



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 3, 2023
SUBJECT/REPORT NO:	Sign Variance Appeal SV-14-005 for the Property known as 523 Carlisle Road, Flamborough, Denied by the Director of Development Planning and Appealed by the Owner (PED23204) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning Division
SIGNATURE:	

RECOMMENDATION

That the Appeal of Sign Variance Application SV-14-005, by **Kaneff Properties Ltd. Owner, submitted Fontur International Inc. c/o Joel Swagerman**, to add a sign on the top of an existing telecommunications tower to advertise the, ownership group of the Carlisle Golf and Country Club, for the property located at 523 Carlisle Road, (Flamborough), as shown on Appendix "A" attached to Report PED23204, be **Denied** on the following basis:

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

EXECUTIVE SUMMARY

Fontur International submitted Sign Variance application SV-14-005 on May 7, 2014, on behalf of the owner, Kaneff Properties Ltd., to facilitate the addition of signage to an

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existing telecommunications tower to advertise the ownership group of the Carlisle Golf and Country Club. The proposed Ground Sign will have a height of 55 metres, a sign face area of 105 square metres and will be located in the middle of the subject lands located approximately 600 metres from Carlisle Road and 400 metres from Milborough Line. A number of variances to the Sign By-law were requested including an increase in total sign area, increase in maximum building height and to not require the municipal address to be added to the proposed Ground Sign.

The requested variances were denied by the Director of Development Planning on October 29, 2014. The applicant appealed the denial on November 18, 2014 at which time Clerk's staff attempted to schedule a mutually agreeable Planning Committee meeting to consider this matter. The proposed Ground Sign 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 as well as addressing requirements of the Sign By-law and the scale of the proposed variances requested will alter the character of the area.

ALTERNATIVES FOR CONSIDERATION – See Page 7

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 a Sign Variance application (Section 6.5), and the process to appeal a decision on a Sign Variance application (Section 6.6).

By-law No. 10-197 requires that the City Clerk 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.

BACKGROUND

In accordance with Section 5.2.2 of Sign By-Law No. 10-197, a Ground Sign may not exceed a maximum height of 7.5 metres, may not exceed a maximum sign face area of 36 square metres and requires that the municipal address be provided on the Ground Sign.

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

- To permit a Ground Sign having a maximum face area of 105 square metres, whereas a multi-face Ground Sign is restricted to a maximum total sign area of 36 square metres;
- To permit a Ground Sign to be located on a telecommunications tower approximately 600 metres from Carlisle Road as shown on Appendix “B” and “C” attached to Report PED23204, having a maximum height of 55 metres, whereas a Ground Sign is required to have a maximum height of 7.5 metres; and,
- To not require the municipal address to be posted on the Ground Sign, whereas the municipal address is required to be located at the top or bottom of a Ground Sign.

On October 29, 2014, 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 “D” and “E” attached to Report PED23204). On November 18, 2014, the owner appealed the decision by the Director of Development Planning to deny the variances and requested that the matter be considered by the Planning Committee (as shown on Appendix “F” attached to Report PED23204).

DETAILS OF SUBMITTED APPLICATION

Location:	523 Carlisle Road, Flamborough
Owner	Kaneff Properties Ltd.
Applicant:	Joel Swager, Fonture International
Property Description:	Frontage: 574 metres (approximately)
	Lot Depth: 1,319 metres (approximately)
	Area: 64.8 hectares (approximately)

POLICY IMPLICATIONS AND LEGISLATED REQUIRMENTS

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

- Section 5.2.2 (e) of the Sign By-law specifies that a Ground Sign is not to exceed a total sign area of 18.0 square metres for a single-faced or 36.0 square metres for a double or multi-faced sign. The proposed Ground Sign has three sides, each with a sign face having an area of 35 square metres, resulting in total of 105 square metres. Therefore, the proposed Ground Sign does not conform to the Sign By-law No. 10-197;
- Section 5.2.2 (f) of the Sign By-law specifies that the required height of a proposed Ground Sign be a maximum of 7.5 metres. The proposed Ground Sign will have a maximum height of 55 metres. Therefore, the proposed Ground Sign does not conform to the Sign By-law No. 10-197; and,
- Section 5.2.2.(g)(i) of the Sign By-law specifies that a Ground Sign includes the municipal address of the property on which the Ground Sign is displayed shown at the top or bottom in numerals that are a minimum height of 15.0 cm. The proposed Ground Sign does not have the municipal address of the property shown at the top or bottom. Therefore, the proposed Ground Sign does not conform to the Sign By-law No. 10-197.

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

The subject lands are dual zoned: with the majority of the site zoned Open Space (P4) Zone, and a portion of the site is zoned Conservation/Hazard Land Rural (P7) Zone. The P4 zone permits a Golf Course, subject to the applicable provisions, whereas the P7 Zone does not permit a Golf Course. The proposed Ground Sign is located within the portion of the lands zoned Open Space (P4) Zone.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The following is the staff analysis of the requested variances:

Maximum Total Sign Area for Ground Signs

Sign By-Law No. 10-197 states that the required Ground Sign is not to exceed a total sign area of 18.0 square metres for a single-faced sign or 36.0 square metres for a

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double or multi-faced sign. The proposed three-sided Ground Sign would have a total sign area of 35 square metres per side, resulting in a total of 105 square metres, which constitutes an increase of 69 square metres for a multi-faced sign. The applicant is proposing a Ground Sign with a total sign area dimension that is not permitted under Sign By-Law No. 10-197.

A Ground Sign can be established on-site in proximity to Carlisle Road that will be visible to the public without requiring an increase in the total sign area. Staff confirm that there is already an existing Ground Sign on the property in proximity to Carlisle Road that is significantly smaller in total sign area than what is proposed for the sign at the top of the telecommunications tower. In addition, staff note that the golf course is called Carlisle Golf and Country Club and is located both off Carlisle Road and in proximity to the hamlet of Carlisle, making wayfinding and locating the golf course for patrons. The proposed increase in total sign area is the result of the applicant seeking to establish the proposed sign at the top of a 55 metre high telecommunication tower that is significantly setback from the road. Based on the foregoing, It is reasonable to conclude that the requested Ground Sign that the additional signage at the top of a telecommunications tower is not required in order for patrons to locate the golf course and therefore, a strict application of the Sign By-law would not result in practical difficulties or unusual hardship for the applicant.

The applicant has not demonstrated that there are special circumstances or conditions that apply to the lands that necessitate the need to increase the maximum total sign area to establish additional signage at the top of a telecommunication tower.

The intent of the 69 square metres of increased total sign area is to establish a sign that will clearly be visible from a great distance and will alter the character of the area. The existing tower can be clearly seen from both Carlisle Road and Milborough Line and exceeds the height of all buildings, structures, and vegetation in the area. In addition, the existing tower partially blends into the skyline due to the white colour of the tower. The proposed sign will change the top of the existing tower to be predominately red, which will stand out against the skyline rather than blend into it. Therefore, the proposed variance to increase in the total area of a Ground Sign will alter the essential character of the area in which it will be located.

Based on the foregoing, staff are not supportive of the increase in the total sign area.

Maximum Height

Sign By-law No. 10-197 states that the required height of the proposed Ground Sign will be a maximum of 7.5 metres. The proposed Ground Sign will have a maximum height

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of 55 metres, which exceeds the maximum height by 47.5 metres. As previously noted, a Ground Sign can be established on-site in proximity to Carlisle Road that will be visible to the public without requiring an increase in the maximum height. As previously noted a Ground Sign currently exist on-site in proximity to Carlisle Road that is significantly smaller in height than what is proposed for the sign at the top of the telecommunications tower and the existing sign will provide notification to the public of the golf course, without the need for establishing a sign on a telecommunications tower. In addition, as previously noted the location of the Carlisle Golf and Country Club on Carlisle Road and in proximity to the hamlet of Carlisle will assist patrons in locating the golf course without the need for establishing a sign on a telecommunications tower. Therefore, a strict application of the Sign By-law would not result in practical difficulties or unusual hardship for the applicant.

The applicant has not demonstrated that there are special circumstances or conditions that apply to the lands that necessitate the need to increase the maximum height of a Ground Sign in order to establish additional signage at the top of a telecommunication tower.

The intent of the proposed increase in sign height by 47.5 metres is to establish a sign that will clearly be visible from a great distance and will alter the character of the area by utilizing an existing telecommunications tower that can be clearly seen from both Carlisle Road and Milborough Line. The telecommunications tower exceeds the height of all buildings, structures, and vegetation in the area as required to facilitate necessary services. In addition, the existing tower partially blends into the skyline due to the white colour of the tower, while the proposed sign will alter the top of the existing tower with the addition of a predominately red sign that will stand out against the skyline rather than blend in. Therefore, the variance to increase the maximum height of a Ground Sign will alter the existing character of the area in which it will be located.

Based on the foregoing, staff are not supportive of the proposed increase in the maximum height permitted.

Municipal Address on the Ground Sign

Sign By-law No. 10-197 states that the municipal address be included on the Ground Sign and is required at the top or the bottom of the sign with the numerals having a minimum height of 15 centimetres. The proposed Ground Sign is proposed not to include the municipal address. Given the distance of the Ground Sign from the road and the height of the sign above the ground, a municipal address number with a numeral height of 15 centimetres would not be visible from either Carlisle Road or Milborough Line. The proposed variance is to facilitate removing the requirement to

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place the municipal address on a sign that is not supportable and therefore the proposed variance is not supported. The variance to not require the municipal address on a Ground Sign is also not supported.

ALTERNATIVES FOR CONSIDERATION

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 is not considered to be good planning and does not maintain the general intent and purpose of the Hamilton Sign By-law No. 10-197.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23204 - Location Map

Appendix "B" to Report PED23204 - Site Plan

Appendix "C" to Report PED23204 - Elevations and Renderings of Proposed Ground
Sign

Appendix "D" to Report PED23204 - Sign Variance Application Report SV-14-005

Appendix "E" to Report PED23204 - Notice of Decision

Appendix "F" to Report PED23204 - Letter of Appeal

DB:sd