

**SIGN VARIANCE APPLICATION – SV-14-005**

**ADDRESS:** 523 Carlisle Road, Flamborough

Owner: Kaneff Properties Ltd.  
Applicant: Joel Swagerman, Fontur International  
Date Application Received: May 7, 2014  
Date Application Deemed Complete: June 12, 2014

**Background and Description of Proposed Variances:**

Ground Signs are regulated under Section 5.2 of the Hamilton Sign By-law No. 10-197 which defines a Ground Sign as 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 but does not include a Billboard."**

The subject property is located at 523 Carlisle Road in Flamborough on the north side of Carlisle Road west, of Milborough Line (see Appendix "A").

The proposal is to establish a Ground Sign for an existing golf course.

Section 5.2.2 e) states that Ground Signs be restricted **"to not exceed a maximum sign face of 0.3 sq. m. for every 1m of the frontage along which the Ground Sign is located, not exceeding a total sign area of 18 sq. m. for a single faced Ground Sign or 36 sq. m. for a double faced Ground Sign."** The proposed Ground Sign will have a total of 3 faces, each face with a total area of 35 sq. m. for a total of 105 sq. m., whereas 18 sq. m. for a single sign face or 36 sq. m. for a double sign face is permitted.

Section 5.2.2 f) states that Ground Signs be restricted **"to a maximum height of 7.5m."** The proposed Ground Sign is located at the top of a telecommunications tower with a height of 55m, whereas 7.5m is the maximum height permitted for a Ground Sign.

Section 5.2.2 g) i) states that the Ground Sign **"include the municipal address number of the property on the Ground Sign at either the top or bottom of the sign with the number at least 15cm in height."** The proposed Ground Sign will not have any municipal address numbers on the Ground Sign.

**Plans/Drawings Submitted with Application:**

Details of the proposed Ground Sign are shown in Appendix "B", and the proposed sign faces for the Ground sign, are shown in Appendix "C".

**Preliminary Staff Assessment:**

The application was circulated on June 12, 2014, to internal departments and agencies.

Development Engineering:

Comments from Development Engineering indicated that all Engineering concerns with regard to grading and drainage for this site were dealt with at the time of the development application for the telecommunications tower (MDA-12-179). Therefore Development Engineering staff did not have any concerns with respect to the sign variance application.

Traffic, Engineering and Operations Division:

No Comments.

Building Division

Comments from Building Division identified the sign as a Ground Sign and outlined what areas of relief are required.

**Analysis/Rationale:**

A Sign Variance application may be approved if the general intent and purpose of the By-law is maintained and the proposal has regard for the four tests as set out in Section 6.5 of By-law No. 10-197.

The proposed sign is defined as a Ground Sign as opposed to a wall sign based on the way that a wall sign is defined in the Sign By-law. The Sign By-law defines a Wall Sign as being a sign displayed on or against the wall of a building. Whereas a Ground Sign is defined as being a sign that is free standing and secured to the ground and is not supported by any building or other structure.

A telecommunications tower is not defined as or considered a building. Therefore, the proposed sign is not considered to be a Wall Sign.

Section 5.2.2 e) restricts the maximum face size of a Ground Sign to be no greater than 18 sq. m. for a single faced sign and 36 sq. m. for a double faced sign, whereas the existing cellular tower is a tri-pole tower and each face of the proposed sign will have 3 sign faces with a face area of 35 sq. m. each for a total sign area of 105 sq. m.

Section 5.2.2 f) restricts the maximum height of a Ground Sign to be no greater than 7.5m, whereas the proposed sign will be 55m in height.

Section 5.2.2 g) i) requires that a Ground Sign include the municipal address number at the top or bottom of the sign with numbers at least 15cm in height, whereas no municipal address numbers are to be included on the Ground Sign.

The four tests are evaluated in the following comments:

- a) **Special circumstances or conditions applying to the lands, building or use referred to in the application;**

The subject property is a golf course with more than 250m of frontage along Carlisle Road. The main entrance for the golf course is on Carlisle Road and there is an existing Ground Sign near the main entrance that identifies the use of the property as a golf course. In addition, given that the name of the golf course is Carlisle Golf and Country Club, patrons searching for the golf course would reasonably expect it to be located near the hamlet of Carlisle along Carlisle Road. Based on the above reason, additional signage is not required in order for patrons to locate the golf course, and; therefore, no special circumstance or conditions apply to the property.

With respect to the variance for including the municipal address, the proposed sign could easily accommodate the municipal address on the sign, however, given the height of the sign and the setback of the sign from the road, the address would not be visible for passing motorists. Additionally the proposed variance is required to facilitate a large sign at the top of a telecommunications tower, and as noted above, there are no special circumstances or conditions that warrant such a departure from the provisions of the By-law.

- 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;**

As noted above, the existing golf course is called Carlisle Golf and Country Club and is located off of Carlisle Road near the hamlet of Carlisle. There are also existing Ground Signs located along Carlisle Road near the main entrance that identify the property as the Carlisle Golf and Country Club, as well as, contact information for the Carlisle Golf and Country Club both in the form of a telephone number and a web address, and a second sign located right next to the entrance which advertises both the business and also identifies to a passing motorist of which driveway to use to enter the golf course. Additional signage at the top of a telecommunications tower is not required in order for patrons to locate the golf course and therefore strict application of the provision of the Sign By-law would not result in practical difficulties or unnecessary and unusual hardship for the applicant.

- c) Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and**

The proposal is to permit the applicant to establish additional signage and greater exposure of the business than is currently provided by the existing Ground Signs near the road and at the existing entrance to the golf course. Therefore, the request does not reflect a pre-existing situation.

- 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.**

The proposed sign, with a sign area of 35 sq. m. for each of the three sides for a total of 105 sq. m. of sign area and with a sign height of 55m, will 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 seen from both Carlisle Road and Milborough Line, and exceeds

the height of all buildings, structures, and vegetation in the area, however the existing tower partially blends into the skyline due to the white colour of 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 in to it. The proposed variance, if approved, would also establish an inappropriate precedent as other businesses would seek to establish signs atop of telecommunications towers given the exposure such a sign would provide for the business.

**Recommendation:**

That Sign Variance Application SV-14-005 to:

- (1) Permit a Ground Sign to have a sign height of 55m, whereas a maximum height of 7.5m is permitted;
- (2) Permit a Ground Sign to have a sign face area of 105 sq. m., whereas a maximum sign face area of 18 sq. m. for a single face sign and 36 sq. m. for a double face sign is permitted; and,
- (3) Permit a Ground Sign to have no municipal address number, whereas a municipal address number is required at either the top or bottom of the sign with numbers at least 15 cm in height.

for the golf course property located at 523 Carlisle Road, Flamborough be **Denied** for the following reasons:

- (1) The requested variances does not maintain the general intent and purpose of the By-law; and,
- (4) The requested variances do not have regard for the four tests as set out in the By-law.

**Approval:**

Staff Approval:



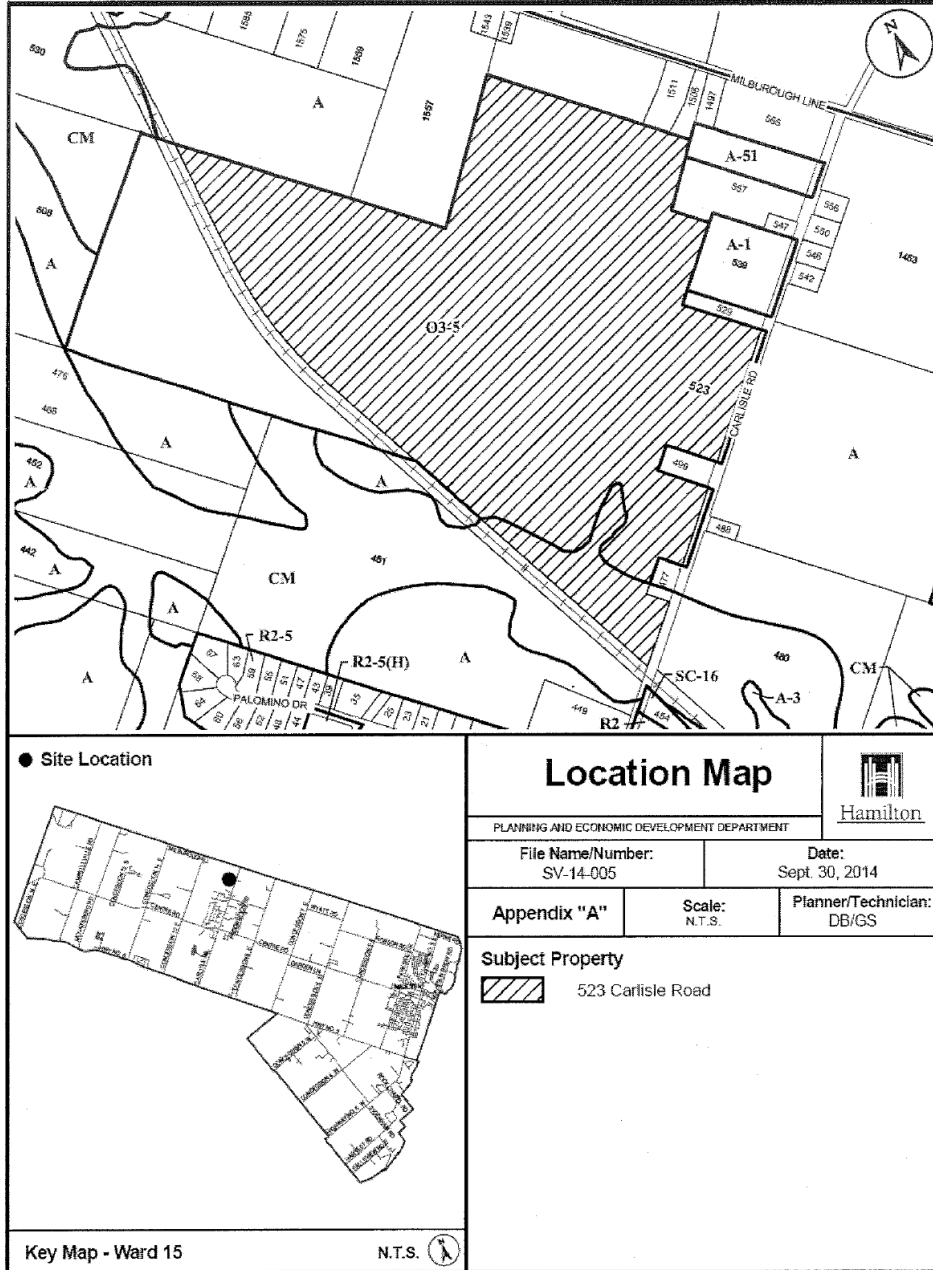
Daniel Barnett  
Planner 2, Planning Division

Authorized:

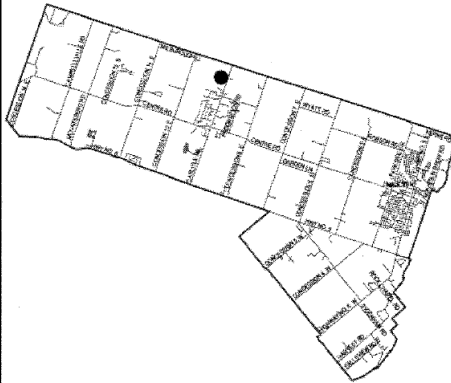


Stephen Robichaud  
Director of Planning

Appendix "A"



● Site Location



Key Map - Ward 15

N.T.S. 

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
SV-14-005


Date:  
Sept 30, 2014

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DB/GS

**Subject Property**

 523 Carlisle Road

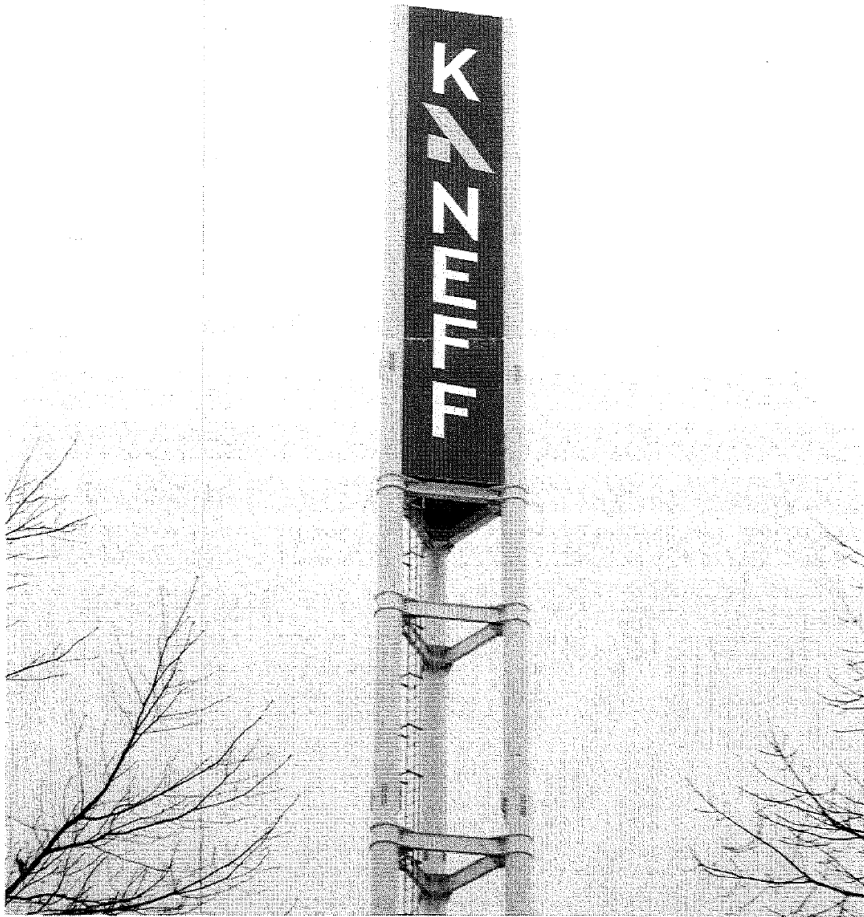


Appendix "C"



**Bell** PHOTOGRAPHIC SIMULATION  
W4026-523 Carlisle Road

Appendix "C"



**Bell** PHOTOGRAPHIC SIMULATION  
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