SUBJECT: Application for a Variance to Ancaster Sign By-law, 125-139 Wilson Street West (Ancaster) (PED06142) (Ward 12)

RECOMMENDATION:

That approval be given to Sign Variance Application SV-06-01, Gates of Ancaster II Limited, Owner, to permit a temporary ground sign on lands in a Residential Zone which are used exclusively for residential purposes, at 125-139 Wilson Street West (former Town of Ancaster), as shown on Appendix "A" to Report PED06142, on the following basis.

(a) That the ground sign be permitted on the subject land for a maximum period of one year, after which it shall then be removed, at the owner’s expense.

(b) That the ground sign shall have a maximum sign area of 13.4 square metres and that only one side shall be used for display purposes.

(c) That the ground sign shall be permitted a maximum height of 3.3 metres.

(d) That the ground sign shall be permitted at a minimum distance of 0.0 metres from the street line.

(e) That the ground sign shall be located a minimum distance of 15 metres from abutting residential zones to the north and south.

(f) That the ground sign shall not be illuminated.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
The application was received from Gates of Ancaster II Limited to permit a temporary 12” x 12” ground sign on the subject lands for the purpose of advertising a proposed condominium development as shown on Appendix “B”.

The proposal complies with the Ancaster Sign By-law’s provisions for ground signs with the exception of the setback requirements from a street line. As well, the proposed ground sign would be located within a residential zone, where such signs are not permitted. The sign will be located 0.0 metres from the street line as shown on Appendix “C”.

The application has merit and can be supported because the proposed temporary sign would be compatible with the streetscape and the surrounding area. As such, the general intent and purpose of the By-law would be maintained.

**BACKGROUND:**

**Proposal**

The applicant is requesting the establishment of a 12’ x 12’ temporary ground sign advertising a condominium to be constructed on the subject lands. The application has not specified a specific amount of time for the temporary sign to be in place on the property and, as a result, staff is recommending a maximum one year time period.

The applicant is requesting variances to the former Town of Ancaster Sign By-law 95-50. As permitted in Section 14.0 of the By-law, Council shall hear all applications for a variance to the By-law and may authorize minor variances to the By-law provided that, in the opinion of the Council, the general intent and purpose of the By-law are maintained.

Generally, the proposed sign complies with the requirements of Section 9.1 (Ground Signs) of the By-law with respect to height, area, setback from abutting residential zoned properties, and number of signs permitted on a property. However, the proposed sign does not meet the provisions with respect to setback requirements from a street line. Based on a sign area of 13.4 square metres, with only one side being used for display purposes, the By-law requires a separation distance of 3.0 metres from a street line. The applicant is proposing the sign to be located 0.0 metres from a street line. As well, signs are not permitted within a residential zone or upon lands used exclusively for residential purposes, except those identified as signs in the By-law not requiring permits from the Town of Ancaster, as per Section 4.5.1, which does not include ground signs.

The surrounding lands uses in the area are predominately residential, which include single-detached and multiple residential units. The subject property was recently subject to an Ontario Municipal Board (OMB) Decision, which granted approvals based on a negotiated settlement to amend the Ancaster Official Plan from the “Institutional” to the “Residential” designation, and amend the Zoning By-law from the Institutional “I” Zone to the Residential Multiple “RM6-530” Zone (Decision No. 1075 dated April 11,
The approvals establish the land use planning policies and Zoning By-law requirements to allow for the development of the proposed condominium, which the sign will advertise.

Details of Submitted Application

Owner/Applicant: Gates of Ancaster II Limited
Agent: Helmuth Strobel

Property Size: Frontage: 60.96m (200')
Depth: 127.74m (419.09')
Area: 0.77 hectares (1.92 acres)

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Church, Montessori School, and Single-Detached Residential</td>
<td>Residential Multiple “RM6-530” Zone</td>
</tr>
<tr>
<td>Single-Detached Residential and Townhouse Condominiums</td>
<td>Residential “R2” Zone, Residential Multiple “RM3-378” Zone</td>
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<td>Single-Detached Residential and Townhouse Condominiums</td>
<td>Residential “R2” Zone, Residential Multiple “RM3-277” Zone</td>
</tr>
<tr>
<td>Open Space</td>
<td>Private Open Space “O1” Zone</td>
</tr>
<tr>
<td>Single-Detached Residential</td>
<td>Existing Residential “ER” Zone</td>
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ANALYSIS/RATIONALE:

1. Former Town of Ancaster Sign By-law 95-50

   Signs in Residential and Agricultural Zones

   Section 4.5.1 of the General Provisions for By-law 95-50 stipulates that no sign is permitted in a Residential Zone or Agricultural Zone, or upon lands used exclusively for residential purposes, except those signs specifically permitted under Section 7.0. The proposed temporary ground sign is not exempt from
requiring a permit, as allowed for in Section 7.0 of the By-law. However, as the sign is only to be temporary, and staff is recommending a limit on the amount of time the sign may be placed on the property (i.e. one year), staff consider the variance minor and in keeping with the general intent and purpose of the By-law.

**Minimum Setback from Street Line**

Section 9.4 of By-law 95-50 stipulates that the minimum setback from a street line shall be 3.0 metres given the proposed sign area of 13.4 square metres. The proposed sign location abuts the street line and will provide no setback (0.0m). However, the physical separation from the paved portion of Wilson Street West will be approximately 14 metres, as the proposed sign will be located on the limits of the applicant’s property which abuts a road widening, as shown on Appendix “C”. With regard to impacts on traffic, the Traffic Engineering and Operations Section was circulated the application and stated no objections to the proposal, and provided no comments on any negative impacts on the ability for vehicular movements to operate safely on and off the subject lands. As a result, staff considers the variance minor and in keeping with the general intent of the By-law.

**Minimum Setback from Abutting Residential Zones**

Section 9.1.4 of the By-law requires the proposed sign to be a minimum distance of 15 metres from the residential zoned properties abutting the site and this distance has been recommended.

**Maximum Sign Area**

Section 9.1.2 of the By-law allows for a sign area of 0.38 square metres per each metre of lot frontage. Based on this ratio, the property would be permitted a sign area of 23.16 square metres for either a one or two sided ground sign. The proposed sign is well below the allowed maximum sign area at 13.4 square metres for a single-sided ground sign.

**Maximum Height**

Section 9.1.4 of the By-law allows for a maximum sign height of 7.6 metres for a sign area greater than or equal to 7.0 square metres and less than 14.0 square metres. The proposed sign height is significantly less than the maximum permitted at 3.3 metres.

2. Staff has reviewed the proposal within the context of the City’s New Sign By-law, and notes that the proposed temporary ground sign is in accordance with the type of signs that are being considered for the new By-law. The proposed sign is consistent with the “New Home Builder Sign – Subdivision Ground Signs” recommendations, as outlined in Section 4.1.5 of the New Sign By-law Study. The study recommends that subdivision signs have a maximum area of 12.0 square metres per side, with a maximum of three signs per subdivision. There
are no other appropriate categories of signs in the study which would apply to this development scenario. As staff is recommending the approval of one sign with a maximum sign area of 13.4 square metres on one side only, the application is consistent with the City’s New Sign By-law study recommendations. Furthermore, as there are no provisions for the length of time a Subdivision Ground Sign may remain on site, staff is recommending a time restriction of one year, which is recommended for “New Home Builder Signs - New Home Builder Portable Signs”, as per Section 4.1.5 of the New Sign By-law Study.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application not be approved, the applicant could provide a real estate sign that conforms with the provisions of Section 7.3 of the former Town of Ancaster Sign By-law, which would allow for a sign area per face of 1.5 square metres (non-illuminated).

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- Financial: N/A.
- Staffing: N/A.
- Legal: N/A.

**POLICIES AFFECTING PROPOSAL:**

**Ancaster Official Plan**

The subject property is designated “Urban Area” by the Ancaster Official Plan. The application conforms with the principles and polices of the Official Plan.

**Zoning By-law 87-57 (former Town of Ancaster)**

The subject property is zoned Residential Multiple “RM6-530” Zone by the former Town of Ancaster Zoning By-law No. 87-57. This site-specific zone permits a single four storey, 59 unit residential building.

**RELEVANT CONSULTATION:**

The following internal departments were circulated and stated no concerns with the proposed application:

- Traffic Engineering & Operations Section, Public Works Department.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☑ No

Environmental Well-Being is enhanced. ☑ Yes ☐ No

Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No

Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?

☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes ☑ No

:SD
Attachs. (3)