



Hamilton

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Planning and Economic Development Department
Planning Division
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May 15, 2023

FILE: SV-22-011

IBI Group c/o Brianne McIntosh
Suite 200, East Wing
360 James St. N.
Hamilton ON L8L 1H5

Dear Brianne McIntosh,

**Re: Sign Variance Application by IBI Group c/o Brianne McIntosh for Lands
Located at 1038, 1040 and 1042 Garner Road West, Hamilton (Ward 12)**

Please be advised that pursuant to By-law No. 10-197, which regulates signs and other advertising devices pursuant to the provisions of the *Municipal Act* and which delegates the approval of variances for the provisions of the By-law to the Director of Development Planning, I hereby **Deny** the following variance for Sign Variance application SV-22-011:

1. To allow for a Ground Sign face that is electronic message display that allocates up to 50% of the sign area or 8.70 square metres for advertising a business that is not on the property on which the Ground Sign is displayed or an activity, product or service that is not available on that property notwithstanding subsection 5.2.2 (g)(vi) of Hamilton Sign By-law No. 10-197, which permits a Ground Sign proposed outside of the Downtown Community Improvement Area, a Business Improvement Area, the Ancaster Village Core Area, or the Glanbrook Village Core Area to allocate a maximum of 25% of the sign area or 1.2 square metres, whichever is lesser, except for an electronic message display, to advertising a business that is not on the property on which the Ground Sign is displayed or an activity, product or service that is not available on that property.

The reason for the refusal of the above variance is that it is not in keeping with the general intent of the By-law and does not meet the four tests for sign variances provided in Section 6.5 of By-law No. 10-197. Any departure from the By-law is prohibited and could result in financial penalties, as provided for in By-law No. 10-197.

Pursuant to Section 6.6 of Sign By-law No. 10-197, the applicant may appeal the variance application decision of the Director of Planning and Chief Planner to the Planning Committee. To appeal the decision, a written response must be submitted to

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the Planning Committee (c/o Lisa Kelsey, Legislative Coordinator, City Clerks) within 21 days of the date of this decision.

Should you have any questions please contact Aman Hansra at 905-546-2424 ext. 1252 or by email at Aman.Hansra@hamilton.ca.

Yours truly,



Anita Fabac, MCIP, RPP
Director of Development Planning
Planning Division

cc. T. Gardner, Supervisor, Licensing and Permits
J. Beckett Manager, Building Engineering
Councillor Craig Cassar, Ward 12