

MANAGEMENT REPORT

Date: May 23, 2023
To: Planning and Heritage Sub-committee
From: Kelton Frey - Municipal Law Enforcement Officer
Report #: PLA23-008
Attachments: Sign Permit Application Drawings;
Letter Correspondence 35 Waterloo Street;
August 8, 2022 Council Minutes;
June 13, 2022 Planning and Heritage Committee Minutes;
Management Report PLA22-027;
June 14, 2022 Heritage Stratford Advisory Committee Minutes.

Title: Proposed Exemption from Sign By-law 159-2004, 35 Waterloo Street North

Objective: To consider an exemption to the City of Stratford's Sign By-law 159-2004 at 35 Waterloo Street North.

Background: Staff were contacted by the owners of 35 Waterloo Street North regarding installing signage on the fence at the same property. The variance application request is to allow five additional permanent sign frames to be placed on the fence facing Waterloo Street North, Elizabeth Street, and William Street. Under Sign By-law 159-2004, these signs are classified as ground signs. All ground signs measuring over 1.6 m in height above grade need to be signed and sealed by a Professional Engineer registered to practice in Ontario. If the signs are approved, drawings will be requested that are stamped by an engineer. Such drawings have not been submitted to date.

Through the site plan and surveys provided to Staff, it has been determined that the fence currently installed at 35 Waterloo Street North is on City property. The fence requires an encroachment agreement with the City or the removal and re-installation of the fence on the applicant's property. The applicants have applied for an encroachment, and the application is with the City Clerks Office. The encroachment application is being held until the outcome of this variance is established to determine the extent of the encroachment.

This variance is to allow five new ground (fence) signs on a residential property. In the R2(1)-15 residential zone where this property is located, only one address ground sign

is permitted. There is currently one address ground sign already erected on the property.

In 2012 a Variance application was received to expand the surface area to the existing ground sign on the property. Minutes from 2012 indicate that Heritage Stratford at the time raised concerns about the proposed signs and that discussion focused on concerns the proposed size and the placement of the sign. The final outcome was a sign that did not change in size, and permitted the tenants names to be included in the middle of the sign as displayed onsite to date.

With the current proposal, four out of five proposed signs will be encroaching on City property per the site plan and survey provided by the applicant (attached).

Section 25.0 (ii) of the Sign By-law indicates that neither the maintenance and repair of signs or advertising devices, nor a change in the message displayed, shall be deemed to constitute an alteration. No new permits would be needed when the applicant decides to change the messages of the signs if approved by the City.

An analysis of the sight lines was conducted, and the following pictures / renderings were completed by staff.





Staff prepared report PLA22-015 and presented at the Planning and Heritage Sub-Committee meeting on May 26, 2022. After discussion, the Sub-committee recommended approval of the Sign Variance. At the Planning and Heritage Committee on June 13, 2022, the variance request was referred to the Heritage Stratford Advisory

Committee. The Heritage Stratford Advisory committee adopted the following motion after discussion:

“THAT the Heritage Stratford Advisory Committee supports the granting of an exemption from the Sign By-law 159-2004 at 35 Waterloo Street North, subject to the total number of signs approved being reduced from five (5) to three (3), with one large horizontal sign in the middle and two smaller sized ones on each end.”

Note for clarity – Heritage Stratford’s recommendation is for 3 new signs, 4 total and that the three new signs be placed with one large horizontal sign in the middle and two smaller sized ones on each end.

Discussion at the Heritage Stratford Advisory Committee included a concern with the number and size of the signs. Key points were that the number and size of signs could take away from the heritage building and forecourt. The committee appeared relatively supportive of the signs but would still like a reduction in the size and number of signs.

After the completion of the Heritage Stratford Advisory Committee, Staff reached out to the applicant.

Repeated attempts to discuss alternatives or compromises with the applicant have been met with their very firm communication that they wish to continue with the application as originally presented.

At the August 8, 2022, Council Meeting, the variance application was referred to Staff to consult with the applicant on the matter. Staff spoke with the applicant who advised that their preference was to bring the variance application to the new Council with some added information. The number of signs, size of signs, placement of signs was not changed and the applicant was notified that Staff would continue to recommend the variance be denied. During discussion, the applicant was advised of a plan that Staff would support - that being 2 banner sign permits per year staying up for a period of not more than 30 days and only 1 banner on the property at any given time. The applicant wishes not to deviate from the original proposal, but again to provide more information to Council.

Following consultation with the applicant, Staff received further correspondence that they do not intend to change anything about their application short of offering stronger definition as to what their intentions would be with the respect to the duration and calendar of signage in the 5 sign locations requested. (see attached document). In particular, they do not envision changing anything with respect to the number, manner or location of the sign positions discussed in the spring.

The attached document shows further information provided by the applicant.

Heritage Stratford confirmed during Staff consultation in February of 2023, that they would still support a request for three new signs.

Analysis: Although the signs do not appear to affect the sight lines at the adjacent intersections, the installation of these signs would set a precedent for number and size of signage installed in a residential area. If the signs are permitted, the applicant would need to enter into an encroachment agreement for each of the signs as well as the encroachment of the fence area on municipal property.

In attempt to establish a comparable example of a similar site and location, staff suggest the institutional building at the southeast corner of Waterloo Street and Cobourg Street. These properties have similar use, are located on a collector road, but one is zoned Commercial (C3) and 35 Waterloo Street is zoned Residential (R2-15). If the commercial zoning were to be applied to 35 Waterloo Street, they would be permitted one sign on William Street, two signs on Waterloo Street and one sign on Elizabeth Street. Since there is an existing sign, this approach would limit what is approved to three new signs – the compromise that staff had previously proposed.

The applicant also enquired about artwork attached to the fence. In accordance with the Sign By-law, the artwork would not be considered a sign, provided that there is no advertising of a business within the artwork.

Staff are not supportive of the exemptions as they do not adhere to the Sign By-law, some signs would be located on City property and would require an encroachment agreement, and acceptance of the exemption request could influence future applications that are not in compliance with the Sign By-law. However, should Council choose to grant the exemptions, an option has been identified for consideration.

Based on consultation with the Heritage Stratford Committee and the Applicant, there would appear to be three options.

Option 1 – Staff Recommendation. That the sign variance for five additional ground signs located on municipal property adjacent to 35 Waterloo Street North be denied as the signs are not located on the applicant's property and the signs proposed exceed the number and size of a permitted sign in the Sign By-law for a residential zone.

Option 2 – Exception be made to the Sign By-law based on consultation with the Heritage Stratford Committee. "That the Heritage Stratford Advisory Committee supports the granting of an exemption from the Sign By-law 159-2004 at 35 Waterloo Street North, subject to the total number of signs approved being reduced from five (5) to three new (3), with one large horizontal sign in the middle and two smaller sized ones on each end."

Option 3 – Applicants Request. "That the sign variance for five additional ground signs located on municipal property adjacent to 35 Waterloo Street North be approved, provided the applicant enters into an encroachment agreement with the City for the

signs and fence installed on City property and that proper design documents are provided with the sign permit application.”

Financial Implications: There are no financial implications for any of the three options identified.

Alignment with Strategic Priorities

Strengthening our Plans, Strategies and Partnerships

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

Developing our Resources

Optimizing Stratford’s physical assets and digital resources. Planning a sustainable future for Stratford’s resources and environment.

Widening our Economic Opportunities

Strengthening Stratford’s economy by developing, attracting and retaining a diversity of businesses and talent.

Alignment with One Planet Principles:

Equity and Local Economy

Creating safe, equitable places to live and work which support local prosperity and international fair trade.

Staff Recommendation: THAT the sign variance for five additional ground signs located on municipal property adjacent to 35 Waterloo Street North be denied as the signs are not located on the applicant’s property and the signs proposed exceed the number and size of a permitted sign in accordance with the Sign By-law for a residential zone.

Prepared by:	Kelton Frey, Municipal Law Enforcement Officer Jonathan DeWeerd, Chief Building Official
Recommended by:	Taylor Crinklaw, Director of Infrastructure and Development Services Joan Thomson, Chief Administrative Officer