
 45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:**

PROPOSAL:

A minor variance application has been received for the lands municipally addressed as 372-384 St. Paul Avenue (Amber Lea Retirement Home).

The applicant has submitted an application for minor variance to address zoning deficiencies in the proximity of the front balcony and building face to the property line at St. Paul Avenue.

To facilitate the development as proposed the applicant is seeking the following relief from Zoning By-law 160-90:

Regulation	By-law Section	Required	Proposed	Relief Requested
Front Yard Setback	7.10.4.2.3.4	2.0 m	1.86 m	0.14 m
Balcony Encroachment	6.4.1.1	3.0 m	1.0 m	2.0 m

DECISION: APPROVED IN PART

DATE: July 5, 2023

THAT application A23/2023 seeking relief from Section 7.10.4.2.3.4 of Zoning By-law 160-90 to permit a front yard setback of 1.86 m, whereas a front yard setback of 2 m is required, BE APPROVED;

THAT the reason(s) for approval of the minor variance to Section 7.10.4.2.3.4 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,

THAT application A23/2023 seeking relief from Section 6.4.1.1 of Zoning By-law 160-90 to permit a balcony encroachment to project 1.0 m from the front property line, whereas the minimum projections required is 3.0 m, BE REFUSED;

THAT the reason(s) for refusal of the minor variance to Section 6.4.1.1 are as follows: the requested variance is not in keeping with the general intent of the Official Plan and Zoning By-law 160-90, the relief requested is not considered minor in nature and is not desirable for the appropriate development and use of the subject lands;

Pursuant to Section 45(8) – (8.2) of the Planning Act, R.S.O 1990, c. P. 13, *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 2023-451.*

**Electronically signed by V. Kershaw,
Chair/Member**

**Electronically signed by M. Bodnar
Member**

**Opposed - T. Cupoli,
Member**

**Absent - T. Gaskin
Member**

**Electronically signed by G. Kempa,
Member**

**Absent - J. Panag,
Member**

**Electronically signed by M. Simpson
Member**

CERTIFICATION

I hereby certify that this is a true copy of the original document



Secretary-Treasurer

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact Sarah Hague, Secretary-Treasurer, (519)759-4150 ext. 5160, shague@brantford.ca or Holly Stemberger, Deputy Secretary-Treasurer, (519)759-4150 ext. 5125, hstemberger@brantford.ca

APPEALS

The applicant, the Minister, a specified person (as defined under Section 1(1) of the *Planning Act*), or public body that has an interest in the matter may, not later than 20 days after the giving of notice of a decision under Section 45(12) for minor variances) of the *Planning Act* is completed, appeal the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal. Please note that members of the public are no longer entitled to appeal decisions of the Committee of Adjustment.

The fee for an appeal to the Ontario Land Tribunal is \$400.00 for the primary appeal and \$25.00 for each related appeal, by Certified Cheque or money order made payable to the: **“Minister of Finance”**. In addition you must complete an Appellant Form (A1). All notices of appeal shall be accompanied by a \$575.00 administrative fee made payable to the Corporation of the City of Brantford.

Notice of Changes

You will be entitled to the conditions of the provisional consent if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

The letter of appeal, Appellant Form (A1) and fee for appeal are to be filed with the following:

Secretary-Treasurer
Committee of Adjustment
58 Dalhousie Street
Brantford ON
N3T 2J2

If no appeal is filed by the date listed on the decision, the decision of the Committee of Adjustment is final.

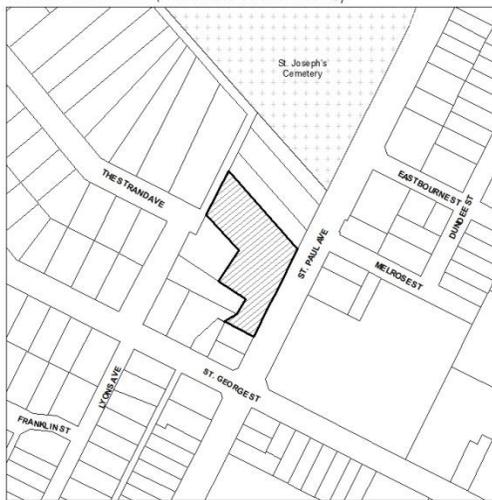
For further information regarding the appeal process and the Ontario Land Tribunal go to: <https://olt.gov.on.ca/appeals-process/>

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is July 25, 2023

END OF DECISION

Location Map

LOCATION MAP
 Application: A23/2023
 372-384 St. Paul Avenue (Amber Lea Retirement Home)



Legend
 SUBJECT LAND



Conceptual Site Plan

