SUBJECT: Application for a Variance to the Dundas Sign By-law, 40 Cootes Drive (Dundas) (PED06191) (Ward 13)

RECOMMENDATION:

That approval be given to Sign Variance Application SV-06-02, Enterprise Incorporated, owner, to permit a ground sign, with a maximum height of 5.3 metres instead of the maximum permitted height of 4.57 metres, for lands located at 40 Cootes Drive (former Town of Dundas), as shown on Appendix “A” to Report PED06191, on the following basis:

(a) That the ground sign shall have a maximum height of 5.3 metres.

(b) That the ground sign shall include the municipal street address number in numerals that are a minimum 15 centimetres in height.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The application was received from DNS Signs Limited, on behalf of Enterprise Incorporated, to permit a ground sign for the purpose of advertising the existing car rental agency, as shown on Appendix “B”.

The proposal complies with the Dundas Sign By-law’s provisions for ground signs with the exception of the permitted maximum height. The sign will have a height of 5.3 metres, as shown on Appendix “B”, whereas the maximum height permitted by a previous variance (Application No. SV-05-02) is 4.57 metres.

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

BACKGROUND:

Proposal

The applicant has applied to amend the Dundas Sign By-law 3094-79 in order to erect a ground sign with a height of 5.3 metres instead of the maximum permitted 4.57 metres. In accordance with Section 16.1 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.

The subject property was previously subject to a sign variance application (SV-05-02). The application was approved and varied the Dundas Sign By-law No. 3094-79, in order to permit a ground sign with a maximum height of 4.57 metres, a minimum 0.15 metre setback from the front property line, and a minimum 0.76 metre setback from the westerly side lot line. The applicant has indicated in the application submitted, that a 4.57 metre high ground sign would not provide adequate exposure and the proposed 5.3 metre high ground sign allows a more appropriate size.

Details of Submitted Application

Owner: Enterprise Incorporated
Location: 40 Cootes Drive (see Appendix “A”)
Description: Frontage: 22.08 metres (72.4 feet)
Depth: 34.9 metres (114.5 feet)
Area: 684.4 square metres (7,367 sq. feet)
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Gas Bar</td>
<td>Highway Commercial- Floodplain “CH-FP” Zone</td>
</tr>
<tr>
<td>South</td>
<td>6 unit Apartment</td>
<td>Residential Multiple - Floodplain “RM2-FP/S-103” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached</td>
<td>Residential “R2” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Automobile Service</td>
<td>Highway Commercial – Floodplain “CH-FP” Zone</td>
</tr>
<tr>
<td></td>
<td>Station and Gas Bar</td>
<td></td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. Former Town of Dundas Sign By-law No. 3094-79

Section 5.3.1(a) of By-law No. 3094-79 requires that the height of a ground sign shall not exceed the height of the main facade of the building to which it relates. The owner previously received relief from the provisions of the By-law. Sign variance application SV-05-02 was approved and varied the Dundas Sign By-law in order to permit a ground sign with a maximum height of 4.57 metres with reduced front yard and westerly side yard setbacks. The height of the proposed ground sign is 5.3 metres (see Appendix “B”). The purpose and intent of the By-law is to require maximum heights for ground signs on commercial properties in order to ensure a scale of signage compatible with that planned for the area. The subject property is surrounded by similar commercial uses which have ground signs comparable to what the applicant is proposing. In staff’s opinion, the proposed sign variance is consistent with the scale of signage planned for this area. The proposed ground sign will meet all other requirements of the Dundas Sign By-law with the previously reduced front yard and side yard variances.

4. New Sign By-law

A draft report for the City’s New Sign By-law has been prepared by Martin Rendl Associates and was presented at the December 6, 2005, Planning and Economic Development Committee meeting. It is anticipated that a report will be submitted to Council mid-year 2006 for final approval of the new Sign By-law.
Staff has reviewed this proposal within the context of the City’s New Sign By-law project, and note that the proposed ground sign is in accordance with the type of signs that are currently being considered for the new By-law. According to the draft report, the maximum height for a ground sign with an area of 4.0m\(^2\) to 6.0m\(^2\) per side is 6.0m. The applicant is proposing a ground sign with an area of 4.3m\(^2\) per side and a height of 5.3 metres, which is in accordance with the maximum height provision. In addition, as per the recommendations of the report, the proposed ground sign should include the municipal street address number in numerals that are a minimum of 15 centimetres in height. As a result, staff is recommending that the municipal street address number be included on the proposed sign. Based on the foregoing, the proposal is in accordance with the recommendations of the draft report for the City’s New Sign By-law.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of erecting a ground sign that does not exceed 4.57 metres in height.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- **Financial** — N/A.
- **Staffing** — N/A.
- **Legal** — The proposed amendment is under the Municipal Act and there are no requirements for a public meeting.

**POLICIES AFFECTING PROPOSAL:**

**Dundas Official Plan**

The subject property is designated “Residential/Commercial Mixed Use” within the Dundas Official Plan. The application conforms with the principles and policies of the Dundas Official Plan.

**Zoning By-law No. 3581-86 (former Town of Dundas)**

The subject property is zoned Highway Commercial – Floodplain “CH-FP” Zone, by Dundas Zoning By-law No. 3581-86. This zone permits an automobile and truck rental and leasing service.

**By-law No. 3094-79 (former Town of Dundas Sign By-law)**

The erection of signs in the former municipality of Dundas is regulated by the Dundas Sign By-law No. 3094-79.
Section 5.3.1(a) of By-law No. 3094-79 requires that the height of a ground sign shall not exceed the height of the main facade of the building to which it relates. The owner previously received relief from the provisions of the By-law. Sign variance application SV-05-02 was approved and varied the Dundas Sign By-law, in order to permit a ground sign with a maximum height of 4.57 metres and reductions in the minimum front and westerly side yard setbacks. Therefore, a variance is required to permit the proposed ground sign with a height of 5.3 metres, instead of the maximum permitted 4.57 metres by the previous variance.

**RELEVANT CONSULTATION:**

The following Departments/Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section).
- Hamilton Conservation Authority.

**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
  Shelter, care and satisfying employment are accessible to all Hamiltonians.

- **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

:DF
Attachs. (2)
Location Map

File Name/Number: SV-06-02
Date: May 18, 2006
Appendix "A"

Scale: N.T.S.
Planner/Technician: DF/NB

Subject Property
40 Cootes Drive (Dundas)

Ward 13 Keymap
N.T.S.