



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | July 11, 2023 |
| SUBJECT/REPORT NO: | Sign Variance Appeal SV-22-004 for the Property Known as 360 – 410 Lewis Road, Stoney Creek, Denied by the Director of Development Planning and Appealed by the Owner (PED23160) (Ward 10) |
| WARD(S) AFFECTED: | Ward 10 |
| PREPARED BY: | Aman Hansra (905) 546-2424 Ext. 2694 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

That the Appeal of Sign Variance Application, SV-22-004 by the **Owners 360 Lewis Investments GP Inc. c/o Joe Accardi**, which seeks relief from Section 5.2.2 of Sign By-Law No. 10-197 to permit the replacement of two existing Ground Signs with new electronic Ground Signs, for the property known as 360 – 410 Lewis Road, Stoney Creek (as shown on Appendix “A” attached to Report PED23160) be **Denied**, on the following basis:

- (a) That the requested variances are not in keeping with the general intent and purpose of Sign By-law No. 10-197;
- (b) That the requested variances do not meet the tests stipulated in Sign By-law No. 10-197.

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EXECUTIVE SUMMARY

The owner, 360 Lewis Investments GP Inc. c/o Joe Accardi, submitted Sign Variance application SV-22-004 on April 29, 2022 to replace two existing Ground Signs with new electronic Ground Signs in the same locations. Sign 1 is located southwest of the property along Lewis Road and Sign 2 is located at the intersection of Lewis Road and South Service Road. The purpose of the electronic Ground Signs is to advertise the businesses located on the subject lands.

The proposed Ground Sign 1 will maintain a minimum 11 metre setback from the northerly property line abutting South Service Road and Ground Sign 2 will maintain a minimum 1.94 metre setback from the front lot line abutting Lewis Road (as shown on Appendix “B” attached to Report PED23160). Both the electronic Ground Signs will maintain a height of a maximum of 8.4 metres, have a total sign area of 32.67 m² per single-faced side, and have an electronic message display of 54.60% of the sign face (as shown on Appendix “C” attached to Report PED23160).

The requested variances were denied by the Director of Development Planning on May 3, 2023. The applicant appealed the denial on May 30, 2023. The proposed electronic Ground Signs cannot be supported as there are no special circumstances or practical difficulties that contribute to the proposal’s inability to meet the maximum height, sign face area, and maximum electronic message display area requirements of the Sign By-law.

ALTERNATIVES FOR CONSIDERATION – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The application is subject to the *Municipal Act*, and there are no requirements for a Public Meeting. On August 12, 2010, Council approved Sign By-law No. 10-197. Section 6.0 of By-law No. 10-197 establishes the parameters for dealing with Sign Variance applications (section 6.5), and the process to appeal a decision on a Sign Variance application (section 6.6).

By-law No. 10-197 requires the City Clerk to notify the owner once a hearing date has been fixed for the Planning Committee to consider an appeal of the decision to deny a Sign Variance application.

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BACKGROUND

In accordance with Section 5.2.2 of Sign By-Law No. 10-197, a Ground Sign may not be located within 6.34 m of any property line, be a maximum of 7.5 metres in height, may only allocate a maximum of 50% of the sign face to a readograph or electronic message display and not to exceed a total sign area of 18.0 m² for a single-faced sign (as shown on Appendix “D” to Report PED23160).

The proposal requires the following variances to the Sign By-Law No. 10-197:

- To permit the electronic Ground Signs to have a total sign area of 32.67 m² per side for a total of 65.34 m², whereas in accordance with Section 5.2.2 (e) of Sign By-law No. 10-197, the required electronic Ground Sign is not to exceed a total sign area of 18.0 m² for a single-faced or 36.0 m² for a double or multi-faced;
- To permit the electronic Ground Sign (Sign 1) to be located 1.94 metres from the front lot line abutting Lewis Road, whereas in accordance with Section 5.2.2 (i) of Sign By-law No. 10-197, a minimum setback of 6.34 metres from any property line is required;
- To permit the height of the proposed electronic Ground Signs to be a maximum of 8.4 metres, whereas in accordance with Section 5.2.2 (f) of Sign By-law No. 10-197, the required height of the proposed electronic Ground Signs will be a maximum of 7.5 metres; and,
- To permit the northerly proposed electronic Ground Sign (Sign 2) located at the intersection of South Service Road and Lewis Road to have an electronic message display of 54.60% of the sign face whereas in accordance with Section 5.2.2.(g)(iii) of Sign By-law No. 10-197, a Ground Sign may allocate a maximum of 50% of the sign face to a readograph or electronic message display.

The applicant is proposing to replace two existing Ground Signs with new electronic Ground Signs in the same locations. Sign 1 is located southwest of the property along Lewis Road and Sign 2 is located at the intersection of Lewis Road and South Service Road, as shown on Appendix “B” attached to Report PED23160. The purpose of the electronic Ground Signs is to advertise the businesses on the subject lands.

On May 3, 2023, the variances were denied by the Director of Development Planning, and notice was sent to the applicant advising of the decision (as shown on Appendix “F” attached to Report PED23160). On May 30, 2023, the owner appealed the decision by the Director of Development Planning to deny the variances and requested that the

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matter be considered by the Planning Committee (as shown on Appendix “G” attached to Report PED23160).

DETAILS OF SUBMITTED APPLICATION

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| Location: | 360 – 410 Lewis Road, Stoney Creek |
| Owner | 360 Lewis Investments GP Inc. c/o Joe Accardi |
| Applicant: | Pride Signs Ltd. c/o Bismarck Coca Jr |
| Property Description: | Frontage: ±97 metres |
| | Lot Depth: ±395 metres |
| | Area: ±5.72 hectares |

POLICY IMPLICATIONS AND LEGISLATED REQUIRMENTS

The proposed Ground Signs were reviewed against Sign By-law No. 10-197 and the following variances were identified:

- Section Section 5.2.2 (e) of the Sign By-law specifies that the required electronic Ground Sign is not to exceed a total sign area of 18.0 m² for a single-faced or 36.0 m² for a double or multi-faced sign. The proposed electronic Ground Signs have a total sign area of 32.67 m² per side, which is 14.67 m² greater than the permitted total sign area per sign face for electronic messages;
- Section 5.2.2 (i) of the Sign By-law specifies that the location of a Ground Sign be no less than 6.34 metres from any property line. The proposed electronic Ground Sign (Sign 1) is located 1.94 metres from the southwesterly lot line abutting Lewis Road;
- Section 5.2.2 (f) of the Sign By-law specifies that the required height of the proposed electronic Ground Signs be a maximum of 7.5 metres. The proposed electronic Ground Signs will have a maximum height of 8.4 metres; and,
- Section 5.2.2.(g)(iii) of the Sign By-law specifies that a Ground Sign may allocate a maximum of 50% of the sign face to a readograph or electronic message

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display. The proposed Ground Sign (Sign 2) will allocate electronic message display of 54.60% of the sign face.

City of Hamilton Zoning By-law No. 05-200

The subject lands are dual zoned: the northerly portion is zoned Prestige Business Park (M3, 402) Zone, and the southerly portion is zoned General Business Park (M2, 402) Zone. Both the M2 and M3 Zones permit a variety of employment, employment support, and ancillary uses, subject to the applicable provisions.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The following is staff's analysis of the requested variances:

Maximum Total Sign Area for Electronic Ground Signs

Sign By-Law No. 10-197 states that the required electronic Ground Sign is not to exceed a total sign area of 18.0 m² for a single-faced sign or 36.0 m² for a double or multi-faced sign. The proposed electronic Ground Signs would have a total sign area of 32.67 m² per side. The applicant is proposing Ground Sign dimensions which are not permitted under Sign By-Law No. 10-197. A strict application of the Sign By-law would not result in practical difficulties or unusual hardship for the applicant and will ensure the signs are in keeping with the character of the area. Staff are not supportive of the proposed increase to the maximum total sign area for electronic Ground Signs.

Setback from Southwest Side Lot Line abutting Lewis Road

The proposed Ground Sign (Sign 2) is located approximately 1.94 metres from the front lot line abutting Lewis Road, while the Sign By-Law No. 10-197 requires a 6.34 metre setback from any property lot lines. The applicant is proposing to reuse the existing sign bases. There are no alternative locations on the site to install the electronic Ground Signs in compliance with the By-law that would not impact vehicle circulation or parking on the site while still ensuring the signs are visible from South Service Road and Lewis Road. To ensure compliance with the Sign By-law, the electronic Ground Signs would need to be relocated much further from the road, which may reduce the visibility of the signs for the public. The Ministry of Transportation (MTO) does not have any concerns with the location of the proposed Ground Sign and have granted a permit (refer to Appendix "E" attached to Report PED23160).

The proposed location of the Ground Signs would not alter the essential character of the area. Staff are supportive of the location of the proposed electronic Ground Signs as

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they would not negatively impact on-site parking, vehicular circulation, or the visibility of vehicles entering and exiting the site, however are not in support of the sign area, height and percentage of electronic message display

Maximum Height

The Sign By-Law No. 10-197 states that the required height of the proposed electronic Ground Signs will be a maximum of 7.5 metres. The proposed electronic Ground Signs will have a maximum height of 8.4 metres, which exceeds the maximum height permitted by 0.9 metres. The applicant has not provided sufficient justification regarding the 8.4 metre height of the electronic Ground Signs. Compliance with the By-law would not result in practical difficulties or unusual hardship for the applicant and staff are not supportive of the increase in height.

Maximum Electronic Message Display

Sign By-Law No. 10-197 states that an electronic Ground Sign may allocate a maximum of 50% of the sign face to a readograph or electronic message display. The proposed northerly electronic Ground Sign (Sign 2), located at the intersection of South Service Road and Lewis Road, would have an electronic message display of 54.60%. The proposed electronic Ground Sign will be the third electronic message display sign along the South Service Road. In 2012, a 100% electronic message display Ground Sign was permitted by Council at 442 Millen Road, approximately five kilometres to the west. In 2017, an 87% electronic message display Ground Sign was permitted by Council at 430 McNeilly Road/1040 South Service Road, approximately 800 metres to the west.

There are no special circumstances that contribute to the proposal's inability to meet the maximum electronic message display area requirements of the By-law. A strict application would not result in practical difficulties or unusual hardship for the applicant and will ensure the signs are in keeping with the character of the area. Staff are not supportive of the proposed increase to the maximum electronic message display of the electronic Ground Signs.

ALTERNATIVES FOR CONSIDERATION

Option 1

Council may uphold the recommendation of the Director of Development Planning, Planning Division, to refuse all the proposed variances as they do not maintain the general intent and purpose of the Sign By-law. The owner would be permitted to erect the two Ground Signs in accordance with the City of Hamilton Sign By-law No. 10-197.

Option 2

Council may deny the recommendation of the Director of Development Planning, Planning Division, and support the proposed variances, as submitted. However, it is staff's opinion that this option does not maintain the general intent and purpose of the Hamilton Sign By-law No. 10-197.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23160 - Location Map

Appendix "B" to Report PED23160 - Site Plan

Appendix "C" to Report PED23160 - Elevations and Renderings of Proposed Ground Signs

Appendix "D" to Report PED23160 - Sign Variance Application Report SV-22-004

Appendix "E" to Report PED23160 - Ministry of Transportation (MTO) Sign Permit

Appendix "F" to Report PED23160 - Notice of Decision

Appendix "G" to Report PED23160 - Letter of Appeal

AH:sd