

March 17, 2022

Dear Sir/Madame,

RE: Letter in Support of 9 Woodlawn Ave East Building Signage

I am writing further to Council's direction at the July 12, 2021, Council meeting to work with City Staff on finding a mutually agreeable building signage solution for 9 Woodlawn Road East (the "building").

Unfortunately, after several proposals, Staff rejected our permit application for a single non-illuminated sign on a single face of the building¹ and rejected an alternative proposal with zero physical signs on the building, seeking minimalist vinyl letters with the names "Woodlawn Orthodontics" and "Woodlawn Kids Dental" on a fraction of the windows in their respective units on the 3rd and 4th floors.²

I respectfully submit that Staff has failed to correctly interpret subsection 8.1(m) of the new *Guelph Sign Bylaw*³ (the "Bylaw") and does not appreciate the unique construction of our Geothermal building (despite requests to show the space) after labelling the top floor a "mechanical penthouse" when it contains serviced leaseable storage area and no mechanical equipment.

Contrary to the Staff Report, the only way the building is not "in character" with the commercial development in the vicinity, is the complete absence of any building signage. RBC across the street has 13 signs, Staples and Canadian Tire have signage larger than our building. The restaurant across the street has signs on two faces abutting its roof. WalMart has 250 feet of signage. We are seeking the fewest number of signs and the least amount of square feet of signage of any of the commercial development in the area.

Secondly, the Staff Report says "no" to our precedent Co-Operators rooftop sign on MacDonnell Street, with the reasoning that one cannot go back in time to rely on an old sign bylaw. In the next sentence, Staff says we must go back in time to an outdated Commercial Zoning Bylaw permitting the building a maximum of 4 floors, positing if a sign is permitted on the Penthouse eleven years later, the building is in breach of its commercial zoning. **Staff has conflated the definition of "Storey" in the Sign Bylaw with the definition of "Storey" in the Zoning Bylaw.** The two Bylaws serve different purposes and the same words can have different meaning and intentions in each. That is a fundamental principle of statutory definitions.⁴

¹ See Appendix A "Building Sign Proposal for 9 Woodlawn Road East".

² See Appendix B "Alternative Signage Proposal for 9 Woodlawn Road East".

³ See Appendix C for a screenshot of the relevant Bylaw section with highlighting.

⁴ <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/legis-redact/legistics/p1p5.html>

It is my submission our sign should be granted as of right and does not require a variance at all. Following the language of the Bylaw, the building is zoned SC.1, and as such is permitted a sign on the top floor. The building is more than 3 floors high and there is no other signage on the proposed face. The proposed sign is non-illuminated, and staff concedes in their report that there are no safety concerns.

The terms “storey” and “roof” used in Staff’s rejection are not fully defined in the Bylaw. When we turn to dictionary definitions of the words⁵, the definitions clearly support our position. Contrary to the position expressed by Staff, Merriam-Webster’s dictionary defines “story” or “storey” as:

the space in a building between two adjacent floor levels or between a floor and the roof”
... “a horizontal division of a building’s exterior not necessarily corresponding exactly with the stories within”.⁶

Accordingly, the rentable area opposite our proposed sign face that has a floor and a roof, while not the entire dimension of the storey below, is still a “storey”.

The relevant Merriam-Webster dictionary definition of “roof” is:

the highest point: SUMMIT; an upper limit: CEILING.⁷

The “highest point” of the building, the “summit” at 9 Woodlawn Road East, is the roof that is on top of this upper storey. We are not seeking a permit to erect a sign above that roof. We applied for a sign that does not exceed the “upper limit” of the building, similar to the CIBC sign just around the corner from us at 9 Woodlawn Road West (quite the coincidental address).⁸ Further, there is a precedent for an even larger illuminated sign on two rooftop faces at the Co-Operators building on MacDonell Street (referenced on Page 9 of Council’s Agenda) and as part of the Applicant Rationale by Pride Signs.⁹

We have made repeated efforts to work with Staff and arrive at a solution. We have not received any permanent alternatives beyond Staff’s strict reading of the By-law. This process has been going on over a year and is deleterious to our new businesses that are on the cusp of opening. We made a fresh application, with a second variance fee, for a single non illuminated sign that we believe complies with the Bylaw and were rejected again.

We ask that Council intervene and direct Staff to approve our Permit.

⁵ Following Common Law principles of statutory interpretation.

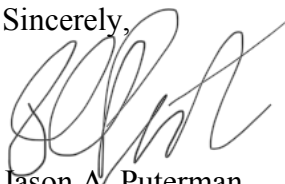
⁶ See Appendix D for a screenshot of the Merriam-Webster definition of “Story” with highlighting.

⁷ See Appendix E for a screenshot of the Merriam-Webster definition of “roof” with highlighting.

⁸ See Appendix F for a screenshot of the CIBC sign at 9 Woodlawn Road West.

⁹ See Appendix G for a screenshot of the Applicant Rationale images from Pride Signs.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Puterman', written in a cursive style.

Jason A. Puterman

On behalf of 2824937 Ontario Inc.

APPENDIX A

Non-Illuminated Reverse Channel Letters

Scale: 1/4"=1'-0"



MATERIAL SPECIFICATIONS

- Aluminum routed graphics and 2" return painted White
- *Digitally printed graphics direct to 1st surface for beaver graphics

	File Name : DPDP-DGN1H1GS.000C1
	WHITE VINYL / 1ST SURFACE / OPAQUE
<small>Notes:</small> - Digital File Located Under "DIGITAL" Either in Master Or Site Specific Folders - ALWAYS USE RECOMMENDED MEDIA ICC PROFILE	



SIDE ELEVATION

Drawing No. DPDP-RCN1H1GS.000A1

Electrical Requirements

CHANNEL LETTERS

PL: 40.2 m PA: 2.42 m²

SITE CHECK REQUIRED

VECTOR ART REQUIRED


COLOUR REQUIRED

Preliminary Artwork

Approved for Production

APPENDIX B

As an alternative proposal, with zero physical signs on the building, we asked if we could have the practice names “Woodlawn Orthodontics” and “Woodlawn Kids Dental” in minimalist vinyl graphics on a small upper portion of the windows of their 3rd and 4th floor units similar to the “RICHARD MILLE” example sent from our sign company. The reply from staff was an abrupt “no” with zero feedback on permissible options.

➔ **PS** From: [Patrick Sheehy](#) >
To: [Jason Puterman](#) >
Cc: [Jeremy Laur](#) >
[Krista Walkey](#) >
Today at 3:41 PM 

RE: Sign Variance for 9 Woodlawn Road East

Hi Jason

That request came back with a no.

Thanks
Pat

Patrick Sheehy |Program Manager-Zoning
Planning and Building Services
T **519-837-5615 x 2388**
E patrick.sheehy@guelph.ca

From: Jason Puterman <jason.puterman@gmail.com>
Sent: Thursday, March 17, 2022 3:09 PM
To: Patrick Sheehy <Patrick.Sheehy@guelph.ca>
Cc: Jeremy Laur <Jeremy.Laur@guelph.ca>; Krista Walkey <Krista.Walkey@guelph.ca>
Subject: Re: Sign Variance for 9 Woodlawn Road East

Thank you. That’s helpful. Would we be able to have the names of the practices in vinyl on the top portion of the windows (of their respective units) facing the intersection?



Navigation icons: a trash can, a folder, a left-pointing arrow, and a pencil icon. A horizontal line is positioned below these icons.

APPENDIX C

City of Guelph Sign Bylaw

Section 8.1.

- F) Fascia Signs and Awnings may occupy a combined 20% of the external wall area per façade of that part of the building occupied by a business in connection with the sign to a maximum of 20m².
- G) A Ground Sign set back a minimum 1m from a Street Line is permitted a maximum height of 6m above the adjacent Roadway and a maximum Sign Face area of 0.3m² for every 1m of frontage to a maximum of 8m². A Ground Sign set back 6m from the Street Line is permitted a maximum height of 7m above an adjacent Roadway (6m when adjacent to a residential zone) and a maximum Sign Face of area of 0.3m² for every 1m of frontage to a maximum of 17m². All Ground Signs must be located a minimum distance of 3m from an adjacent property.
- H) Every Ground Sign that is greater than 1.8m in height shall only be internally Illuminated.
- I) Every Illuminated Ground Sign shall be a minimum of 15m from any residential zone, as identified by the Zoning By-law.
- J) Maximum Sign face area for Changeable Copy is 60% of the Sign area to a maximum of 3m².
- K) Electronic Message Centres shall comply with Section 24.
- L) Ground Signs shall have a minimum Separation Distance of 120m from another ground sign on the same property and a minimum Separation Distance of 30m from a Ground Sign on an adjacent property.
- M) SC ZONES ONLY - For buildings in an SC Zone of 3 or more Storeys one (1) non-illuminated Fascia Sign per premises may be located on the top Storey of the building if no Signs are located on any other Storey of the building. If this Section is utilized, then no other Signs are permitted to be located on any other Storey of the side of the building to which there is a sign on the top Storey.
- N) In spite (M), an address number may be Displayed on the top Storey of a building.
- O) One illuminated open/closed sign with a maximum area of 0.4m² is permitted to be located in a first storey window. Such Sign is required to Display a static message with no motion, animation, or flashing.

: All Signs are subject to other general regulations contained within this By-law including but not limited to Prohibited Signs as set out in Section 9, Sightline as set out in Section 10 and Regulations for Electronic Message Centres out in Section 24.



APPENDIX D

merriam-webster.com

Merriam-Webster SINCE 1828

story noun (2)

\ 'stôr-ē \

variants: *or less commonly* **storey**
plural **stories** *also* **storeys**

Definition of *story* (Entry 3 of 5)

1 a : the space in a building between two adjacent floor levels or between a floor and the roof


b : a set of rooms in such a space


c : a unit of measure equal to the height of the story of a building
// one story high



2 : a horizontal division of a building's exterior not necessarily corresponding exactly with the stories within



APPENDIX E

merriam-webster.com — Private

 SINCE 1828
 ☰ 🔍

 Save Word

\ 'rūf , 'rūf  \

plural **roofs** \ 'rūs , 'rūs *also* 'rūvz, 'rūvz  \

Definition of *roof* (Entry 1 of 2)

1 a (1) : the cover of a building
(2) : material used for a roof : ROOFING

b : the roof of a dwelling conventionally designating the home itself
*// didn't have a **roof** over my head*
*// they share the same **roof***

2 a : the highest point : SUMMIT
b : an upper limit : CEILING

3 a : the vaulted upper boundary of the mouth
b : a covering structure of any of various parts of the body

APPENDIX F

CIBC at 9 Woodlawn Road West



APPENDIX G

Woodlawn Specialty Dental – 9 Woodlawn Road East Variance Request



Rendering of proposed signage location

This development will provide employment opportunities in the Guelph community and will also increase income of any existing and future business. By approving the proposed sign, it will provide the adequate signage for the tenant and help to raise awareness to potential new clients and help ensure the future success of the premises and the businesses located within.

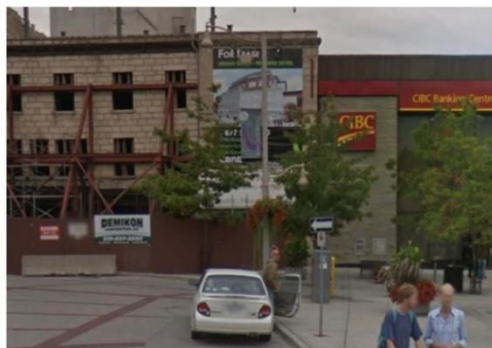
Below are attached photos of illuminated signage permitted to be installed to a Mechanical Penthouse. Woodlawn Kids Dental is seeking the same leniency from the bylaw to permit their proposed non-illuminated sign



Co-Operators – MacDonnell Street (South elevation)



West Elevation (illuminated sign)



Google image from 2009



Image from 2015 to permit roof sign