



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
 Building Division  
 71 Main Street West  
 Hamilton, Ontario, Canada, L8P 4Y5  
 Phone: 905.546.2720 Fax: 905.546.2764  
[www.hamilton.ca](http://www.hamilton.ca)

June 02, 2021

FILE: SV-21-002  
 FOLDER: 21-117576-00 SV  
 ATTENTION OF: Joseph Sanseverino  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 2356

Ohi Izirein  
 Development Planning - Suburban Section  
 Planning Division  
 Planning and Economic Development Department

**Attention: Tage Crooks**

**Re: Zoning District: Arterial Commercial (C7) Zone**  
**File Number: SV-21-002 (REVISED)**  
**Address: 1632 UPPER JAMES ST , HAMILTON**

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The above, under cover of your letter dated April 7, 2021 has been examined.

**COMMENTS:**

1. This applicant is requesting variances to Sign By-law 10-197 to permit the construction of a double-sided Digital Billboard measuring 9.5 metres by 6.1 metres and a sign area of approximately 18.60 square metres.
2. According to the definition ***“Digital Billboard” means a sign that is free standing and is supported by a structure secured to the ground and which is not supported by any building or other structure, displays copy advertising goods, products or services not sold or offered on the property where the sign is displayed by means of a digital or electronic screen and is either single faced or double faced but does not include a Billboard or a Ground Sign.*** The proposed Digital Billboard is secured to the ground by a pole. Therefore, it does conform to the Sign By-law 10-197.
3. The proposed Digital Billboard is located at the base of two (2) parking spaces within the existing parking lot. In accordance with Section 5.2 b) (ii), (iii) & (v) of Hamilton Zoning By-law 05-200, it should be determined if the pole intended to support the Digital Billboard will result in an obstruction impacting the parking spaces along the north side of the property. Additional details were provided by the applicant including a site plan showing the placement of the pole at the base of two (2) parking spaces located along the north side of the existing parking lot. It was determined that the pole creates a manoeuvring obstruction and does not comply with Section 5.2(ii) and (iii) of Hamilton Zoning By-law 05-200. As such, if the applicant cannot modify the parking spaces to comply with Section 5.2 b) ii) and iii) of Hamilton Zoning By-law 05-200, a successful Minor Variance Application to the Committee

of Adjustment is required. For further details please contact the Committee of Adjustment at [cofa@hamilton.ca](mailto:cofa@hamilton.ca). **NON-CONFORMING.**

4. No Digital Billboard shall be displayed except in accordance with the following regulations:

Provision	Required by By-law	By-law Part	Provided	Conforming/Non-Conforming
Structure	If the Digital Billboard is single faced or double faced (configured back-to-back or in a "V" shape):  (i) a maximum sign area of 18.6m <sup>2</sup> for each sign face;  (ii) a maximum height of 6.1m for each sign face; and  (iii) A maximum width of 10.0m	5.10A.2(b)	(i) 18.60 square metres for each sign face  (ii) 3.05 m  (iii) 6.10 m in width	Conforms
Structure	A maximum luminosity level of 300 candelas per m <sup>2</sup> at night and 6000 candelas per m <sup>2</sup> during the day	5.10A.2(d)	Max luminosity level of 300 candelas per square metre at night and 6000 candelas per square metre during the day proposed.	Conforms
Structure	Equipped with a monitoring device to ensure that the light generated does not exceed 0.3 candelas above ambient light levels at a distance of:  (i) 41.0m for Digital Billboards with a sign area of not more than 18.6m <sup>2</sup> ;	5.10A.2(e)	(i) ambient light sensor will be installed on sign to ensure light does not exceed 0.3 candelas above ambient light levels at 41.0 m.	Conforms
Structure	Not operate between the hours of 12 a.m. and 6 a.m.	5.10A.2(f)	Will not operated between 12 am and 6 am as confirmed by the applicant via email dated Apr 8, 2021	Conforms
Structure	Minimum dwell time of 6 seconds	5.10A.2(g)	6 seconds	Conforms
Structure	Maximum transition time of 1 second	5.10A.2(h)	0.1 second interval	Conforms
Location	Not on a property within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Area	5.10A.2(i)	Subject lands not located within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Area	Conforms
Location	Not less than 300.0m from another Digital Billboard, provided that, to allow for viewing from both sides of a	5.10A.2(k)	The digital billboard is not proposed within 300m of another Digital Billboard.	Conforms

Provision	Required by By-law	By-law Part	Provided	Conforming/Non-Conforming
	street, the two sides of a double-sided Digital Billboard may be separated by a maximum of 180.0m when facing the Lincoln M. Alexander Parkway and by a maximum of 40.0m when facing any other street			
Location	Not less than 300.0m from any residentially zoned property  NOTE: A Digital Billboard may be located less than 300.0m from any residentially-zoned property if the Director is satisfied by means of a viewshed analysis that includes consideration of sign alignment, shielding and other means, that there is sufficient mitigation of the impact on residential uses within 300.0m	5.10A.2(l)	<b>The Digital Billboard is located within 51.0 m of the residential property at 22 Kennedy Ave</b>	<b>Non-Conforming</b>
Location	Not less than 3.5m from any property line	5.10A.2(m)	<b>0.30 m from northerly lot line.  The edge of the billboard projecting closest to Upper James appears to be less than 3.50 metres. Applicant has not provided setback details.</b>	<b>Non-conforming</b>
Location	Not less than 30.0m from an intersection provided that an intersection does not include an on or off-ramp to or from the Lincoln M. Alexander Parkway	5.10A.2(n)	Not within 30.0m of an intersection.	Conforms
Prohibited Signs	Any sign with a video screen or any flashing, kinetic, or illusionary motion, except an electronic message display as permitted under this By-law.	5.1.1(a)	Submission report indicates the messaging shown on the Digital Billboard will be static.	<b>Conforms</b>
Prohibited Signs	Any sign which obstructs or is displayed in a parking space required under the City's zoning by-laws	5.1.1(e)	<b>The pole supporting the Billboard will be located at the base of two parking spaces.</b>	<b>Non-conforming</b>
General Prohibitions and Regulations	No person shall display or permit to be displayed a sign which illuminates any	4.0 (h)	<b>The proposed Digital Billboard illuminates the path of NB and SB vehicular traffic along</b>	<b>Non-conforming</b>

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Provision	Required by By-law	By-law Part	Provided	Conforming/Non-Conforming
	adjacent property or the path of vehicular traffic		Upper James Street and the adjacent property 1616-1618 Upper James Street.	

- 5. Signage is subject to the issuance of a building permit in the normal manner.
- 6. A successful Minor Variance Application may be required if the applicant cannot address item 3 above as the placement of the pole intended to support the Digital Billboard does not comply with Section 5.2 b) ii) & iii) of Hamilton Zoning By-law 05-200.
- 7. The designer shall ensure that the fire access route conforms to The Ontario Building Code.

Yours truly,



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For the Manager of Building Engineering and Zoning