SUBJECT: Application for a Variance to the Ancaster Sign By-law, 134 Wilson Street East (Ancaster) (PED06349) (Ward 12)

RECOMMENDATION:

That approval be given to Sign Variance Application SV-05-06, Michael Mogavero, owner, to permit a ground sign, notwithstanding that a ground sign is not permitted within the Existing Residential “ER-536” Zone, for lands located at 134 Wilson Street East (former Town of Ancaster), as shown on Appendix “A” to Report PED06349, on the following basis:

(a) That a ground sign at a maximum height of 2.2 metres and with a maximum sign area of 2.25 square metres per side shall be permitted.

(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 A. J. Lakatos Planning Consultant, on behalf of Michael Mogavero, to permit a ground sign for the purpose of advertising the existing animal hospital, as shown on Appendix “B”.

<table>
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<tr>
<th>Report to:</th>
<th>Chair and Members Planning &amp; Economic Development Committee</th>
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<tr>
<td>Submitted by:</td>
<td>Lee Ann Coveyduck General Manager Planning and Economic Development Department</td>
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<tr>
<td>Date:</td>
<td>September 1, 2006</td>
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<tr>
<td>File:</td>
<td>SV-05-06</td>
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<tr>
<td>Prepared by:</td>
<td>David Falletta (905) 546-2424, Ext. 1221</td>
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</table>
The application has merit and can be supported since the proposed sign would be compatible with the existing streetscape and the surrounding properties. It also conforms to the City’s New Sign By-law, which will come into effect in February 2007. The general intent and purpose of the current By-law would be maintained.

BACKGROUND:

Proposal

The applicant has applied for a variance to the Ancaster Sign By-law 95-50 in order to erect a business identification ground sign within a Residential Zone, whereas a sign is not permitted within a Residential Zone. In accordance with Section 14.2 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 applicant has agreed to change the orientation of the sign to be parallel with Wilson Street East in order to mitigate vehicular visibility concerns at the request of staff (see Appendix “C”). The City’s Traffic Engineering and Operations staff are satisfied with the revised proposal.

Ancaster Official Plan Amendment No. 108

The effect of Ancaster Official Plan Amendment No. 108, which was adopted by Council on March 22, 2006, is to permit an animal hospital (with no outside runs) and a dwelling unit within the existing building, for lands located at 134 Wilson Street East.

Ancaster Zoning By-law No. 06-063

The effect of By-law No. 06-063, which was passed by Council on March 22, 2006, is to permit an animal hospital (with no outside runs) and a dwelling unit within the existing building, for lands located at 134 Wilson Street East.

Site Plan Application DA-05-173

Site Plan Application DA-05-173 for the subject lands was granted approval on February 13, 2006 with conditions. The approval allowed the development of a parking area, landscaping and building alterations for the existing animal hospital and dwelling unit on the subject lands.

Details of Submitted Application

Owner: Michael Mogavero

Location: 134 Wilson Street East (see Appendix “A”)

Description: Frontage: 19.72 metres (64.72 feet)
               Depth: 74.56 metres (244.62 feet)
               Area: 1,240.58 square metres (13,353.5 sq. feet)
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>South</td>
<td>Animal Hospital and Dwelling Unit</td>
<td>Existing Residential “ER-536” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Day Nursery</td>
<td>Existing Residential “ER-225” Zone</td>
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<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
</tbody>
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ANALYSIS/RATIONALE:

1. Former Town of Ancaster Sign By-law No. 95-50

Section 4.5.1 of By-law No. 95-50 prohibits ground signs in Residential Zones. The purpose and intent of the By-law is to maintain a residential streetscape character, and to ensure compatibility. Although the subject property is located within a Residential Zone, the Ancaster Official Plan and the Ancaster Zoning By-law have been site-specifically amended to permit an animal hospital and dwelling unit. Also, similar commercial uses which have ground signs comparable to what the applicant is proposing exist in the area, including a day care centre at 126 Wilson Street East, an automobile sales/leasing establishment at 116 Wilson Street East, and a restaurant and offices at 2 Cameron Drive.

In staff’s opinion, the proposed sign is consistent with the scale of signage permitted for this area and, as such, the streetscape character and compatibility will be maintained.

2. New Sign By-law

The City’s New Sign By-law was presented at the August 8, 2006, Planning and Economic Development Committee meeting and passed by Council on August 9, 2006 as By-law No. 06-243. However, the effective date of the By-law is February 1, 2007.
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 permitted and meets all of the provisions of the New Sign By-law, including the maximum sign area of 5.92 square metres per side and maximum height of 6.0 metres. The proposed sign has a sign area of 2.25 square metres per side and a height of 2.13 metres and the recommended variance has been tied to these parameters. Based on the foregoing, the proposal is in accordance with the City’s New Sign By-law.

**ALTERNATIVES FOR CONSIDERATION:**

If the applicant is denied, then the applicant has the option of waiting until the City’s New Sign By-law comes into full force and effect (February 1, 2007), and the proposed sign will be permitted.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: The proposed variance is under the Municipal Act and there are no requirements for a Public Meeting.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS).

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in the Urban Areas.

As the nature of the application is for a variance to the Ancaster Sign By-law to permit a ground sign within the Existing Residential “ER-536” Zone, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

**Ancaster Official Plan**

The subject property is designated “Residential” within the Ancaster Official Plan. As noted earlier, the Official Plan designation has been amended (OPA No. 108) to permit an animal hospital with no outdoor runs and a dwelling unit within the existing building. As such, the application conforms with polices of the Ancaster Official Plan.
Zoning By-law No. 87-57 (former Town of Ancaster)

The subject property is zoned Existing Residential “ER-536” Zone, within the Ancaster Zoning By-law No. 87-57. This zone permits an animal hospital with no outdoor runs, and a dwelling unit within the existing building. The application would permit a sign for a use permitted by the zoning.

By-law No. 95-50 (former Town of Ancaster Sign By-law)

The erection of signs in the former municipality of Ancaster is regulated by the Ancaster Sign By-law No. 95-50.

Section 4.5.1 of By-law No. 95-50 states that signs are not permitted in Residential Zones. Therefore, a variance is required to permit the proposed ground sign within the Existing Residential “ER-536” Zone.

RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

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

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. (3)
NOTES:
ALL DIMENSIONS IN MILLIMETERS
UNLESS OTHERWISE NOTED
SIGN TO BE DOUBLE SIDED
CONSTRUCTED OF 150 X 150 F.T.
LUMBER BANDONCHED BETWEEN
2 MANUFACTURED SIGN BOARDS