



**TOWN OF MARKHAM  
REPORT TO DEVELOPMENT SERVICES  
COMMITTEE**

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**TO:** Mayor and Members of Council

**FROM:** Jim Baird, Commissioner of Development Services  
John Wright, Director of Building Standards

**PREPARED BY:** Elvio Valente, Zoning Supervisor

**DATE OF MEETING:** April 4, 2006

**SUBJECT:** Ground Sign Variance  
Forest Bay Homes Ltd.  
7330 Markham Road  
Application # 05-013949

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**RECOMMENDATION:**

THAT the ground sign variance, application # 05-013949, submitted by Forest Bay Homes Ltd., BE DENIED.

**BACKGROUND:**

A sign variance report came before Development Services on March 7, 2006. Committee deferred the variance so that staff could consult further with the applicant. The proposed option was to "trade" signage rights on Denison Street for a second sign along Markham Road. The applicant outlines their position in the attached letter.

There were also questions raised at Development Services Committee with regards to traffic flow and identification of driveways.

**OPTIONS/DISCUSSION:**

Staff consulted with the applicant and advised that the proposal to eliminate signage along Denison Street and to permit the second sign on Markham Road could not be supported for the following reasons:

1. There are other ways to achieve better visibility that comply with the Sign By-law.
2. If approved, the precedent set by the proposal would have the effect of proliferating signage on major roads at intersections.

The Sign By-law permits two directional signs per entrance. They can be 0.75m<sup>2</sup> (8 square feet) each and can include their corporate logos on them. These signs can help direct traffic by identifying the separate driveways for Tim Hortons and Petro-Canada.

Interior directional signs are also permitted to help direct traffic.

Tim Hortons also has the ability to erect wall signs on both the north and south elevations of the building which will also help visibility.

Design staff has advised the Building Department that the trellis feature was always contemplated as an entry feature and that the applicant was aware that any signs on the corner would have to be located on either side of the trellis. Design staff consulted with the Building Department to confirm provisions of the by-law during site plan approval and the applicant was made aware of them.

Allowing such a variance would also set a precedent for all corner lots to request that they be allowed to remove their signs on the less traveled street and erect a second sign on the busier street frontage. This would concentrate a proliferation of signs at intersections.

Furthermore, a bylaw amendment prohibiting a ground sign on Denison Street would be required to effect the applicant's proposal. Such site-specific amendments present significant administration and enforcement difficulties.

Therefore the Building Department recommends that the ground sign variance be denied.

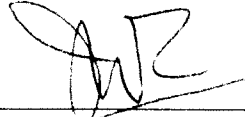

#### **INTER DEPARTMENTAL IMPLICATIONS:**

The By-law Enforcement and Licensing Department is responsible for the inspection and enforcement of the Sign By-law.

#### **ATTACHMENTS:**

Figure 1 – Original March 7, 2006 Sign Variance Report

Figure 2 – Letter From Applicant

  
\_\_\_\_\_  
John Wright,  
Director of Building Standards  
\_\_\_\_\_  
Jim Baird,  
Commissioner of Development  
Services

**FIGURE 1 – Original March 7, 2006 Sign Variance Report**

**FIGURE 2 – Letter From Applicant**

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Application # 05-013949

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**RECOMMENDATION:**

THAT the ground sign variance, application # 05-013949, submitted by Forest Bay Homes Ltd., BE DENIED.

**BACKGROUND:**

The subject property is located at the northwest corner of Markham Road and Denison Street, in a CA-Community Amenity zone, under By-law 90-81, as amended. The property contains a Petro-Canada gas bar and a Tim Hortons restaurant. The applicant is seeking permission to erect a second ground sign along the Markham Road frontage, whereas the sign by-law permits a maximum of one ground sign per street frontage. A permit has also been issued for a ground sign, located along the Denison Street frontage, which has not been erected as of February 16, 2006.

The sign does not comply with By-Law 2002-94, as amended, in the following way:

Sign By-Law Section and Requirements	Applicant's Proposal	Required Variance
(1) Section 5.3.9. A maximum of one ground sign is permitted per street frontage.	Two ground signs along the Markham Road frontage, in addition to one along Denison Street.	To permit two ground signs along the Markham Road frontage.

## OPTIONS/DISCUSSION:

According to the Sign By-law, when considering an application for a variance the Development Services Committee and Council shall have regard for:

- (a) *Special circumstances or conditions applying to the land, building or use referred to in the application:*

It is the opinion of staff that there are no special conditions or circumstances present on this site. The subject property is located at the intersection of two major streets; therefore additional signage is not required to advertise these uses. The property is currently permitted to have two ground signs, one along Denison Street and the other along the Markham Road frontage. The variance, as requested, is for an additional ground sign along Markham Road. The Petro-Canada has already been issued fourteen (14) other signs, including wall and canopy signs along the façade of the building, and the Tim Horton's has been issued two menu boards and a wall sign.

There are several properties throughout the Town of Markham where gas bars and commercial uses are located on the same property and occupy the same ground sign, having a maximum size of 6.0m<sup>2</sup> and a maximum height of 7.5m. The applicant was advised during the Site Plan Approval process that two ground signs along Markham Road would not be permitted. Multi-tenant commercial buildings within the Town must comply with the same ground sign provisions regardless of the number of tenants. Therefore it cannot be proved that there is a need for two tenants to be permitted two separate signs on the same street frontage. The applicant is suggesting that if the properties were severed the additional ground sign would be permitted under the sign By-law. However the purpose and intent of the By-law is to regulate signs in the Town of Markham with the intent of authorizing signs that are appropriate in size and number to the type of activity or use to which they pertain, and the overall visibility and existing signage is felt to be appropriate. The two signs permitted by the by-law could accommodate Tim Horton's messaging without the need for a third independent ground sign. The applicant has not demonstrated that there are any special circumstances or conditions applying to the lands that would necessitate an additional sign.

- (b) *Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law:*

As noted above, it is the opinion of staff that the amount of signage permitted under the by-law is adequate to suit the needs of the applicant and the tenants. The building can accommodate signs on the north and south elevations in compliance with the by-law that will offer more exposure without having to erect a second ground sign on Markham Road.

MARCH 7, 2006

- (c) *Whether such special circumstances or conditions are pre-existing and not created by the owner or applicant:*

There are no pre-existing circumstances or conditions that would support the approval of this variance.

- (d) *Whether the sign that is the subject of the variance will alter the essential character of the area:*

The site is located at the intersection of Markham Road and Denison Street (Region of York arterial road and Town of Markham major collector road). These two major streets will allow the public reasonable and appropriate means to locate and identify both services without difficulty and confusion and this can be done without the need of an additional sign. There have been no other sign variances in this area to permit additional signs and an approval of this type of variance would encourage and set a precedent for this situation to occur throughout the Town.

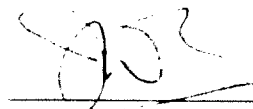
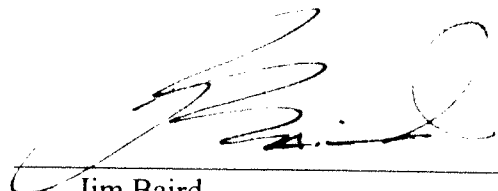
Therefore the Building Department recommends that the ground sign variance be denied.

#### **INTER DEPARTMENTAL IMPLICATIONS:**

The By-law Enforcement and Licensing Department is responsible for the inspection and enforcement of the Sign By-law.

#### **ATTACHMENTS:**

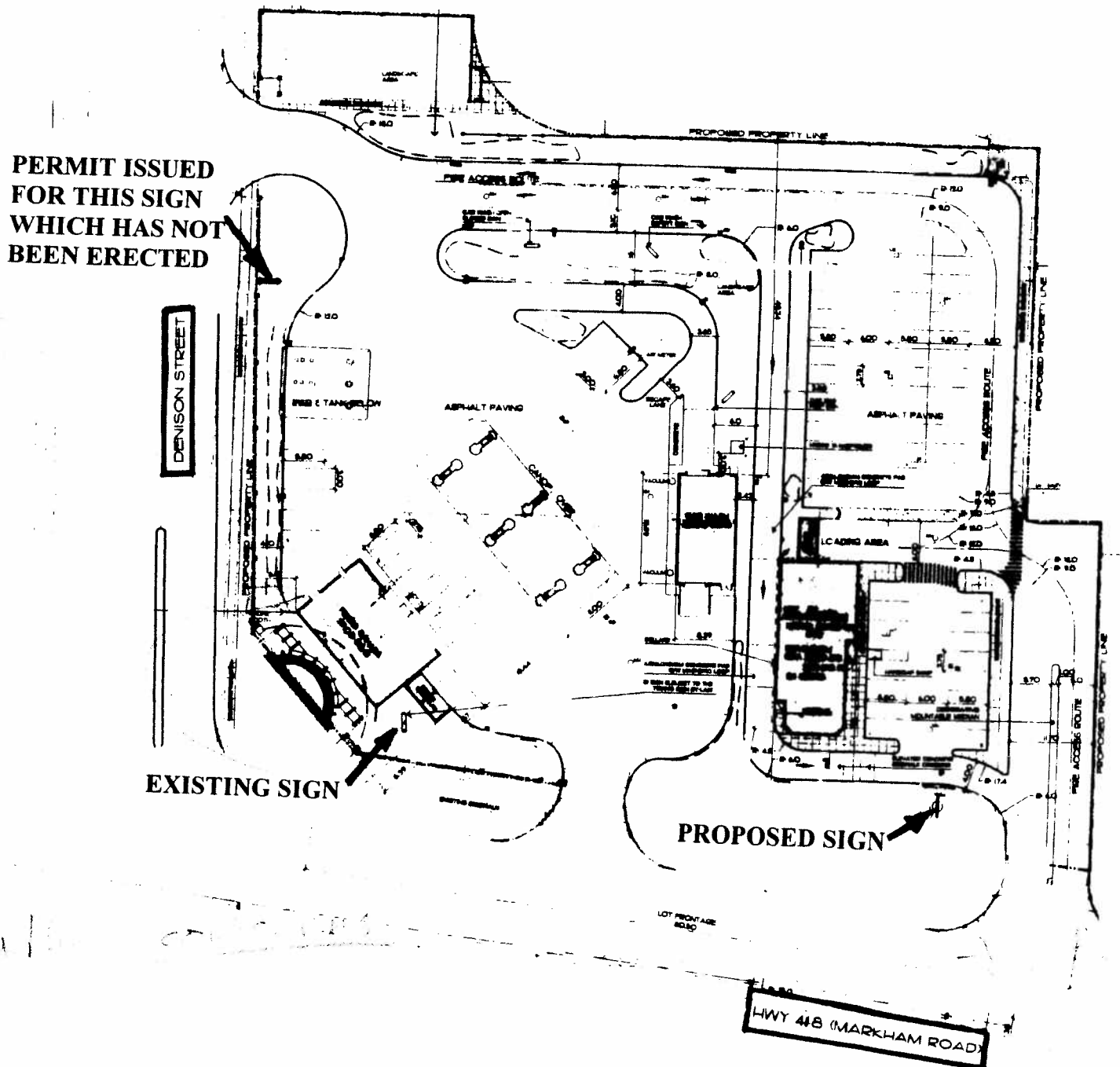
- Figure 1 - Applicant
- Figure 2 - Site Location
- Figure 3 - Proposed Ground Sign
- Figure 4 - Photographs

  
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John Wright,  
Director of Building Standards  
\_\_\_\_\_  
Jim Baird,  
Commissioner of Development  
Services

**FIGURE 1 - Applicant**

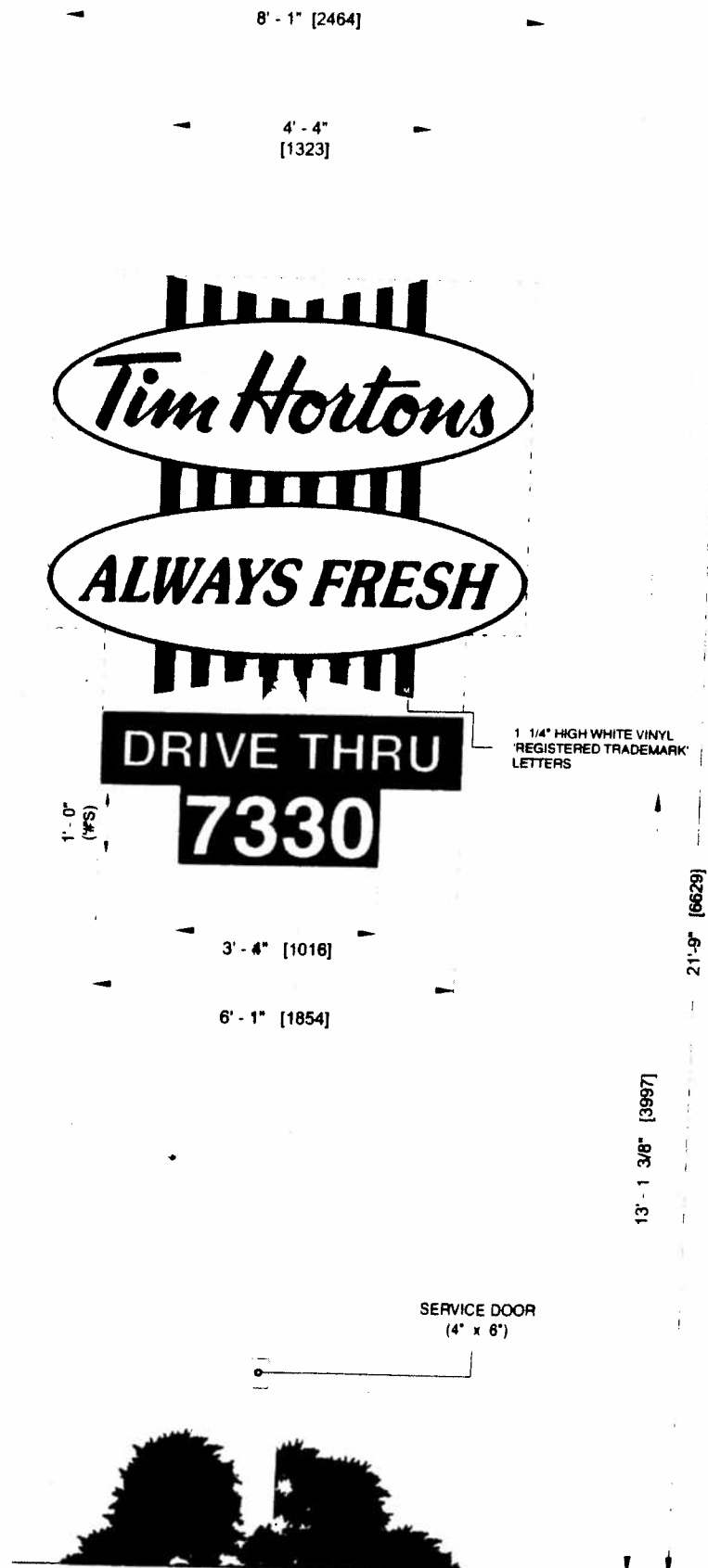
Tae Ryuck  
Armstrong Goldberg Hunter  
2171 Avenue Road, Suite 301  
Toronto, ON  
M5M 4B4

**FIGURE 2 - Site Location**



MARCH 7, 2006

FIGURE 3 – Proposed sign



**FIGURE 4 - Photographs**



**Facing south on Markham Road**



**Facing north on Markham Road**



**ARMSTRONG  
HUNTER**  
& Associates

**FIGURE 2 – Letter From Applicant**

March 21, 2006

Town of Markham  
Building Department  
101 Town Centre Boulevard  
Markham ON L3R 9W3

Attn: Mr. Elvio Valente  
Supervisor, Zoning

**Re: Proposed Sign Variance  
Northwest Corner of Markham Road and Denison Street  
7310 & 7314 Markham Road**

Further to the Development Services Committee meeting held on March 7, 2006, we have met with our client, Tim Horton's, to review the issues raised at the meeting.

At the meeting, the Committee considered the impact of the corner trellis feature on the efficient placement of a single sign, the possibility of a severance which would allow a second sign, and the possible trade-off of the permitted sign on Denison Street and resolved to defer the application for the ground sign variance to allow staff and the applicant time to consider alternate signage arrangements. We wish to confirm that our client has agreed not to install the permitted ground sign on Denison Street and wish to proceed with the variance application for the Markham Road ground sign.

Deleting the sign permitted for Denison Street and installing the proposed sign subject of the variance application would result in 2 ground signs for the subject property which is the number of signs that would be permitted by Sign Bylaw 2002-94, as amended, for the subject property (Clause 5.3.9 permits a maximum of one ground sign per street frontage unless otherwise specifically permitted elsewhere in the bylaw). In addition, the 2 ground signs on Markham Road would meet clause 5.3.8 of Bylaw 2002-94 where it is required that no ground sign be located within 45 metres of another ground sign on the same lot. Another property having characteristics similar to the subject property, with the exception of being an interior lot rather than a corner lot such as the subject property would be permitted 2 ground signs on Markham Road. It appears that the intent of Bylaw 2002-94 is to reduce the visual impact of commercial signage by ensuring that there be at least 45 metres between ground signs. The proposed sign variance application meets this intent. In addition, our client is prepared to ensure that visual impact of signage is further reduced by agreeing not to install the permitted ground sign on Denison Street.

As you may recall the addition at the corner of Denison Street and Markham Road of the trellis feature, at significant expense to my client, required the relocation of the Petro Canada sign from the Denison corner, where it is permitted, to the Markham Road frontage, where while it is permitted caused issue with the Tim Horton's signage. Had our client known that the trellis and relocation of the sign from the corner to Markham Road would have jeopardized the Tim Horton's sign proposed for Markham Road, the client would not likely have agreed to the trellis feature. With this said we believe the trellis feature adds to the aesthetic appeal of the corner and Markham Road streetscape and would like to see it remain in this location.

# ARMSTRONG HUNTER

& Associates

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As such we respectfully request that staff bring forward a recommendation report to the April 4, 2006, Development Services Committee meeting for consideration. We would ask that this date be confirmed, and that we be permitted to make a deputation, if required, to address the application.

We trust that the above is satisfactory. If you require any additional information please contact the undersigned at (416) 576-8740.

Yours very truly,

ARMSTRONG HUNTER & Associates



Deborah M. Wyllie, MCIP, RPP  
Planner

cc: Councillor Khalid Usman  
Dave de Sylva  
Corey Leibel  
Robert Battiston



## BY-LAW 2006-

A by-law to amend Sign By-law 2002-94, as amended

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WHEREAS pursuant to Section s 11(1).7 + 99 of the Municipal Act S.O. 2001 c.25, as amended, authority is given to the municipal council to pass a by-law to regulate or prohibit signs and other advertising devices.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

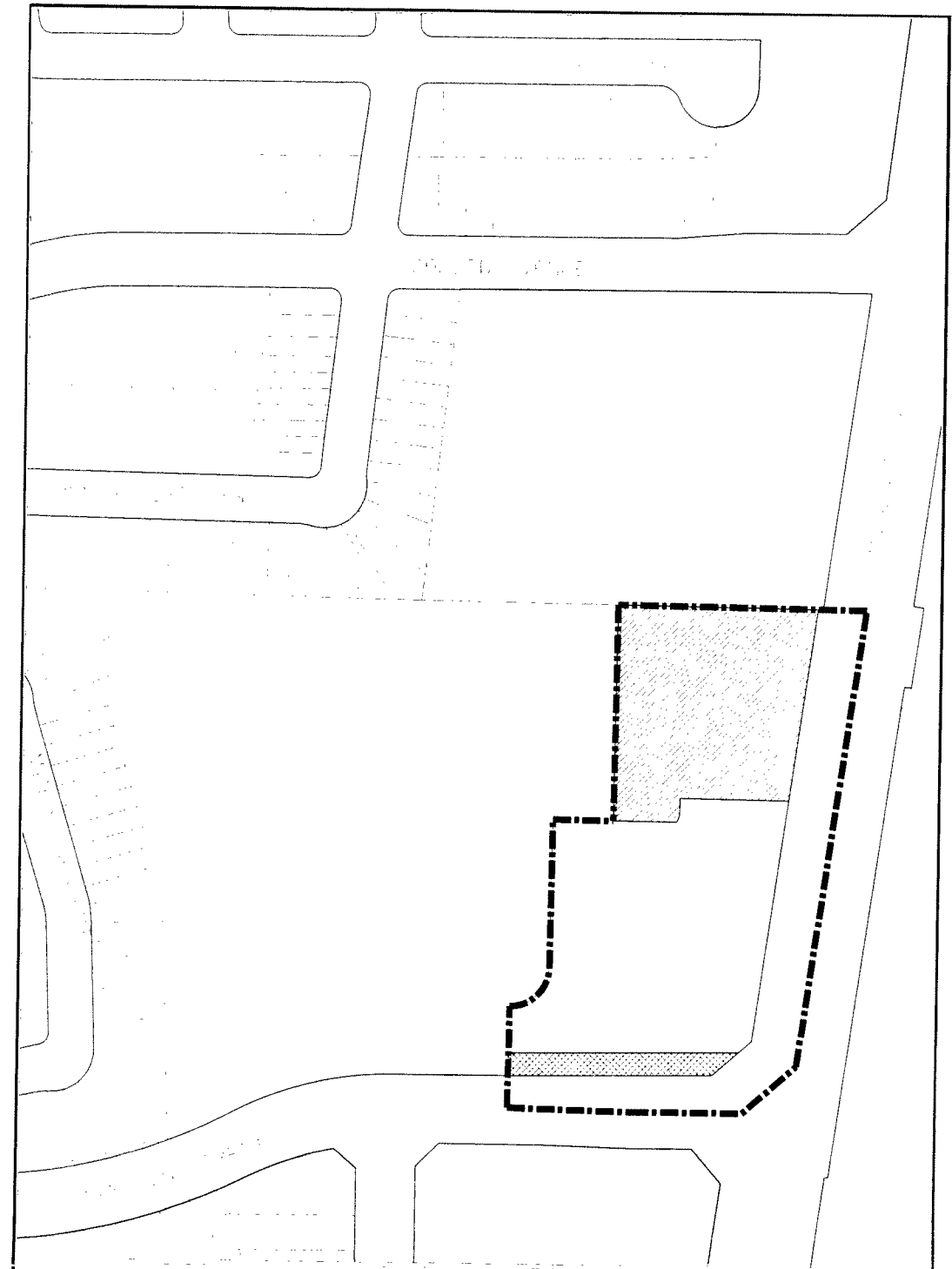
1. By-law 2002-94, as amended, be and same is hereby further amended as follows:
  - 1.1 By adding the following exception to Section 18 EXCEPTIONS:

“18.3 Notwithstanding Section 5.3.10, a second ground sign shall be permitted along the Markham Road frontage subject to the following:
    - (a) No two signs shall be setback less than 45 metres from each other.
    - (b) No ground sign is permitted along the Denison Road frontage.
    - (c) No ground sign is permitted on the parcel of land immediately to the north as outlined on Schedule A to this by-law.”;
  - 1.2 By adding Schedule A attached to this by-law, as Schedule K to By-law 2002-94.
2. All other provisions of By-law 2002-94, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST SECOND AND THIRD TIME AND PASSED THIS DAY OF

\_\_\_\_\_  
SHEILA BIRRELL, TOWN CLERK

\_\_\_\_\_  
DON COUSENS, MAYOR



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 2002-94 SCHEDULE 'K'

- BOUNDARY OF AREA COVERED BY THIS BY-LAW
- NO GROUND SIGN PERMITTED ALONG MARKHAM ROAD
- NO GROUND SIGN PERMITTED ALONG DENISON STREET

THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY .....

..... MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1: 2200