

Originator's

Files BL.03-SIG (2009)

#### **PDC** OCT 19 2009

**DATE:** September 29, 2009

**TO:** Chair and Members of Planning and Development Committee

Meeting Date: October 19, 2009

**FROM:** Edward R. Sajecki

Commissioner of Planning and Building

SUBJECT: Sign By-law 0054-2002, as amended

**Sign Variance Applications** 

#### **RECOMMENDATIONS:**

That the Report dated September 29, 2009 from the Commissioner of Planning and Building regarding Sign By-law 0054-2002, as amended, and the requested three (3) Sign Variance Applications described in Appendices 1 to 3 to the Report, be adopted in accordance with the following:

- 1. That the following Sign Variances **be granted**:
  - (a) Sign Variance Application 09-05608
     Ward 8
     Busy Hands 'n' Minds Childcare Centre 4615 Glen Erin Drive

To permit the following:

- (i) One (1) ground sign with an area of 2.32 m<sup>2</sup> (24.97 ft<sup>2</sup>) and height of 2.44 m (8.0 ft).
- 2. That the following Sign Variance **not be granted**:
  - (a) Sign Variance Application 09-04236Ward 4The Conservatory Group4624 Jethro Court

To permit the following:

- (i) One (1) ground sign on a property where the business is not located.
- (ii) One (1) construction site sign erected on a subdivision project where the first occupancy of the project was granted in April 2008.
- (b) Sign Variance Application 09-04824Ward 11A1 Dental Hygiene1149 Upper River Court

To permit the following:

- (i) One (1) sign located on the road allowance of Old Derry Rd. W.
- (ii) One (1) portable sign located on the road allowance advertising a business.

**BACKGROUND:** 

The *Municipal Act* states that Council may, upon the application of any person, authorize minor variances from the Sign By-law if in the opinion of Council the general intent and purpose of the By-law is maintained.

**COMMENTS:** 

The Planning and Building Department has received three (3) Sign Variance Applications (see Appendices 1 to 3) for approval by Council. The application is accompanied by a summary page prepared by the Planning and Building Department which includes information pertaining to the site location; the applicant's proposal; the variance required; an assessment of the merits (or otherwise) of the application; and a recommendation on whether the variance should or should not be granted.

**FINANCIAL IMPACT:** Not applicable.

#### **CONCLUSION:**

Council may authorize minor variances from Sign By-law 0054-2002, as amended, if in the opinion of Council, the general intent and purpose of the By-law is maintained. Sign By-law 0054-2002, as amended, was passed pursuant to the *Municipal Act*. In this respect, there is no process to appeal the decision of Council to the Ontario Municipal Board, as in a development application under the *Planning Act*.

**ATTACHMENTS**:

Busy Hands 'n' Minds Childcare Centre

Appendix 1-1 to 1-5

The Conservatory Group Appendix 2-1 to 2-9

A1 Dental Hygiene Appendix 3-1 to 3-7

Edward R. Sajecki Commissioner of Planning and Building

Prepared By: Darren Bryan, Supervisor Sign Unit



### SIGN VARIANCE APPLICATION REPORT Planning and Building Department

September 29, 2009

**FILE:** 09-05608

**RE:** Busy Hands 'n' Minds Childcare Centre

4615 Glen Erin Drive - Ward 8

The applicant requests the following variance to section 12 of the Sign By-law 0054-2002, as amended.

Section 12	Proposed
Permits one (1) ground sign with a maximum	One (1) ground sign with and area of 2.32 m <sup>2</sup>
area of 0.75 m <sup>2</sup> per sign face and maximum	$(24.97 \text{ ft}^2)$ and height of 2.44 m (8.0 ft.).
height of 1.2 m (3.9 ft.).	

#### **COMMENTS:**

The childcare centre is located in a residential zone and therefore has to be considered under the residential provisions of the Sign By-law. The childcare centre is located on a property surrounded by parks, a fire station, schools and high density residential lands. The business is not in a residential building.

The proposed sign is well designed and in scale with the property and surrounding area. The residential provisions under the Sign By-law are not sufficient to assist the public to their premise. The Planning and Building Department therefore finds the variance acceptable from a design perspective.



#### THE ERIN MILLS DEVELOPMENT CORPORATION

August 20, 2009

Kelwin Hui, Examiner City of Mississauga Building Department 300 City Centre Drive MISSISSAUGA, Ontario L5B 3C1

Dear Sir:

Re: Sign Variance

Busy Hands 'n' Minds Childcare Centre

4615 Glen Erin Drive

Central Erin Mills, Mississauga

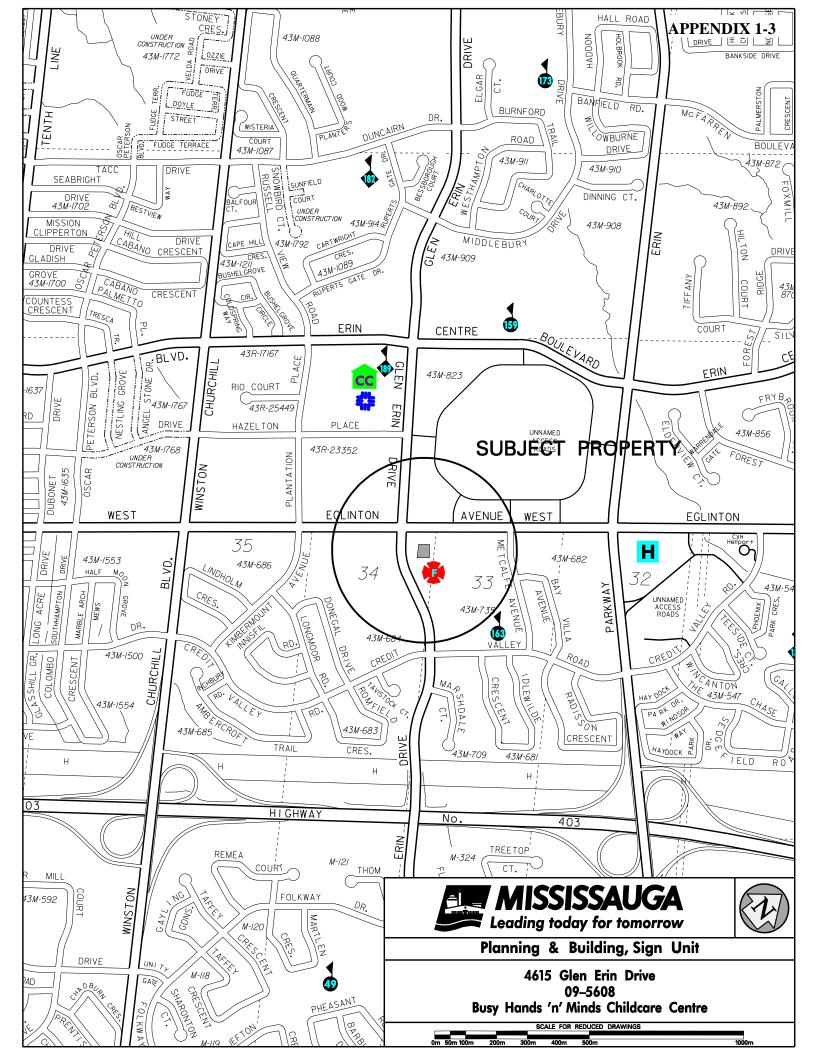
The Erin Mills Development Corporation is the registered owner of the lands municipally known as 4615 Glen Erin Drive. We are the landlord's of the building and occupants of the same.

We are developers of residential, industrial and commercial lands and have been in Erin Mills for the past 26 years. We strive to provide our tenants and purchasers the best product afforded to them. Businesses strive to succeed and we feel that exposure in the community is key.

We acknowledge the zoning by-law and its intention, but this property is not a single, semi, townhouse lot nestled in a subdivision. It is a property surrounded by parks, a fire hall, schools and high density blocks of land. The ground sign will provide the necessary exposure needed to illuminate the existence of the daycare centre in the community.

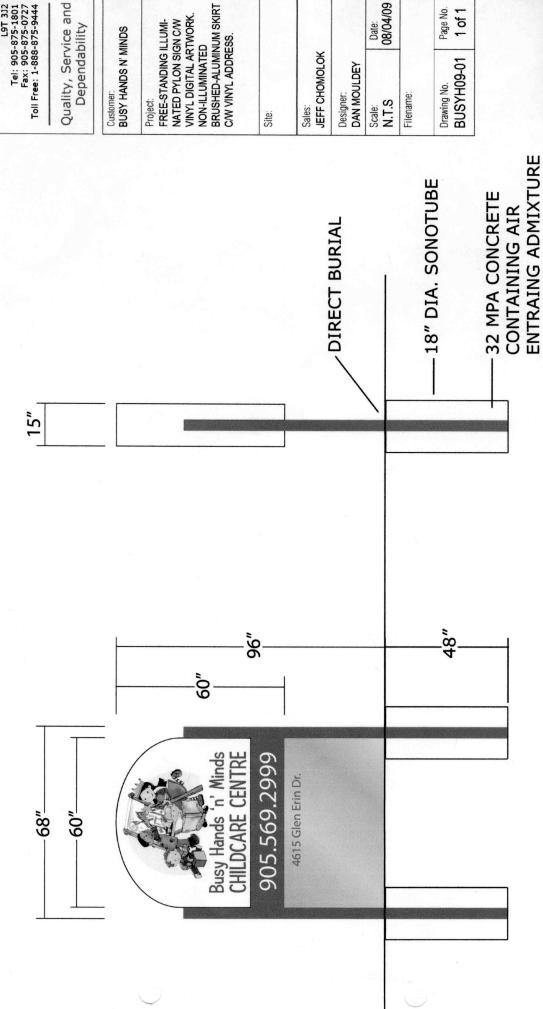
Yours very truly,

THE ERIN MILLS DEVELOPMENT CORPORATION



LESCAR SIGNS Itd.

539 main st. Milton, ON



Date: 08/04/09

Page No. 1 of 1

# PYLON ELEVATION

Scale: N.T.S

This drawing is the property of LESCAR SIGNS lid. and contains proprietary and confidential information which must not be duplicated, used or disclosed other than as expressly authorized by LESCAR SIGNS lid.

APPENDIX 1-5 APPROVED FOR PRODI Approval: Name: Date:



## SIGN VARIANCE APPLICATION REPORT Planning and Building Department

September 29, 2009

**FILE:** 09-04236

**RE:** The Conservatory Group

4624 Jethro Court - Ward 4

The applicant requests the following variances to sections 4 and 27 of Sign By-law 0054-2002, as amended.

Section 4(10)	Proposed
Sign permits for any sign shall be issued only	One (1) ground sign on a property where the
for businesses or uses located on the property	business is not located.
on which the sign is to be located.	
Section 27	Proposed
A construction site sign must be removed	One (1) construction site sign erected on a
from the site within sixty (60) days of the first	subdivision project where the first occupancy
occupancy of the project.	of the project was granted in April 2008.

#### **COMMENTS:**

The proposed variance is to allow an illegal construction sign to remain on site. The sign is 4.87m (16 ft.) high by 2.43m (8 ft.) and is located on a residential lot with a newly built home. The applicant erected the sign to market an off site property located at Mavis Road and Eglinton Avenue West.

The Planning and Building Department finds the variances not to be within the intent of the Sign By-law and would set precedents for other builders to erect construction signs for an indefinite time period and on properties where their products are not located.

Although there is no impact on 4624 Jethro Court as it is unoccupied, the sign does adversely impact the neighbours (Appendix 3-9). In this regard, the City has received a complaint from an adjacent resident.

## Shelltown Construction Limted

80 Tiverton Court, Suite 300, Markham, Ontario L3R 0G4 Tel: (905) 477-7609 Fax: (905) 477-6293

March 19, 2009

City of Mississauga Planning and Building Department Sign Unit 300 City Centre Dr. Mississauga ON L5B 3C1

To Whom It May Concern:

Re.: Sign variance application 09-4236 VAR 4624 Jethro Court

We would like to submit the followings in support of our sign variance application:

#### 1. Variance on size

The land is zoned Residential. Bylaw 54-02 will only allow a ground sign of max. area of  $0.4 \text{m}^2$  for address sign purpose. The size of our proposed ground sign is at 8' by 16' (approx. 11.89 m²), say  $12 \text{m}^2$ . The proposed sign is for marketing purpose. An area of  $0.4 \text{m}^2$  could not serve the purpose. We usually use marketing signs of area 10' by 20', say  $18.6 \text{m}^2$ , for other locations. Since this sign is situated on a lot among other occupied lots, we therefore proposed a sign of lesser area than the normal area of  $18.6 \text{m}^2$  to reduce the impact (if any).

The height of the proposed sign will be at 16' (approx. 4.88m). Bylaw allows for a max, height of 3.94'. As stated above, this sign is for marketing purpose and we would seek variance to the height to allow for the needed sign area for exposure. Besides, due to setback requirement, the sign is being proposed at a location behind a berm. Therefore, we are proposing extra height so that so that the sign could be viewed over the berm.

#### 2. Variance on location

The proposed sign will be installed on an un-occupied lot among other occupied lots in that subdivision. In this regard, we also seek permission to erect this sign on this lot.

#### 3. Variance on setback

The proposed setback from property line is at 2m. This sign was erected before without the benefit of a permit and was ordered to be removed. Back then, the sign was believed to be erected within public property. This time, we are proposing a setback at 2m and we seek variance to current bylaw requirement on setback to allow for a 2m setback. We believe a 2m setback will allow for the sign not being situated too closed to the back of the house on the lot and those on neighboring lots.

4. Variance on off site location

We choose this location to erect our sign because of its marketing potential. Even though the sign is marketing an off site property, the property that the sign is marketing is owned by another subsidiary company of the same owner that owns the land on which the sign is being proposed. Beside, both properties are in close proximity of each other. We will have legitimate permission to and from each owner of both properties and there would not be any liability issue arising between these 2 companies. As such, we believe this variance is minor.

In addition, this sign is only erected temporarily for the span of the marketing of the site. This sign will be removed when marketing is finish. We sincerely hope that your Department will be compassionate to our hardship in compliance as we are trying to balance what is allowed by the Bylaw and what will actually serve our purpose, and share our view that our requested variances are minor in nature.

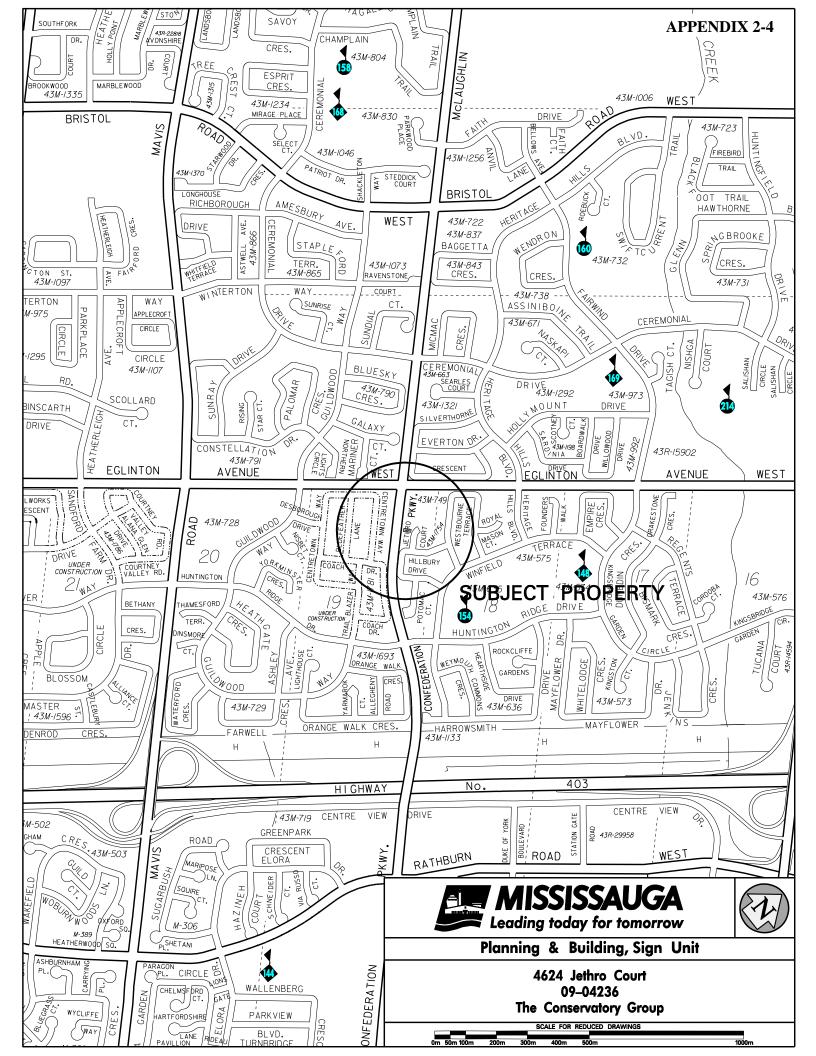
Please feel free to contact me at (905) 477 7609 x2232, or on my cell (416) 356 7527, or by email to tommy chang@conservatorygroup.com if you have any concern.

Thank you very much for your attention

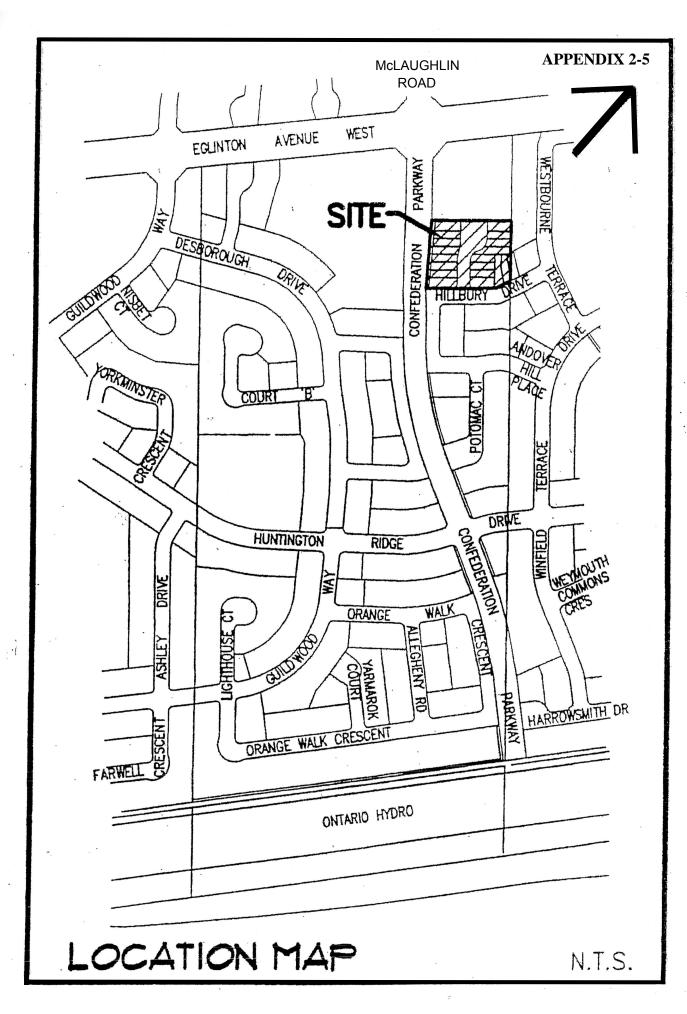
Regards,

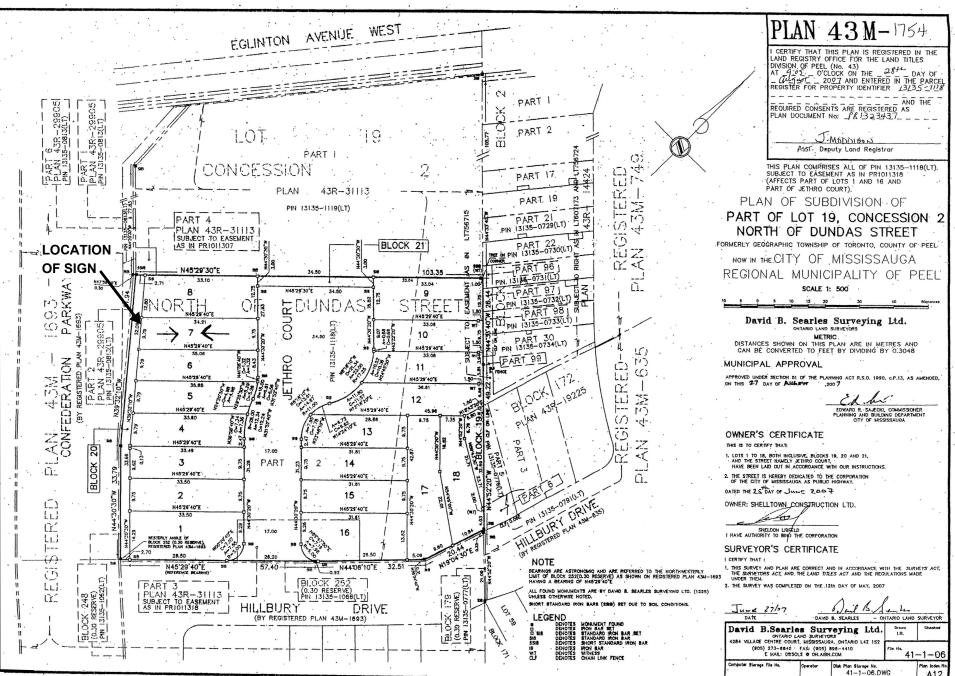
Tommy Chang

Planning & Development

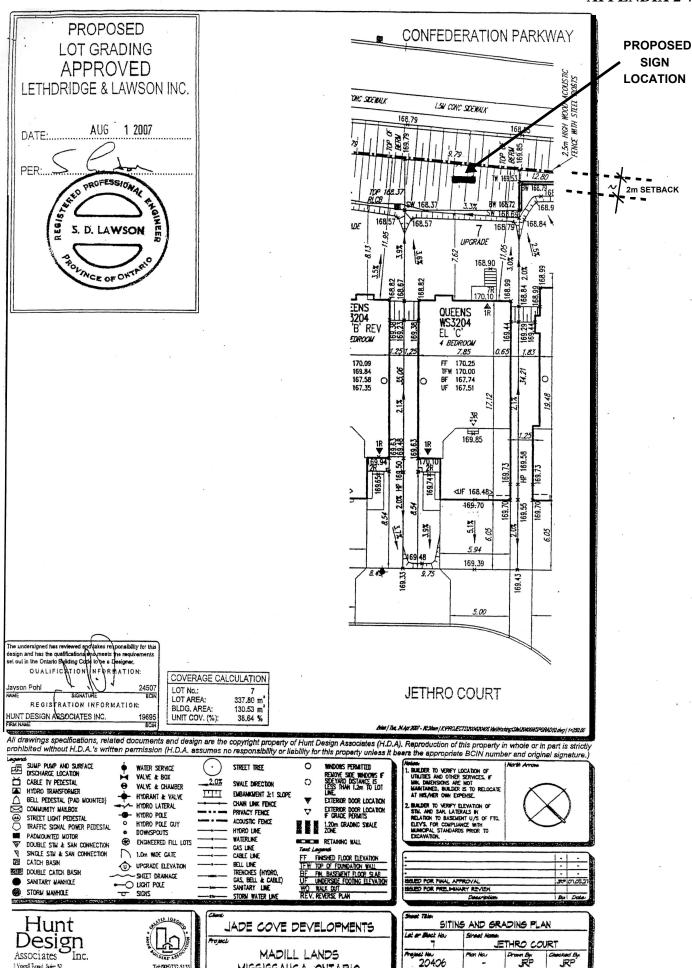


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JRP



MISSISSAUGA ONTARIO

3 Vingell Road, Suits 52

Tet(905)737-5133





4' DIAMETER (x1)





## SIGN VARIANCE APPLICATION REPORT Planning and Building Department

September 29, 2009

**FILE:** 09-04824

**RE:** A1 Dental Hygiene

1149 Upper River Court -Ward 11

The applicant requests the following variances to sections 4(4) and 4(6) of the Sign By-law 0054-2002, as amended.

Section 4(4)	Proposed
Except for an official sign or a sign expressly	One (1) sign located on the road allowance of
permitted in the By-law, no sign is permitted	Old Derry Rd. W.
on a city road allowance.	
Section 4(6)	Proposed
Any sign not expressly permitted by the	One (1) portable sign located on the road
By-law is prohibited.	allowance advertising a business.

#### **COMMENTS:**

A-1 Dental Hygiene is located at the end of Upper River Court. The variance is for one (1) permanent portable sign on the municipal road allowance of Old Derry Road and not adjacent to the business.

The Sign By-law has a specific section on portable signs (Section 23) which are considered temporary. It specifies that all portable signs are to be located completely on private lands and can be erected for only twenty-one days at a time. It also specifies the number of portable signs that can be issued for each business per year.

In this regard, the Planning and Building Department finds the proposed variance is not within the intent of the Sign By-law and would set precedents for other portable signs to be displayed as permanent signs and located on the municipal road allowance. Lisa Zincone 1149 Upper River Court Mississauga, Ontario. L5W 1C2 905 795-0088

To whom it may concern:

My name is Lisa Zincone and I reside at 1149 Upper River Court. In September 2008, I was granted permission to establish a dental hygiene office out of my home. (see attached verification)

Since opening in January 2009, I find it difficult to let the public know of my location due to shape of my lot.

I would like to give a brief explanation as to how the shape of my lot was derived in 2001,

We purchased Lot 10 concession 3 in 1989, which was designated as 1140 Derry Road West. In 1996 we had a desire to sever our lot and build our dreamhouse. After several months of negotiations with the city, we agreed to dedicate the front portion of the land to the city for a storm retention pond. We would have liked to have kept the driveway facing Derry Rd and our then current address of 1140 Derry Rd West. The city was firm on us relocating our driveway as well as an address change. We then had to go back to the architect and revise our house plans as we could no longer use the current one that would have allowed us to use the Derry Road entrance. There was no offering of money from the city for the revisions and dedication of the 0.75 of an acre (approx) At this time, the Dental Hygiene Act was not passed and I was not able to open up an independent dental hygiene clinic but had hoped to go this route one day.

That day has fortunately come, but as a result of this severnce, my business has faced a hardship as there is no sign visibility from anywhere other than the end of my new driveway which is in the corner of a very small private court.

I do realize that Meadowvale Village has a unique charm and that there are strict signage laws in residential zones.

I would like to place a sidewalk sign on the municipal boulevard of Old Derry Rd. approximately where my old driveway was. The sign will be placed only on the business days of operation. The sidewalk sign will be tasteful in design keeping up with the character of the village. I would display this sign only of days of operation .I also feel that due to the location of the houses there will not be a direct disturbance to anyone as the sign is next to a conservation area that will not be developed in the future.

Thank you for taking the time to read my proposal for this minor variance.

Sincerely, Lisa Zincone

File: "A" 290/08 WARD 11

Accordingly, the Committee resolves to authorize and grant the request, subject to the following conditions:

1. The hours of operation shall be limited to:

Monday – 9:00am to 9:00pm, Friday – 9:00am to 3:00pm; and, Alternating Saturdays – 9:00am to 3:00pm

2. This decision is personal to "Lisa Zincone" and shall be in effect so long as the subject premises are owned and/or occupied by same.

Application Approved, temporarily, on conditions as stated.

MOVED BY: G. Maloney

SECONDED BY: B. Butt

CARRIED

Dated at the City of Mississauga on August 21, 2008.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 10, 2008**.

Date of mailing is August 25, 2008.

S. PATRIZIO

(DISSENTED)

R. BENNETT

D. GEORGE (CHAIR)

B. BUTT

C MALONEY

\ /I INI

(DISSENTED)

C.L. VUN

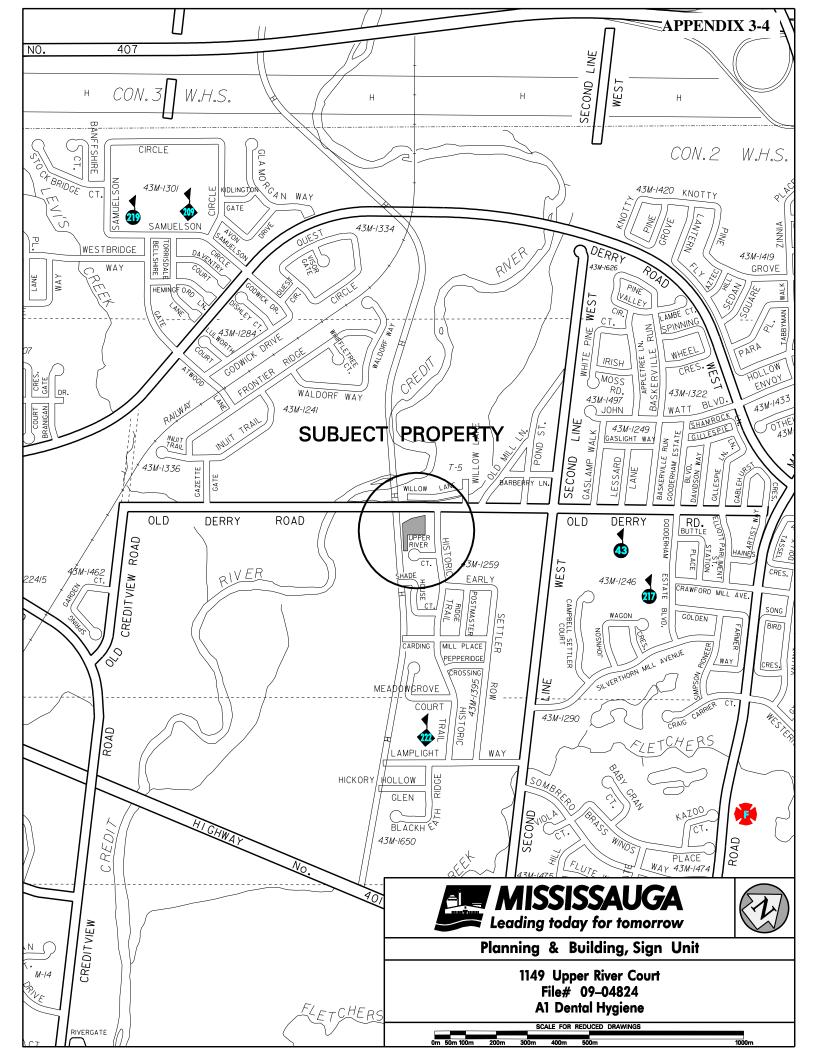
J. THOMAS

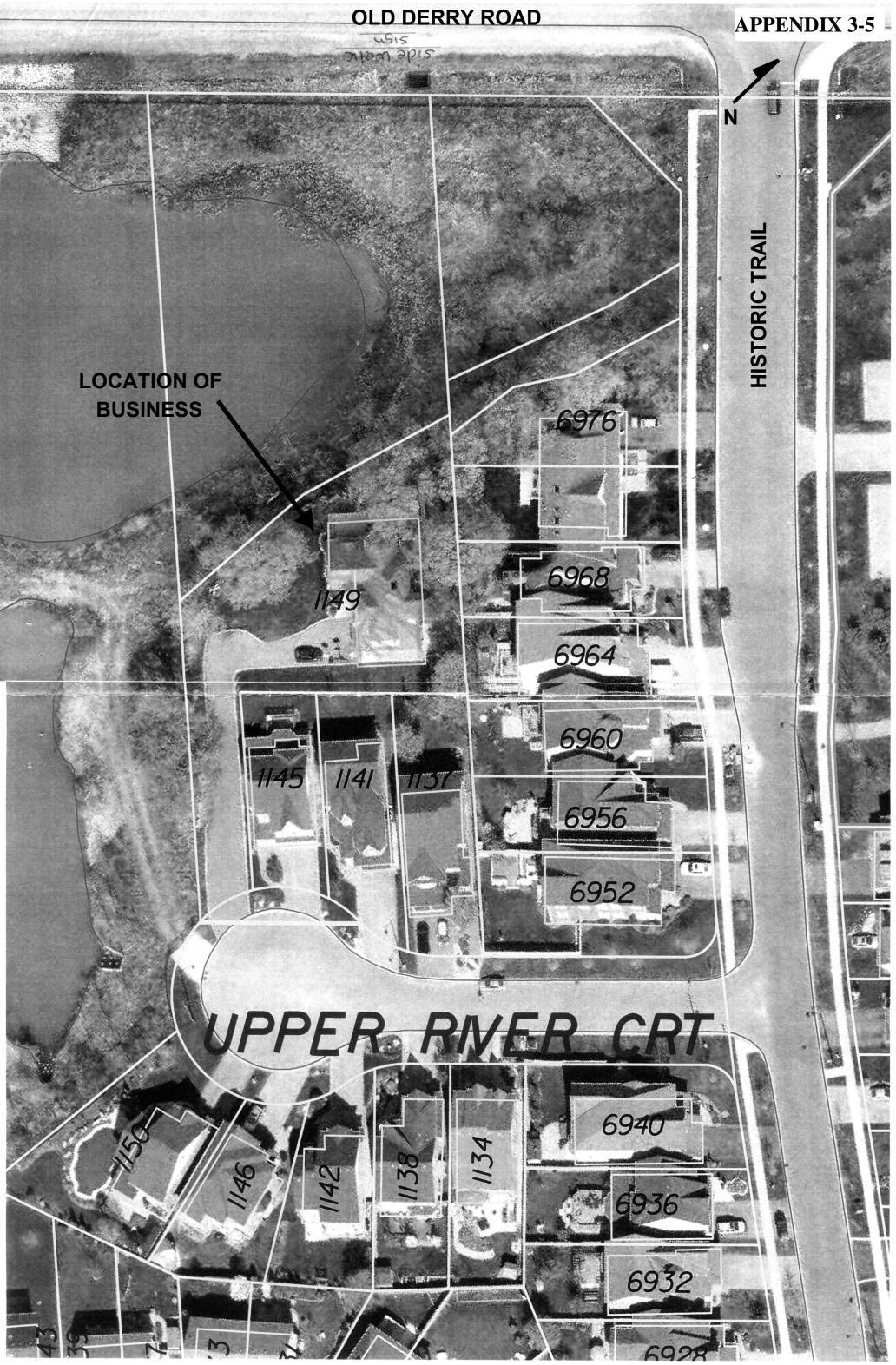
I certify this to be a true copy of the Committee's decision given on August 21, 2008.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached. **NOTES**:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.







51"

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A-Frame Signs: Iron Display, 20" x 30" Poster Area



- Heavy-duty iron construction
- Magnetic lens to protect posters
- · Frame folds flat for storage
- Attached Blank Header

These iron A-frame signs are a hit all across Europe and are up and coming in the US! Their strong, sturdy designs make these sidewalk signs nearly indestructible. Fabricated from heavy-duty iron, the A-frame signs are powder coated for additional durability. These iron A-frame signs, which are portable signs, are hinged so that the frame folds flat for storage or transportation. Buy these A-frame signs to hold your 20" x 30" advertising posters!



A-frame signs are sidewalk signs that help you gain awareness from passing customers at businesses, typically in outdoor

environments. Because they are constructed from iron, these sign frames enough to stay put in windy weather. As with all outdoor portable signs, to A-frame signs can be left outside with discretion; they are not intended to severe weather conditions.

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The iron A-frame signs feature two poster holders, one on each side. To posters into the sign frames, simply pull the magnetic lens forward, place underneath, and replace the PVC cover. We sell these A-frame signs witl stripping around the edges of the overlay that will keep your poster secur prevent most moisture and elements from ruining the poster. Please note magnetic stripping covers ½" of viewing area on all sides. Sign frames, si A-frame signs also have a semi-circle header area at the top on both side header is blank; you can either tape a sign to this area, or have a local screate a vinyl sign for it.

**Overall Dimensions** 

(A-board frame when open): 22-1/2" w x 51" h x 33-1/2" d

Viewable Poster Area: 20"w x 30"h

Header Area: 20" diameter, 11 1/4" from highest point

Quantity in Stock: 52