

**STAFF REPORT: BUILDING & BY-LAW DEPARTMENT**



**REPORT TO:** Council  
**MEETING DATE:** December 10, 2007  
**REPORT NO.:** SRB.07.36  
**SUBJECT:** Sign By-law Variances  
**PREPARED BY:** D. Finbow, Director Bldg & B/L

**A. Recommendations**

**THAT** Council receive Staff Report No. SRB.07.36 for information purposes and adopts the following recommendations of the Sign By-law Review Committee:

**1. 5 Grey Street North – Gary Bochna (Thornbury Self-Storage)**

That Council authorize a minor variance to the Sign By-law so as to permit a replacement “v” shaped double-sided first-party sign on the westerly side of the subject lands having a height of approximately 19’ with each sign face having an area of 120 square feet (10’ x 12’) with such variance being specific to the current owner/tenant of the lands; and, refuse the request for a replacement two-sided billboard sign at the easterly side of the subject lands.

**2. 64 Bruce Street South – Beaver Valley Outreach**

That Council authorize a minor variance to the Sign By-law so as to permit the installation of an oval shaped sign and a rectangular shaped sign on the front elevation of the building.

**B. Background**

**1. 5 Grey Street North – Gary Bochna (Thornbury Self-Storage)**

- (a)** Town Staff have had numerous discussions with Mr. Bochna over the past number of years with respect to the subject property including the potential replacement of the two existing ground signs.
- (b)** With respect to the two existing ground signs, they are considered to be “legal nonconforming” in accordance with the provisions of Section 5.01 of the Sign By-law (Addendum A) and are further protected by virtue of Section 99.1 of the Municipal Act, 2001 (Addendum B).
- (c)** The existing easterly sign is a single-sided third party sign (Addendum C) while the existing west sign is a “v” shaped double-sided first party sign (Addendum D).
- (d)** Both existing signs currently exceed the maximum height and area permitted under the terms of the Sign By-law.

- (e) A billboard sign is a prohibited type of sign per Section 3.01(3) of the Sign By-law (Addendum E).
- (f) On January 29, 2007 Town Council refused a request for a minor variance for the replacement of the two ground signs (Addendum F).
- (g) On October 15 and November 5, 2007, the Sign By-law Review Committee (Addendums G and H) subsequently considered revised requests for minor variance and has provided the following recommendations to Council:
  1. Permit a replacement “v” shaped double-sided first-party sign on the westerly side of the subject lands having a height of approximately 19’ with each sign face having an area of 120 square feet (10’ x 12’); and,
  2. To refuse the request for a replacement double-sided billboard sign at the easterly side of the subject lands.
- (h) In accordance with Section 7.07 of the Sign By-law, Council may grant a minor variance to the Sign By-law where specific criteria are met (Addendum I).
- (i) Council has the following options respecting this matter:
  1. Adopt the recommendations of the Sign By-law Review Committee;
  2. Refuse the recommendations of the Sign By-law Committee and thereby refuse the replacement of the two signs;
  3. Adopt the recommendation of the Sign By-law Review Committee as it relates to the westerly sign and direct Town Staff to prepare an amendment to the Sign By-law with regard to the easterly sign with such terms and conditions that Council deems appropriate;
  4. Refuse the recommendations of the Sign By-law Review Committee and thereby refuse the replacement of the two signs and direct Town Staff to prepare an amendment to the Sign By-law with regard to both signs with such terms and conditions that Council deems appropriate.
- (j) Should Council refuse the replacement of the two signs, the signs may remain on the subject lands provided they are maintained.
- (k) It is noted that Council’s decision on Sign By-law related variances are non-appealable except in the instance of an error in law.
- (l) A copy of this Staff Report has been provided to Mr. Bochna and Mr. Bochna’s solicitor.

### **3. 64 Bruce Street South – Beaver Valley Outreach**

- (a) The Sign By-law Review Committee considered a request for a minor variance to the Sign By-law for the subject property as it relates to the number of signs on the front elevation and recommends that Council authorize a minor variance to the Sign By-law so as to permit the installation of an oval shaped sign and a rectangular shaped sign on the front elevation of the building substantially in accordance with Addendum J.
- (b) Attached for Council’s information are comments from the Sign By-law Review Committee (Addendum K).

### **C. The Blue Mountains' Strategic Plan**

*"Providing a strong, well managed municipal government."*

### **D. Budget Impact**

N/A

### **E. Attached**

Addendums:

- A Section 5.01 of the Sign By-law.
- B Section 99.1 of the Municipal Act, 2001.
- C Existing easterly sign – single-sided third party.
- D Existing westerly sign – v shaped double-sided first party sign.
- E Section 3.01(3) of the Sign By-law.
- F Letter to 524614 Ontario Ltd. dated February 2<sup>nd</sup>, 2007 – refused a request for a minor variance.
- G Sign By-law Committee minutes of October 15<sup>th</sup>, 2007
- H Sign By-law Committee minutes of November 5<sup>th</sup>, 2007.
- I Section 7.07 of the Sign By-law
- J E-mail request from New Sun Design together with photo.
- K Sign By-law Committee minutes via teleconference.

Respectfully submitted,