

# Appeal of SV-15-014

## Sign Variance

### 766 Burlington Street East

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**IBI GROUP – John Ariens MCIP RPP**  
766 Burlington Street East  
February 2<sup>nd</sup> 2016

**APPEAL OF SV-15-014  
SIGN VARIANCE**



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766 Burlington Street East  
Streetview from City of Hamilton Website

## Staff Report:

Section 3.4 addresses existing signs and states “Any sign that is lawfully displayed on the day this By-law comes into force may continue to be displayed provided it is not substantially altered in a manner that would bring it into non-compliance or increase its non-compliance with this By-law.”

## Staff Report

The static roof top Billboard Sign was existing prior to the By-law coming into effect and therefore would constitute an existing sign under Section 3.4. However, the static roof top Billboard Sign has since been removed and therefore the sign that existed prior to the By-law coming into effect no longer exists and the illegally established digital roof top Billboard Sign cannot be recognized as an existing sign.

## Staff Report

The intent of the By-law is that non-conforming signs will disappear and approval of the proposed variance to permit a digital roof top Billboard Sign is contrary to this intent. Furthermore, the replacement of the sign with a digital Billboard Sign constitutes a substantial alteration and increases the non-compliance of the Billboard Sign, and therefore replacement of the sign with a digital Billboard would not have maintained the status of an existing sign, even if the previous static Billboard Sign had not been removed.

We are therefore dealing with a legal non-conforming sign alteration and not a new sign.



## **Variances: 1 variance vs. 7+ variances**

We applied for only 1 variance = allow  
100% digital display whereas by-law  
allows 50%.

## Variances:

1. 5.1.1(b) - roof top signs are not permitted;
2. 5.10.2 (b) – only 18 sq.m. of sign face is allowed, 18.7sq.m is proposed;
3. 5.10.2 (c) – maximum sign width is 4.0m, proposed is 6.0m;
4. 5.10.2 (d) – animation is not allowed;
5. 5.10.2 (e) – 50% digital display is allowed; 100% is proposed;
6. 5.10.2 (g) – not less than 300m from any other billboard whereas another billboard is 95m away;
7. 5.10.2 (i) – 15m setback to any property line, 5.5m to front lot line and 1.5m to side lot line;
8. 5.10.2 (j) – only vacant lands can have a billboard – this site is developed.

## Variations:

1. 5.1.1(b) - roof top signs are not permitted; **EXISTING CONDITION.**
2. 5.10.2 (b) – only 18 sq.m. of sign face is allowed, 18.7sq.m is proposed;  
**EXISTING CONDITION.**
3. 5.10.2 (c) – maximum sign width is 4.0m, proposed is 6.0m;  
**EXISTING CONDITION.**
4. 5.10.2 (d) – animation is not allowed; **NOT REQUESTED.**
5. 5.10.2 (e) – 50% digital display is allowed; 100% is proposed;  
**ONLY VARIANCE REQUESTED.**
6. 5.10.2 (g) – not less than 300m from any other billboard whereas another billboard is 95m away; **EXISTING CONDITION.**
7. 5.10.2 (i) – 15m setback to any property line, 5.5m to front lot line and 1.5m to side lot line;  
**EXISTING CONDITION.**
8. 5.10.2 (j) – only vacant lands can have a billboard – this site is developed.  
**EXISTING CONDITION.**

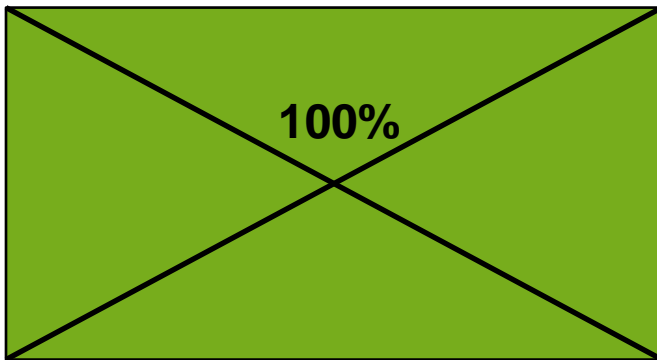
50% Display

VS.

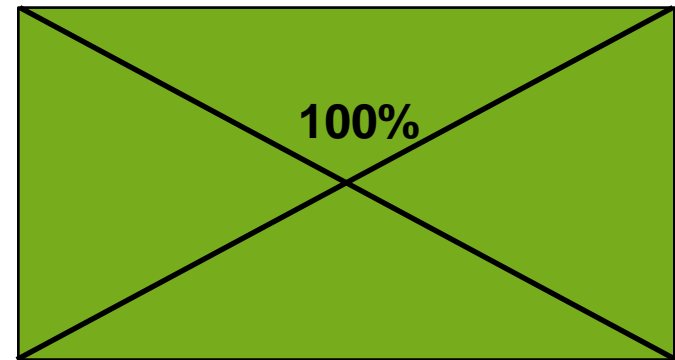
100% Display

## What is the real difference between 100% static display and 100% digital display?

Static Billboard



Digital Display Billboard



- Size and message are the same;
- 3<sup>rd</sup> party use is the same;
- Rooftop location is the same.

# Old Technology VS. New Technology

- Only difference is the speed/method of sign changeovers

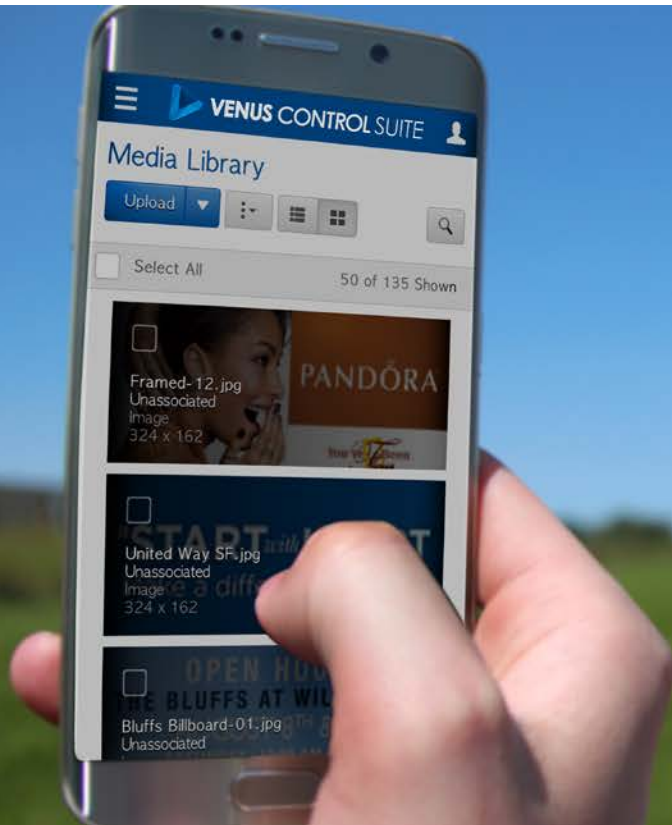
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Old Technology



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### New Technology



- Same display size
- More energy efficient
- More sustainable
- Facilitate community notices



## Precedent

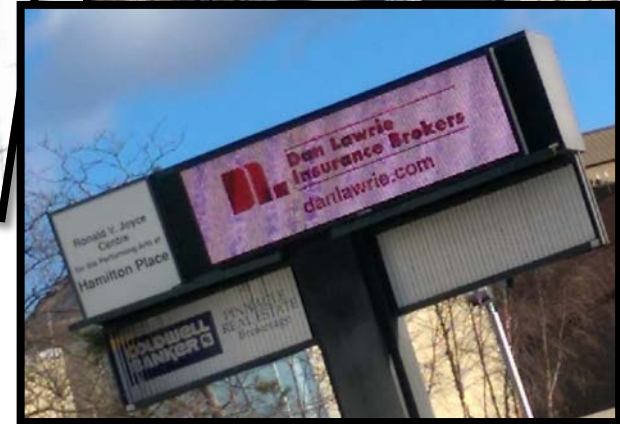
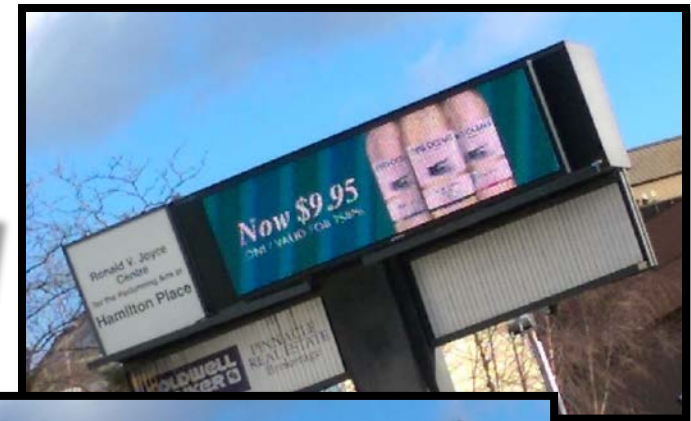
- 442 Millen Road
- 119 King Street West
- 1000 Upper James Street
- 900 Woodward Avenue

At least four digital sign variances were denied by Staff but approved by Planning Committee.

- Clearly the Sign By-law is in need of revisions.

Many new and existing digital Billboard Signs through Hamilton now, including digital display with full flash and animation on City buildings.

This trend will continue.



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## Conclusion

- Existing Static Sign was not removed
- Adding the digital display was not “illegal” but limited to 50% coverage
- Allowing 100% digital sign coverage maintains the existing sign display area
- No flash or animation is requested
- No traffic safety concerns
- No residentially zoned property within 300m
- Community Notices will be added
- Character of the area is not affected as this is an existing sign

## Respectfully Request:

1. Staff Report be received;
2. Sign Variance SV-15-014 be approved;
3. Staff be directed to review the Sign By-law to better reflect digital display technology.

# Thank you!