

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, April 18, 2023
Subject	<b>Sign By-law Variances for <a href="#">245 Hanlon Creek Boulevard</a></b>

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## Recommendation

1. That the proposed illuminated fascia sign located on the top (3rd) storey, left side, of the building façade facing the Hanlon Expressway (east elevation), be refused, and;
  2. That the proposed illuminated fascia sign located on the top (3rd) storey, left side, of the building façade facing Hanlon Creek Boulevard (west elevation), be refused.
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## Executive Summary

### Purpose of Report

This report is to advise of two Sign By-law variance requests for two top (3<sup>rd</sup>) storey illuminated fascia signs located at 245 Hanlon Creek Blvd.

### Key Findings

This property is located in the Specialized Corporate Business Park Zone (B.5-5) which permits offices and other uses. Fascia signs are permitted subject to meeting sign by-law requirements.

SmithValeriotte Law Firm LLP (SV Law) has submitted two Sign By-law variance applications at 245 Hanlon Creek Blvd. to permit two 1.8 m tall by 4.36 m wide (7.8 m<sup>2</sup>) illuminated fascia signs on the top (3rd) storey of the building. One fascia sign is proposed on the front left corner of the building facing Hanlon Creek Blvd and the other fascia sign is proposed on the rear left corner of the building facing the Hanlon Expressway. There are existing fascia signs (BDO) on the top (3rd) storey, right corners, of the same proposed building façades/elevations. Please refer to Attachment 2-Sign Drawings and Attachment 3-Cover Letter and Appeal.

The proposed fascia signs do not meet the requirements of the Sign By-law, Section 18.4 Industrial B.1, B.2, B.3, B.4, and Corporate Business Park B.5 Zones, as follows:

- only 1, non-illuminated, fascia sign is permitted on a top storey façade of buildings with 3 or more storeys.

The request for variances of these two signs are recommended for refusal since there is concern precedent will be set by allowing additional signage on the top

storey of the building and future tenants may request additional signage on the top storey. Illuminated signage is also not permitted on the top storey of any building and variances of such could be recommended for approval for hospitals or hotels, where nighttime way finding is required. Other building owners or tenants may look to this variance as precedent setting for their buildings as well. The approved Site Plan SP20-023 elevation drawings were reviewed with this sign variance and proposed sign locations were not shown on the plans. Building owners/managers are to be aware of the Sign By-law and manage sign locations in multi-tenanted buildings.

As the building has three sign permits that have been issued for fascia signs located on three different facades on the top storey for one business office (BDO) within the building, staff are open to discussions with the applicant to permit appropriately sized fascia signage on the first storey of the building.

### **Strategic Plan Alignment**

The proposed Sign by-law variance report aligns with the direction of our Strategic Plan Priority "Powering our future - to help businesses succeed and add value to the community".

### **Financial Implications**

Not applicable.

## **Report**

This report is being presented at Council for decision as Section 7.9, Authority, Variances, and Appeals, of Sign By-law (2021) - 20621 states:

"An appeal lies to Council from the refusal of the Sign Administrator to approve a Variance. Such appeal shall be initiated by the Applicant filing a written request for an appeal to Council with the Sign Administrator within 7 business days of the service on the Applicant of the decision of the Sign Administrator. All application material before the Sign Administrator shall be placed before Council, which on consideration of the appeal retains authority to grant or refuse the Variance in whole or in part. The decision of Council is final."

The proposed variances were refused by the Sign Administrator March 17, 2023 and SV Law submitted an appeal the same day.

Table 1 – Requested Variances from Sign By-law (2021)-20621

<b>By-law (2021) - 20621 Section</b>	<b>By-law Requirements for Fascia Signs</b>	<b>Requests</b>
Table 18.4.1 refers to Section 18.4.2 (M)	For buildings with 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	To permit a second illuminated fascia sign located on the top (3rd) storey, left side, of the building façade facing the Hanlon Expressway (east elevation) and;

	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	To permit a second illuminated fascia sign located on the top (3rd) storey, left side, of the building façade facing Hanlon Creek Boulevard (west elevation)
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The applicant submitted a cover letter providing examples of other buildings in the surrounding area. The examples shown are all of two storey buildings where the signage meets sign by-law requirements, with exception of the property noted as directly north of the subject building where Timberworx fascia signage is shown on the side of the building that was granted variance approval under the previous Sign By-law. Fascia signs are permitted on the first or second storey of industrial zoned buildings and are restricted to the external façade area of the part of the building occupied by the business advertised and shall be a minimum distance of 7m from an adjacent property. For buildings with 3 or more storeys, one 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.

The request for variances for the proposed fascia signs is recommended for refusal as staff does not believe the variance meets Section 7.7 a) of the Sign By-law which states "In determining whether to grant a variance under this section the Sign Administrator shall consider the following, where applicable: a) whether the Sign is compatible with Urban Design guidelines for the building, property and the surrounding area"

Section 8.14, Urban Design – Signage, of the Official Plan (OP) and Section 3.7 of the Commercial Built Form Standards (CBFS) are reviewed when evaluating sign variances. Policies under these documents mirror each other and note that signage shall generally not be permitted on the top of buildings, commercial signage should be displayed at a consistent height on building facades such as at the top of the ground floor and signage and lighting shall be compatible in the scale and intensity to the proposed activity and tailored to the type and character of a development.

Policy 3.7.5 of the CBFS states, "Signs, display areas and lighting should be compatible in scale and intensity to the proposed activity and tailored to the size, type and character of a development or the space to be used (OP Policy 8.14.1). Signage should not impede pedestrian circulation or vehicle sight lines." Illuminated signs on the top storey of buildings that are three or more stories in height are not permitted by Sign by-law (2021) – 20621 to maintain a non-illuminated nighttime aesthetic in the City's skies. In addition, an office activity does not require nighttime wayfinding.

Policy 3.7.3 of the CBFS states, "Commercial signage should be displayed at a consistent height on building façades such as at the top of the ground floor. Signage shall generally not be permitted on the top of buildings or poles (OP Policy 8.14.4)." The Sign By-law has implemented this policy to allow fascia signage in the industrial zones on the first or second storey of a building, or to allow one non-illuminated sign on the top storey of a building if no other signage is on the same façade. Only buildings in industrial and service commercial zones are permitted the maximum of one non-illuminated sign per façade to be located on a top storey of a

building that is three or more storeys if no other fascia signage is on that façade. The purpose of this is to prevent signage to be located on multiple storeys of a building. Building owners are to manage signage placement when there are multiple tenants in a building. The additional proposed sign exceeds both the maximum number of signs permitted on the top storey of the building and on the façade of the building.

Staff is concerned precedent will be set by allowing additional signage on the top storey of a building and future tenants within the subject building and tenants of other multi-unit buildings may request additional signage on the top storey of buildings. Illuminated signage on top storeys of buildings is also a request received by City staff which is mainly not supportable by way of a sign variance as the requests are primarily for businesses that do not operate during nighttime hours.

### **Financial Implications**

Not applicable.

### **Consultations**

Internal consultation with Planning Services - Urban Design. External communication with the applicant. A public notice has been placed in the local newspaper to inform the public.

### **Attachments**

Attachment-1 Location Map with Aerial Photo

Attachment-2 Sign Variance Drawings

Attachment-3 Applicant Letter of Justification

### **Departmental Approval**

Patrick Sheehy, Program Manager – Zoning

Jeremy Laur, Chief Building Official

### **Report Author**

Kelly Patzer, Senior By-law Administrator

### **This report was approved by:**

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### **This report was recommended by:**

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