

**DEVELOPMENT SERVICES DEPARTMENT  
COUNTY OF BRANT PLANNING ADVISORY COMMITTEE REPORT**

TO: The Chairman and Members of Planning Advisory Committee

FROM: Jessica Kitchen, Planner-Zoning By-Law Administrator

DATE: March 5, 2019

RE: PA-19-11-Recommendation Report- Request for Sign By-Law 121-08  
Amendment for Billboard Sign –524 Cockshutt Road – Ted and Dianne  
Westbrook (Property Owners)

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**RECOMMENDATION:**

Whereas the property owners of CON 1 PT LOT 13 PT LOT 14 REG, known as 524 Cockshutt Road and Hagan Road, Oakland, have requested permission to allow an existing structure to be recognized as a billboard sign on the above noted within the constructed location (Attachments 1 and 3);

And whereas the location of the sign abuts a Rural Arterial Road, being Cockshutt Road, as Designated within the County of Brant Official Plan;

And whereas the existing structure is proposed to advertise an event, good, and/or service which is not located/offered on the property and is double faced;

And whereas the location of the sign does not create any site line issues to negatively impact the safety of pedestrians or the travelling public;

And whereas the height and area of the sign and faces are significantly less than what is permitted for a billboard sign;

**That** the request from the property owner of CON 1 PT LOT 13 PT LOT 14 REG, known as 524 Cockshutt Road and Hagan Road, Oakland, to allow for an existing structure to be recognized as a billboard sign in the proposed constructed location **be approved**, and include, but not be limited to, the following conditions;

- That a maximum of one (1) billboard sign be permitted on the property; and
- That the sign be permitted in the location established on the property;
- That the approval be granted to the existing sign only, and that future signs or the replacement of this sign, shall be in compliance with the County of Brant Sign By-Law 121-08, as amended;

**BACKGROUND:** A preliminary site plan and elevation drawing (Attachment 1) were submitted by the property Owners in spring 2016. The proposal was reviewed by Planning Staff and determined to be a 6.0 metres in height, 18 square metres double sided sign face, 6.0 metres in width ground sign, despite the intent to advertise an event, good, and/or service operated offsite, being the Oshweken Speedway. The proposal was determined to be in keeping with the permitted sign types and location requirements (Attachment 5) within the Agricultural (A) Zone for a ground sign. This determination was in error as a ground sign is used to advertise a good, service, and/or event which is offered on the property which the sign is erected:

*1.26 "ground sign" means a sign directly supported by the ground without the aid of any other building or structure, which sign includes the names of owner(s) and/or tenant(s) and address and/or advertises goods, products, services or events that are sold, offered, or provided on the premises on which the sign is located;*

On this basis Planning Staff encouraged that the Owner submit a Sign Permit Application for the proposal. The Application was received on May 31, 2016 for a proposed sign to advertise the Oshweken Speedway (Attachment 7). The Building Department contacted the Owners on June 6, 2016 to advise that after reviewing the sign permit application the proposed ground sign would require engineered construction drawings, approved by a professional engineer. Once these drawings were to be received and reviewed, building Staff indicated that the permit could be processed. The sign permit application was placed on hold until such time that the drawings were to be received.

On July 30, 2018, Councillor Gatward inquired to the Building Department on the Owners behalf to determine why the sign permit had not yet been issued. Building Staff responded regarding the requirement of The Ontario Building Code for engineered structural drawings regarding a sign exceeding a certain size. The requested engineered construction drawings were received on December 18, 2018.

A complaint was received by By-Law Enforcement Department on July 17, 2018 regarding a billboard sign being erected on the property (attachment 3). After By-Law Enforcement Staff inspected the property and gathered further pictures and information, Planning Staff determined that sign type was in keeping with a billboard sign, not a ground sign as previously reviewed. At this time the Building Department also confirmed that the sign permit had not been issued for the works completed on site, due to the engineered construction drawings not being received. Staff also noted at this time that the proposal had changed with respects to the height and area of the sign. The established sign was smaller than initially proposed at 4.8 metres in height, 4.8 metres in width, having a sign face area of 11.5 square metres. A Notice of Violation was sent out on November 27, 2018, advising the property Owner that the sign type and location did not comply with the requirements of the County of Brant Sign By-Law 121-08 (Attachment 6).

Billboard signs are used to advertise goods, services, and/or events located on a different property:

*1.9 "billboard sign" means an outdoor sign that advertises goods, products, or services that are not sold or offered on the property where the sign is located, and is either single faced or double faced;*

A billboard sign is only permitted within an Agricultural Zone if the property abuts a provincial highway or within the Employment/Industrial or Commercial Designations abutting a collector or arterial road classification, in accordance with the requirements as outlined in Appendix 'A' of the County of Brant Sign By-Law 121-08 (Attachment 6). The subject lands are Designated Agricultural within the County of Brant Official Plan and Zoned Agricultural within the County of Brant Zoning By-Law 61-16 and abut a rural arterial road.

Planning Staff met with the Owners of the property on December 18, 2018 to discuss the possible options in order to remedy the violation and bring the property into compliance with the municipal Sign By-Law. The following options were discussed:

1. Remove the sign structure from the property and have the Sign Permit Application fee (\$140.00) partially refunded;

Or

2. Make an Application to Council in the form of a Sign By-Law Amendment to request relief and approval to have the sign legally established;

Staff encouraged the property Owners to determine what option they intended to pursue based on the details discussed. After meeting with the Owners on January 10, 2019, an Application for a Sign By-Law Amendment was completed, along with the \$1,550.00 fee paid, and supporting information submitted.

The Applicant is seeking the following relief from the County of Brant Sign By-Law 121-08 through a Sign By-Law Amendment to Council to request the following site specific considerations:

1. Relief from Section 4 General Provisions, Subsection 4.4 to allow for a billboard sign to be established legally on the subject lands;
2. Relief from Section 6 Signs-Zone Restrictions, subsections 6.1, 6.2, and 6.4 to allow a billboard sign to be established on a property which does not abut a provincial highway;
3. Relief from Section 6 Signs-Zone Restrictions, Subsections 6.8 and 6.9 to allow for a billboard sign to be located within an Agricultural Designation;
4. Relief from Schedule 'A', item B. Billboard Signs to allow for a billboard sign to be located a minimum of

The subject lands are Designated Agricultural within the County of Brant Official Plan and the structure has been located in accordance with the provisions for a ground sign based on the original review and approval by Planning Staff, which was in error. The Applicant is seeking approval for the existing structure to be used as a billboard sign to advertise the Oshweken Speedway, within the established location based on the visibility in proximity to traveling motorists along Cockshutt Road and maintaining the cultivation of the property for agricultural purposes.

**REPORT:** The property owners of CON 1 PT LOT 13 PT LOT 14 REG, fronting onto Cockshutt Road and Hagan Road, Oakland, are requesting permission to legalize one (1) existing billboard sign within the established location (attachments 1 and 3). The owners are requesting approval to recognize the sign, in the established location, to advertise the Oshweken Speedway. Staff acknowledges that there were errors made within the initial review with respects to the type of sign being proposed. The Owners have acknowledged that an error was made in erecting the sign without the issuance of a Sign Permit. Despite any encouragement and/or approval given through the review process the sign type and location are not in compliance with the County of Brant Sign By-Law 121-08.

The Council adopted Sign By-Law (By-Law No. 121-08) does not permit a billboard sign to be located within an Agricultural Zone which does not abut a provincial highway, or within the Agricultural Designation.

The Sign By-Law only provides for consideration of relief regarding restrictions and requirements and cannot allow a sign type where one is not permitted, staff is of the opinion that the sign requires a site specific amendment by Council to approve the sign type as well as the location.

For the past few months, the public has become accustomed to seeing a billboard sign in the existing location, with no advertisement being displayed. The Owners have received comments from traveling motorists stating that the structure without copy is more distracting than if there were an advertisement present as they keep wondering what the structure will be used for. Since the sign was erected in July 2018, one complaint has been received.

The complaint received was with respects to the sign location and the safety of traveling motorists along Cockshutt Road. Staff have circulated the Operations Department with respects to this application and have received comments back, attached to this report (Attachment 8). The established location allows for the continued cultivation of the property which is currently farmed producing corn or soy beans.

If the sign were to be pushed back, and located according to the requirements of the Sign By-Law for a billboard sign, the sign would interfere with the manoeuvring of farm equipment, subtract from the amount of land currently cultivated, and due to the size of the sign proposed would not be visible by traveling motorists, defeating the purpose of the sign. In the opinion of Development Services staff, it is the type of sign and proposed location of the sign that are the key determining factors that Council should consider with this request.

Having stated the above, staff has no objections to the County allowing the existing billboard sign being legalized within the established location on the property (Attachment 3), subject to the conditions noted in the recommendation portion of this report.

**FINANCIAL CONSIDERATIONS:** The property Owners have paid for a Sign Permit Application previously being \$140.00, and will be subject to a further fee of \$140.00 for installing the structure without a permit, as per the Ontario Building Code. The Owners also submitted a non-refundable fee of \$1,550.00 for the Sign By-Law Amendment Application with the understanding that there is no guarantee of approvals.

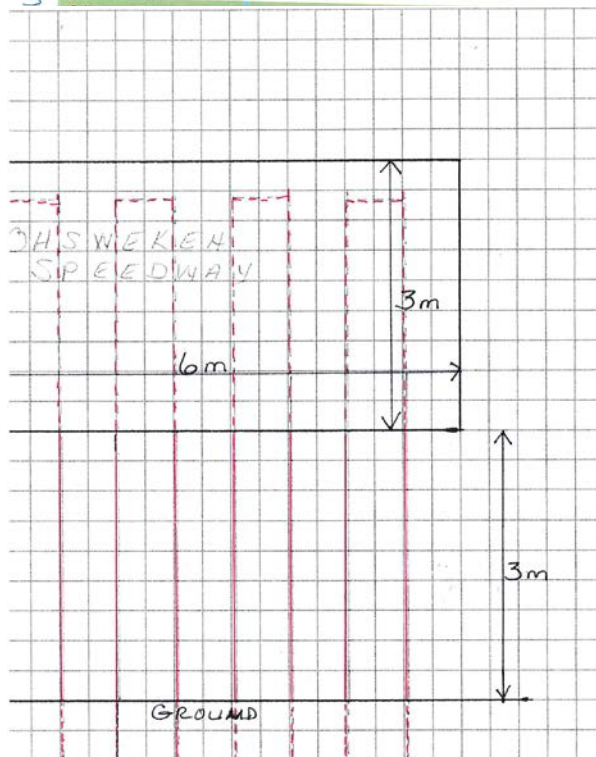
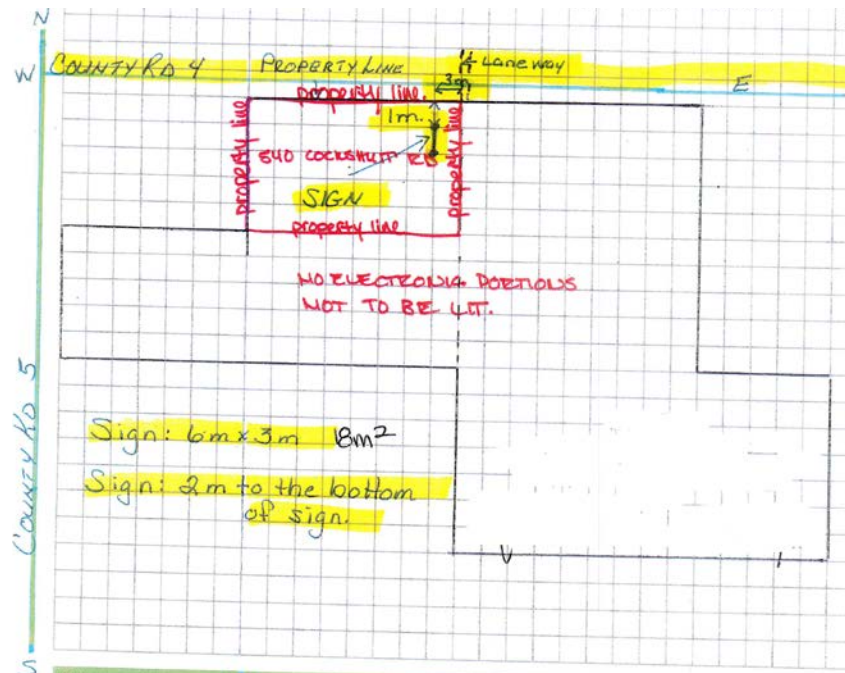
The property Owners have not been charged under the Provincial Offenses Act concerning the Notice of Violation of Sign By-Law 121-08 as there is a stay of enforcement with respects to items before Committee and Council for consideration.  
Respectfully Submitted,

Jessica Kitchen  
Planner- Zoning By-Law Administrator  
County of Brant – Development Services

cc. M. Pomponi, General Manager of Development Services  
A. Gravelle, Chief Building Official  
M. Tout, Director of Roads  
L. Dale, Director of Legal & Property Services  
R Knap, Roads Technologist  
Greg Bergeron, Supervisor Enforcement and Regulatory Services  
Jyoti Zuidema, Solicitor

Attachments: 1. Photo illustrating preliminary site plan and elevation drawing of proposed sign  
2. Aerial photo of CON 1 PT LOT 13 PT LOT 14 REG, fronting onto Cockshutt Road and Hagan Road, Oakland illustrating the location of the existing sign  
3. Photos of existing sign  
4. Engineered Construction Drawings and Letter of Compliance  
5. Ground Sign Requirements  
6. Billboard Sign Requirements  
7. Proposed Sign Rendering  
8. Comments Received

## ATTACHMENT 1-Preliminary Site Plan and Elevation Drawing



## ATTACHMENT 2-Aerial of the Subject Lands and Sign Location



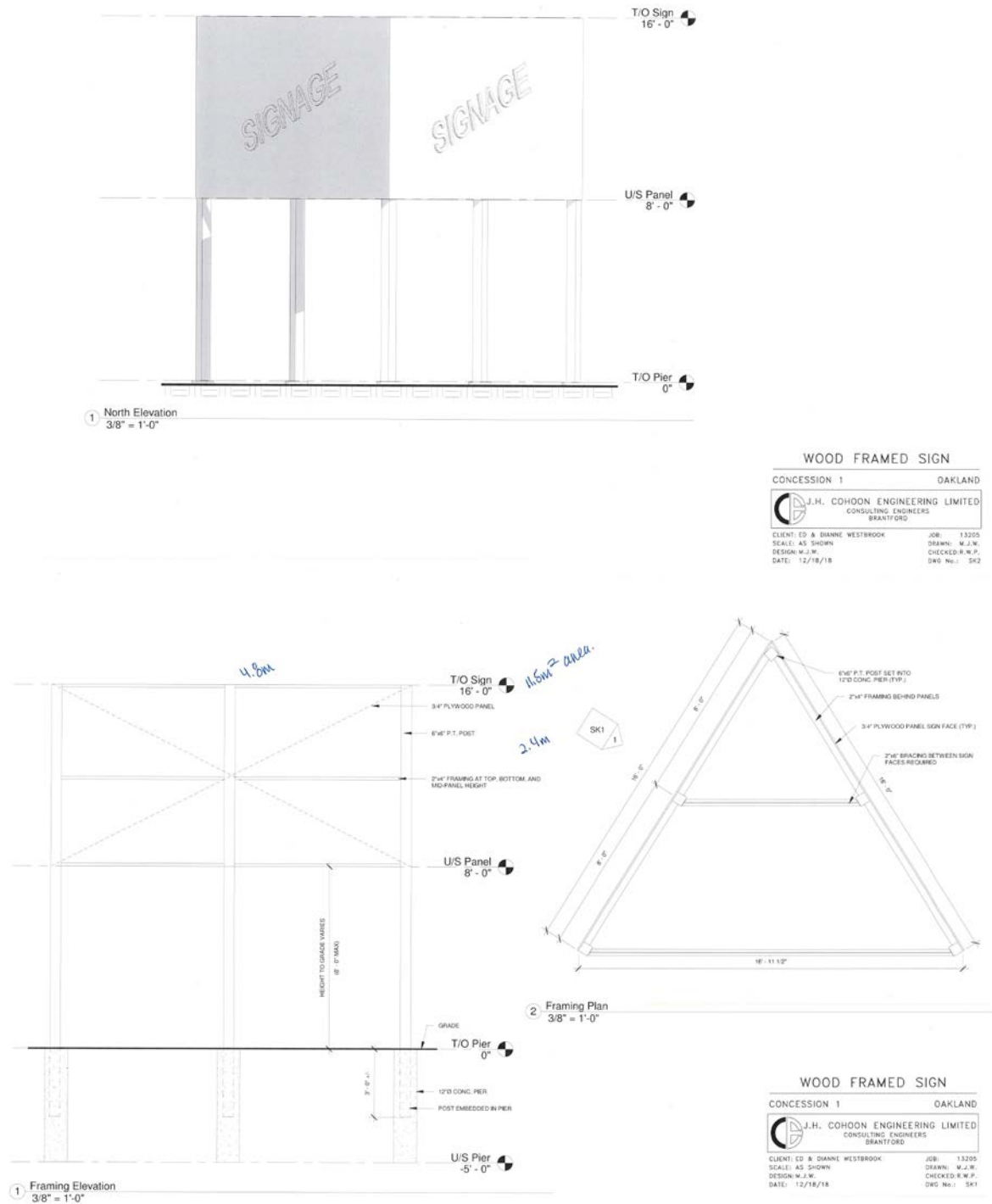


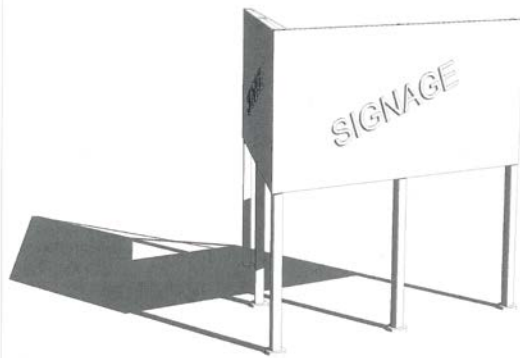
### **ATTACHMENT 3-Photos of The Existing Sign**



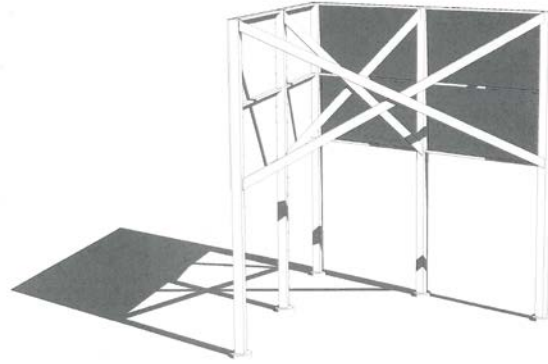


## Attachment 4- Engineered Construction Drawings





1 Front 3D



2 Rear 3D

#### WOOD FRAMED SIGN

CONCESSION 1 OAKLAND



J.H. COHOON ENGINEERING LIMITED  
CONSULTING ENGINEERS  
BRANTFORD

CLIENT: ED & DIANNE WESTBROOK  
SCALE: AS SHOWN  
DESIGN: W.J.M.  
DATE: 12/18/18

JOB: 13205  
DRAWN: W.J.M.  
CHECKED: R.W.P.  
DWG. NO.: SK3

## **Attachment 5- Sign By-Law 121-08-Schedule 'A'-Ground Sign Requirements**

### **H. GROUND SIGNS**

Where permitted by Section 6, the following regulations apply to *ground signs*:

#### **H-1 Number permitted**

One (1) *ground sign* is permitted per *frontage*.

#### **H-2 Location**

No *ground sign* shall be located closer than:

- (a) 1.0m to a *property line*.
- (b) 1.0m to a *street line*
- (c) 3.0m to a driveway
- (d) 5.0m to a *ground sign* on the same *property*
- (e) Where adjacent to any residential *zone*, no *ground sign* shall be permitted in a rear yard or in an interior side yard.

#### **H-3 Maximum *Height***

7.5m

#### **H-4 Sign *Face Area***

22.5m<sup>2</sup> including a maximum area of 3.5 m<sup>2</sup> for any *electronic message display*.

## **Attachment 6-Sign By-Law 121-08- Billboard Sign Requirements**

*4.4 No person shall erect, display or permit the erection or display of the following signs:*

*(f) A billboard sign unless permitted by Section 6 of this by-law;*

*6.1 Except as otherwise restricted or prohibited by this by-law and subject to the regulations in Schedule A, the class of sign allowed by this by-law on any property shall be determined by the applicable zone of the property. For the purpose of this section, any community centre or recreation centre operated by the County, or any school or place of worship in an Agricultural zone or a Residential zone may erect signs as if the property was in an Institutional zone.*

*6.2 No person shall erect, display or alter or permit the erection, display or alteration of a sign on a property, unless the class of sign is permitted within the applicable zone of the property as indicated in section 6.3 to 6.7, inclusive.*

*6.4 Signs allowed in Agricultural zones:*

- (a) billboard sign that abuts a provincial highway*
- (b) fascia sign*
- (c) ground sign*
- (d) home occupation identification sign*
- (e) portable sign*

*“6.8 Despite section 6.1 and 6.2, billboard signs are permitted on lands designated as Commercial, Employment or Industrial in the County’s Official Plan, provided the property fronts on an arterial or collector road as designated in the County Official Plan and subject to the regulations in Schedule A.”*

*“6.9 No person shall erect, display or alter or permit the erection, display, or alteration of a billboard sign on a property, except as permitted by section 6.4 or 6.8 of this by-law.*

### **B. BILLBOARD SIGNS**

*Where permitted by Section 6.4, the following regulations apply to billboard signs:*

#### **B-1 Number permitted**

*One (1) per property*

#### **B-2 Location**

*No billboard sign shall be located, except in compliance with Ministry of Transportation guidelines and no closer than:*

- (a) 400.0m to a street line*
- (b) 25.0m to a property line.*
- (c) 1,000.0m to any other billboard sign*

#### **B-3 Maximum height**

*15.0m*

#### **B-4 Maximum area per sign face**

*150.0m<sup>2</sup>*

*Where permitted by Section 6.8, the following regulations apply to billboard signs:*

#### **B-5 Location**

*No billboard sign shall be located, except in compliance with Ministry of Transportation guidelines and no closer than:*

- (a) 25.0m to a street line*
- (b) 50.0m from any land designated residential in the Official Plan*
- (c) 300.0m to any other billboard sign*

#### **B-6 Maximum dimensions of sign face**

- (a) 12.2m width*
- (b) 3m height*



## Attachment 7-Proposed Billboard Sign Rendering



## Attachment 8- Comments Received

**From:** [Richard Weidhaas](#)  
**To:** [Jessica Kitchen](#)  
**Subject:** RE: Westbrook Sign  
**Date:** Friday, February 15, 2019 8:40:39 AM

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Hi Jessica ,

I don't have any concerns with the sign off letter.

Regards

Richard Weidhaas CBCO  
Deputy Chief Building Official

Development Services  
County of Brant  
66 Grand River St.N.  
Paris, ON N3L 2M2

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**From:** Jessica Kitchen  
**Sent:** February 14, 2019 4:04 PM  
**To:** Richard Weidhaas <[Richard.Weidhaas@brant.ca](mailto:Richard.Weidhaas@brant.ca)>  
**Subject:** FW: Westbrook Sign

Hi Rick,

I was just wondering if you could please review the above attached letter and provide any comments at your earliest convenience.

Thank you,

Jessica.

**Jessica Kitchen**

Planner-Zoning Administrator

Development Services  
County of Brant  
66 Grand River Street North  
Paris, ON N3L 2M2

T. 519-442-6324 X. 3031 | F. 519-442-3461 | E. [Jessica.kitchen@brant.ca](mailto:Jessica.kitchen@brant.ca)  
[www.brant.ca](http://www.brant.ca)



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**From:** Matthew Whyte [<mailto:mwhyte@cohooneng.com>]  
**Sent:** Thursday, February 14, 2019 1:15 PM  
**To:** Jessica Kitchen <[Jessica.Kitchen@brant.ca](mailto:Jessica.Kitchen@brant.ca)>  
**Cc:** Richard Weidhaas <[Richard.Weidhaas@brant.ca](mailto:Richard.Weidhaas@brant.ca)>  
**Subject:** RE: Westbrook Sign

Good Afternoon Jessica and Rick,

Please find attached a PDF copy of our letter for your records. We will be mailing the original to your office with Andre's attention.

**Matthew Whyte**, B.A.Sc., EIT  
J. H. Cohoon Engineering Ltd.

**From:** [Jessica Kitchen](#)  
**To:** [Jessica Kitchen](#)  
**Subject:** FW: Re: 292000901031110 Cockshutt Road-Sign By-Law Amendment  
**Date:** Tuesday, February 19, 2019 11:28:50 AM  
**Attachments:** [Engineered Construction Drawings.pdf](#)  
[Aerial Image of the Property and proposed sign location.pdf](#)  
[Existing Sign Photo.pdf](#)  
[Preliminary Site Plan.pdf](#)  
[image002.png](#)  
[image003.png](#)

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**From:** Rick Knap  
**Sent:** Tuesday, February 19, 2019 10:10 AM  
**To:** Jessica Kitchen <[Jessica.Kitchen@brant.ca](mailto:Jessica.Kitchen@brant.ca)>  
**Subject:** FW: Re: 292000901031110 Cockshutt Road-Sign By-Law Amendment

Hi Jessica,

I have reviewed the proposed new sign for the above noted property and have no objections provided that the following be adhered to:

1. I understand that the proposed billboard sign is located on private property, ideally we prefer it to be located at a minimum of 3 metres from the property line;
2. That ideally the sign be located at least 10 metres from any entrance/driveway/intersection;
3. I understand that this sign will not have an LED/electronic display, so therefore will not have a "Flash" or "Shake" or "Running" or "Scrolling" condition, only a solid message on the sign.

Thank you,

**Rick Knap, C.E.T.**  
Roads Technologist

Operations Department – Roads Division  
County of Brant  
26 Park Avenue, P.O. Box 160, Burford, ON N0E 1A0

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