



Hamilton

Planning and Economic Development Department
 Development Planning, Heritage and Design
 71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
 Phone: 905-546-2424 x 1355 Fax: 905-546-4202

**The City of Hamilton
 APPLICATION FOR SIGN VARIANCE
 Pursuant to Section 99 (5) of the Municipal Act**

For Office Use Only

File No: _____ Date Application Received: _____

Date Application Reviewed by: _____
 Deemed Complete: _____

☐ Fee \$850.00

☐ Fee for a sign erected, located and displayed
 without a permit \$1,180.00

1. Name of Owner: CITY OF HAMILTON Telephone No. 905-546-2424
 Fax No. 905-546-4202
2. Address: 71 Main Street West, Hamilton, ON Postal Code : L8P 4Y5
3. Name of Tenant/Occupant _____ Telephone No. _____
 Fax No. _____ E-mail Address: _____
4. Address _____
 _____ Postal Code _____
5. Name of Agent (if any) _____ Telephone No. _____
 Fax No. _____ E-mail Address: _____
6. Address _____
 _____ Postal Code _____

7. Name and addresses of any mortgagees, holders or charges or other encumbrances:

8. Legal description of subject lands (registered plan number and lot number or other legal description and, where applicable, street and street number):

1000 LIMERIDGE ROAD EAST
 PART LOT 4
 CONCESSION 7 BARTON

9. Nature and extent of relief applied for (specify setback, height, sign area, etc.)

Section 5.10 BILLBOARDS

Sub Section

(b) Sign Area to be 62.43 sq m per face

(c) Sign width to be 14.64 m

(h) Sign to be less than 300 m from any residentially zoned properties.

(i) Sign to be 3.5 m from property line

Sign copy to be "electronic message display"

10. Why is it not possible to comply with the provisions of the by-law?

11. Dimensions of lands affected:

Frontage: 213.52

Depth: 273.37

Area: 1.22A

Width of Street: N/A

12. Particulars of all signs on or proposed for the subject lands:

Existing:

Distance from lot lines

Type	Height	Width	Area/Face	Front	Rear	Side

Proposed:

Distance from lot lines

Type	Height	Width	Area/Face	Front	Rear	Side
Billboard	10m	14.64	62.43sq m	3.5m		

13. Date of acquisition of subject lands:

14. Date of placement of existing signs (if any):

15. Existing use of the subject property:

RT-10/S-229 CIVIC

16. Existing uses of abutting properties (both sides, front and rear):

Commercial and Residential

17. Length of time the existing uses of the subject property have continued:

18. Present Official Plan provisions applying to the land:

19. Present Zoning By-law provision applying to the land:

20. Has the owner previously applied for a sign variance in respect to the subject property?

NO

If the answer is YES, describe briefly:

AFFIDAVIT OR SWORN DECLARATION

I, _____ of the _____ of _____
in the _____

solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of **The Canada Evidence Act**.

DECLARED before me at the _____)	
)	
_____ of _____)	
)	
in the _____ of _____)	
)	
this ____ day of _____, 20____)	
)	
)	
)	
)	
)	
)	

signature of owner(s), or
authorized solicitor/agent

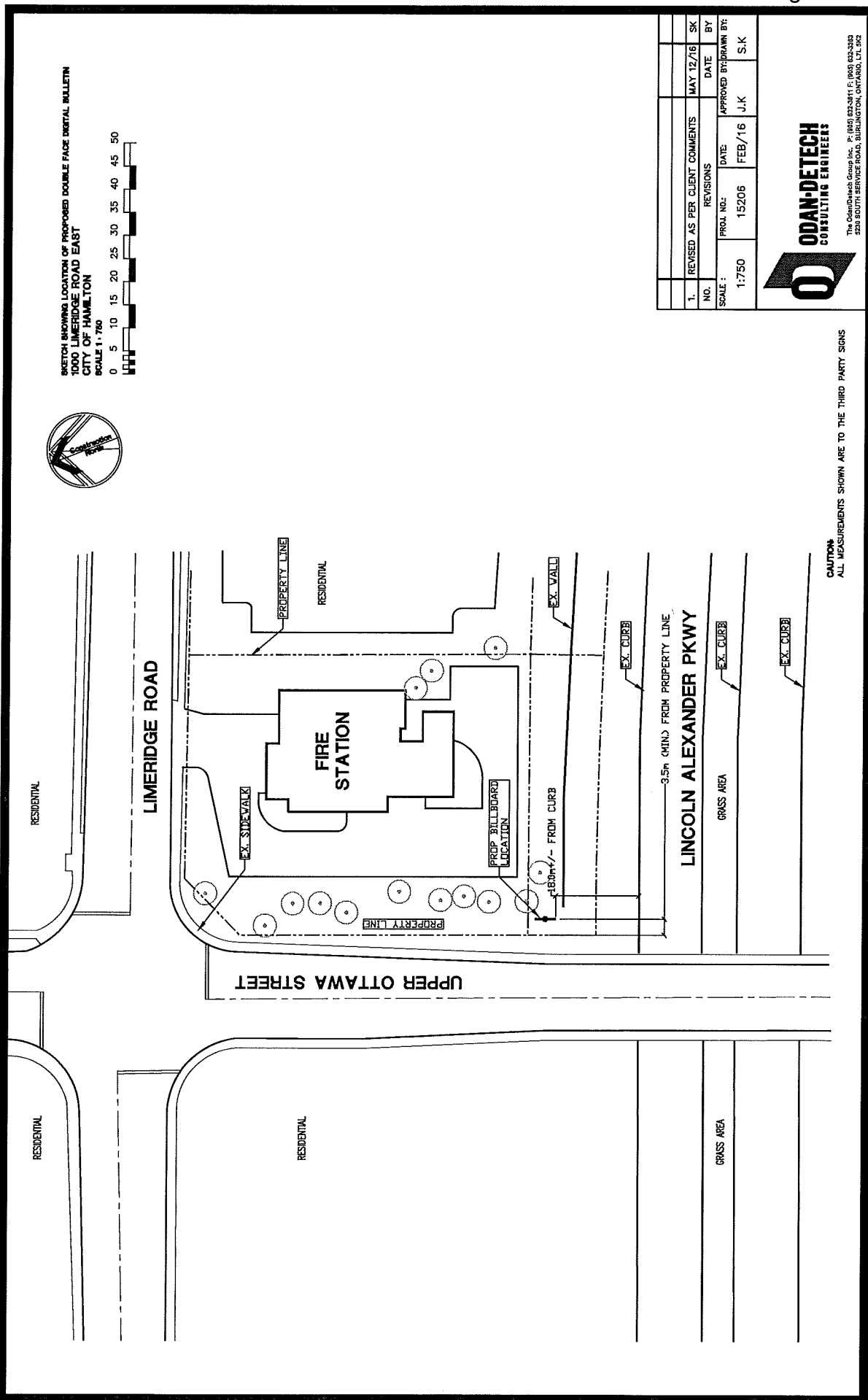
A Commissioner, etc.

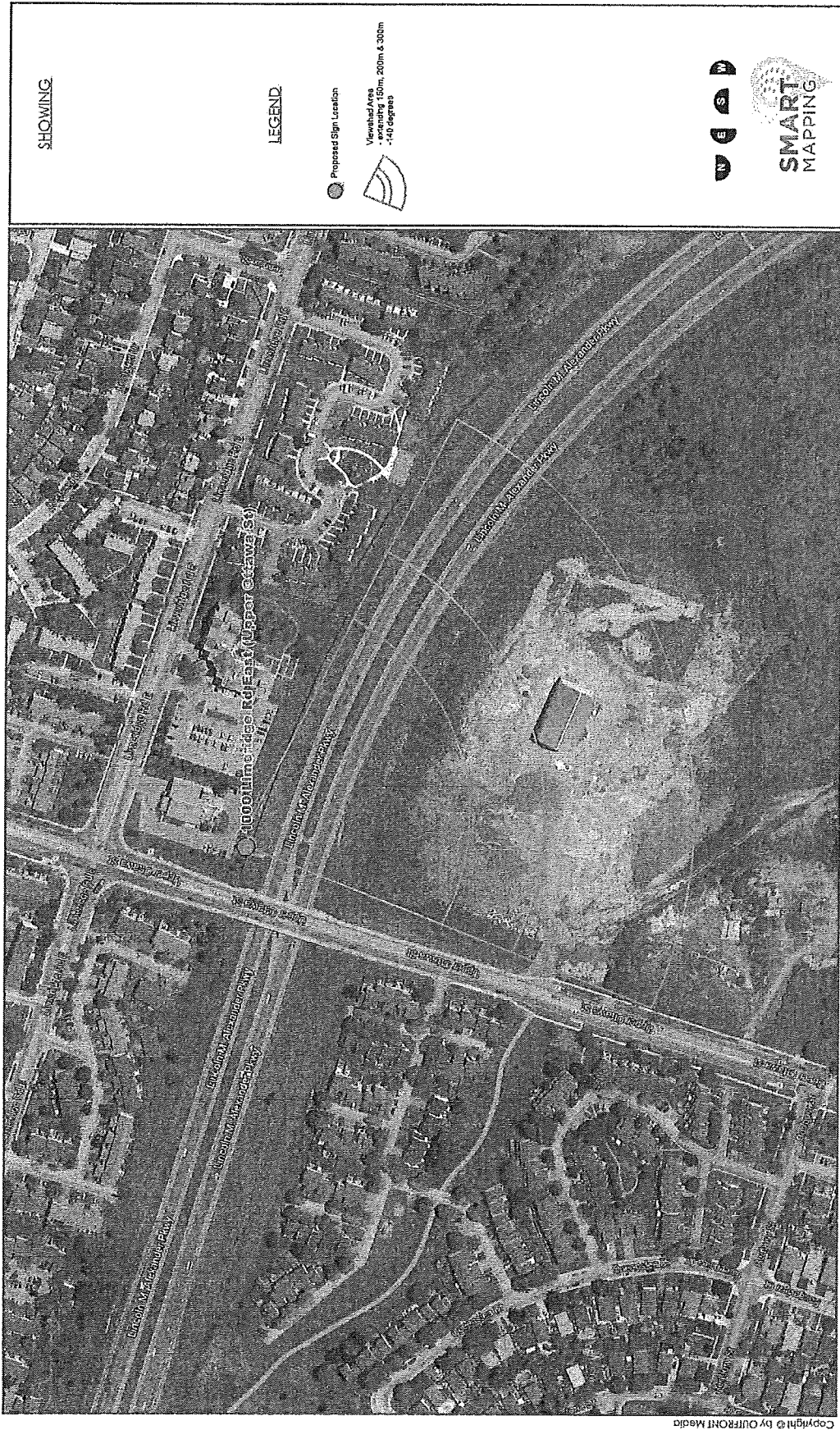
The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 71 Main Street West, 1st Floor, City Hall., Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

Note: Unless otherwise requested, all communications will be sent to the agent, if any.

NOTES:

1. It is required that two copies of this application be filed with the Planning and Economic Development Department together with the plans referred to in Note 2, accompanied by the fee in cash or by cheque made payable to the City of Hamilton.
2. Each copy of this application must be accompanied by a plan showing the dimensions of the subject land and of all abutting land.





**APPLICATIONS FOR VARIANCE
TO SIGN BY-LAW
1000 LIMERIDGE ROAD EAST
MAIN STREET AND DUNDURN STREET
KING STREET AND DUNDURN STREET**

City of Hamilton

PLANNING REPORT

Fothergill Planning & Development Inc.

September 15, 2016

Planning Report

Application for Variance to Sign By-law

- 1000 Limeridge Road East
 - Main Street and Dundurn Street
 - King Street and Dundurn Street, City of Hamilton
-

Prepared for:
CITY OF HAMILTON

Prepared by
FOTHERGILL PLANNING & DEVELOPMENT INC.

September 15, 2016

Application for Variance to Sign By-law
1000 Limeridge Road East
Main Street and Dundurn Street
King Street and Dundurn Street
City of Hamilton

Planning Report

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1.0 Introduction

These applications arise out of a City initiative to amend the current sign by-law to allow digital signs on locations throughout the City subject to specific criteria. In assessing a number of locations proposed for digital signs, it was apparent that the property at 1000 Limeridge Road East exhibited a number of special qualities not found in other locations. As a result, a larger and wider sign could be justified on this site which faces the Lincoln Alexander Parkway. Consideration was given to allowing a sign of this size elsewhere on the Linc, however, it was determined that the sizes in the by-law for signage on the link were appropriate and should not be expanded to accommodate the size of sign proposed and deemed appropriate for this location.

In addition, there are three existing static billboard signs located on private property, two at the southwest corner of King Street and Dundurn Street, the second at the southeast corner of Main Street and Dundurn Street. The intent is to replace two existing static billboard signs at King and Dundurn Street, with one digital billboard sign that meets by-law requirements in terms of area and width. However, there are some pre-existing locational conditions that do not meet the by-law requirements.

The existing large static billboard sign at Main and Dundurn is to be replaced by a digital billboard sign of the same size. Since some elements of the existing condition do not meet by-law requirements, variances are required for that site as well.

It was determined that rather than modifying the parent by-law to account for these special provisions and therefore allowing these features to occur in other sign locations, an application for variances for each of these two sign locations would be a preferable avenue to recognize these existing conditions.

These applications are being submitted within the context of the appropriate amendments being made to the Sign By-law to accommodate digital signage. In assessing the appropriateness of the application, consideration was given to the four tests found in Section 6.5 of the Sign By-law, which read as follows:

"6.5 In considering an application for a variance, the Director shall have regard for:

- (a) special circumstances or conditions applying to the land, building or use referred to in the application;
- (b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- (c) whether such special circumstances or conditions are pre-existing and not created by the sign owner or applicant; and
- (d) whether the sign that is the subject of the variance will alter the essential character of the area in which the sign will be located."

2.0 Site Context

2.1 1000 Limeridge Road East

The sign is located within an area that is primarily residential in nature in three of the four quadrants of the intersection of Upper Ottawa Street and the Linc. Residential uses include single family dwellings, townhouse units and apartments. Lands at the southeast quadrant of the intersection are part of the former Upper Ottawa Street landfill site and are currently used by the City as a works yard facility.

The site is occupied by a Fire and EMS station. To the east is an existing low rise apartment building. Further east is a townhouse development. Residential uses immediately to the north and west include a variety of forms of townhouse development.

Residential uses in the southwest quadrant south of the Lincoln Alexander Parkway include a variety of singles, semis and townhouse units. The closest units include a cluster of townhomes approximately 150 metres from the proposed sign.

2.2 Main Street and Dundurn

The location is at a high traffic intersection of Main Street and Dundurn Street, which is fed not only from traffic on Main Street and Dundurn Streets, but also from off ramps for both east and west bound vehicles from Highway 403. It is located approximately 410 metres east of Highway 403 and 290 metres south of the existing billboard sign at the corner of King Street and Dundurn Street. Commercial uses are found in the northwest and southwest corners of this intersection and extend along Dundurn and Main Street. Residential uses are found within neighbourhood locations both in the northeast and southeast quadrants.

2.3 King Street and Dundurn Street

The site is located approximately 415 metres east of Highway 403 in an area which has been developed for commercial uses including commercial plaza on Dundurn between King and Main. Commercial uses extend along King Street on the east side of Dundurn and in the residential neighbourhoods in the northeast and southeast quadrants. Commercial uses currently exist at the northwest corner of the intersection with an Institutional (church) use also within this quadrant.

3.0 Sign Details

3.1 1000 Limeridge Road East

The proposed sign is an easterly-facing single-sided sign with a maximum height of 10 metres, an area of 63 metres, and width of 14.6 metres. These features do not comply with the new by-law requirements for digital signs. Therefore, a variance is required to accommodate the size and area of the proposed sign.

3.2 Main and Dundurn

It is proposed that the single sided static billboard sign 63 square metres in size, 14.6 metres wide and less than 10 metres high will be replaced with a single sided digital sign of the same size. It is located 2.5 metres from Main Street, 5.0 metres from Dundurn Street, and 290 metres from the existing billboard sign of King Street and Dundurn Street. These features do not comply with standard by-law requirements. Therefore, variances are required to accommodate the size and location of the sign.

3.3 King and Dundurn

Two existing single-sided static billboard sign will be replaced with one digital sign 18.6 square metres in size. The size is located within 8.8 metres of King Street and 290 metres north of the existing billboard sign at Main Street and Dundurn Street. These locational features do not comply with standard by-law requirements. Therefore, a variance is required to accommodate the location of the sign.

4.0 Identification of Variances Required

Required variances include the following:

4.1 1000 Limeridge Road

1. Maximum sign area of 63 square metres as opposed to the required maximum area of 32.6 square metres.
2. Maximum sign width of 14.6 metres instead of the required maximum width of 10.7 metres.

4.2 Main and Dundurn

1. Maximum sign area of 63 square metres instead of the required 18.6 square metres
2. Maximum sign width of 14.6 metres instead of the required 6.1 metres

3. Minimum setback of 290 metres from another digital billboard sign instead of 300 metres
4. Minimum setback of 2.5 metres from intersection instead of the required 30 metres
5. Minimum setback of 2.5 metres from property line instead of the required 3.5 metres

4.3 King and Dundurn

1. Minimum setback of 8.8 metres from an intersection instead of the required 30 metres
2. Minimum distance separation of 290 metres from another billboard sign instead of the required 300 metres

5.0 Review of Tests of Section 6.5

- (a) **Special circumstances or conditions applying to the land, building or use referred to in the application.**

The sign on the Red Hill Creek Parkway will take advantage of clear views from westbound travellers along the Lincoln Alexander Parkway approaching Upper Ottawa Street. This site also takes full advantage of the high volume of traffic on the Linc and the strategic location on City owned lands which cannot be duplicated elsewhere along the Linc. Given the higher speed along the Linc together with the distance from which the sign can be viewed, a larger sign can be supported in this location.

The location can also be supported by the special conditions introduced by the appropriate angle and shielding of the sign such that no residential uses will be adversely affected. As can be seen on the attached material with the viewshed area analysis, the only area impacted by views are lands currently operated as a City works yard on the former Upper Ottawa dump site.

The sign locations at Main Street and Dundurn Street and King Street and Dundurn Street represent special circumstances in that they are existing situations in terms of sign size, height and location. The only change is to introduce digital signage to two locations currently occupied by static billboard signs. In addition, one of the two existing static billboard signs at King Street and Dundurn Street will be removed.

- b) Where the strict application of the provisions of this by-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general purpose and intent of the by-law;**

While there will be no unnecessary or unusual hardship for the applicant, the location of a smaller sign at the Redhill Creek Extension location would not take full advantage of the unique opportunities provided by this site.

With respect to the two signs on Dundurn Street, the strict application of the provisions of the by-law would result in the inability to use the existing static signs for digital signage, which would be a significant hardship to the applicant.

- c) Where there are such special circumstances or conditions are pre-existing and not created by the sign owner or applicant.**

This provision does not apply to the sign on the Red Hill Creek Extension. However, as noted, special circumstances allow for a sign size and width that were not considered appropriate for other locations along the Lincoln Alexander Parkway.

The size and locational conditions for the signs on Dundurn Street are pre-existing.

- d) Where the sign that is the subject of the variance will alter the essential character of the area in which the sign will be located**

The installation of a sign along the Red Hill Creek Extension does represent a change for the area which is dominated by residential uses. For this reason, a sign in this location is to be limited by way of a single-sided sign which will face in an easterly direction. With this limitation, together with appropriate orientation and the use of shields, any potential impacts on the surrounding neighbourhood have been minimized.

Despite the change that will be noticed for those travelling along the Linc, once the sign has been installed, it is my opinion that the essential character of the residential area will not be significantly changed. There will be no functional changes generated by the installation of the sign. The residential neighbourhood will retain its existing form and character as a stable, mixed use residential community.

The introduction of digital signage for the two signs on Dundurn will not introduce a significant change in this area given the presence of the existing signage which has remained in this location for a number of years. Some change will be noticed in that the signs will be modified to a digital format. However, the presence of signage in these locations is part of the existing urban setting which is primarily commercial and mixed use. In the case of the King Street site, one of the two existing billboard signs will be removed, reducing the visual impact of signage on this site.

Notwithstanding the fact that residential uses are permitted in some of the surrounding commercial zones, there are no residential units that have direct visual contact with the sign at Main and Dundurn Street. There are very few residential uses along the north side of King Street within 300 metres that would have visual contact with the new sign at this location.

In both cases, the modification of the sign from static to digital format will not have an impact which would result in changing the commercial and mixed use nature of the neighbourhood, nor will it change the functional elements of the area.

The minor reduction in distance separation of 290 metres between billboard signs from the required 300 metres can be supported given that these are both existing signs that have remained in this proximity for some time. In addition, each sign faces a different direction on opposing one way streets, thus avoiding the undesirable situation of having signage which faces in the same direction too close together. Further, due to existing situations, it is not practical or feasible to move either of the signs. Even if movement were contemplated, it is my opinion it would not create any noticeable difference in terms of viewshed impacts or impacts on neighbourhood character.

6.0 Summary

In my opinion, the variance to the sign by-law for the proposed sign at the Red Hill Parkway Extension represents good planning and can be supported. While the size and the width of the sign proposed is not appropriate for all locations along the Red Hill or elsewhere in the City within the parameters of the provisions of the recent amendment to the sign by-law to permit digital signs, the special location attributes of this sign together with mitigating measures being proposed, are sufficient to meet the tests in Section 6.5 of the Sign By-law for the consideration of a variance to the sign by-law.

Given that this application is considered by way of a variance to the by-law and is situated on lands owned by the City, this application can be considered a test case to be monitored over time to confirm the appropriateness of a sign of this size in such a location.

The two sites on Dundurn Street are opportunities to replace static signage with digital signage which currently exists. On the King Street site, one of the two billboard signs will be removed. Given the ongoing presence of the signs for a number of years, the introduction of a digital format will not have any impact on residential uses, nor will it adversely affect the character of the neighbourhood.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

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