

833 Yonge Street (Barrie South GO Station)

Exemption for a Reduced Setback

PATTISON

CLASSIC

DIGITAL

TRANSIT

AIRPORT

Overview of the Proposal

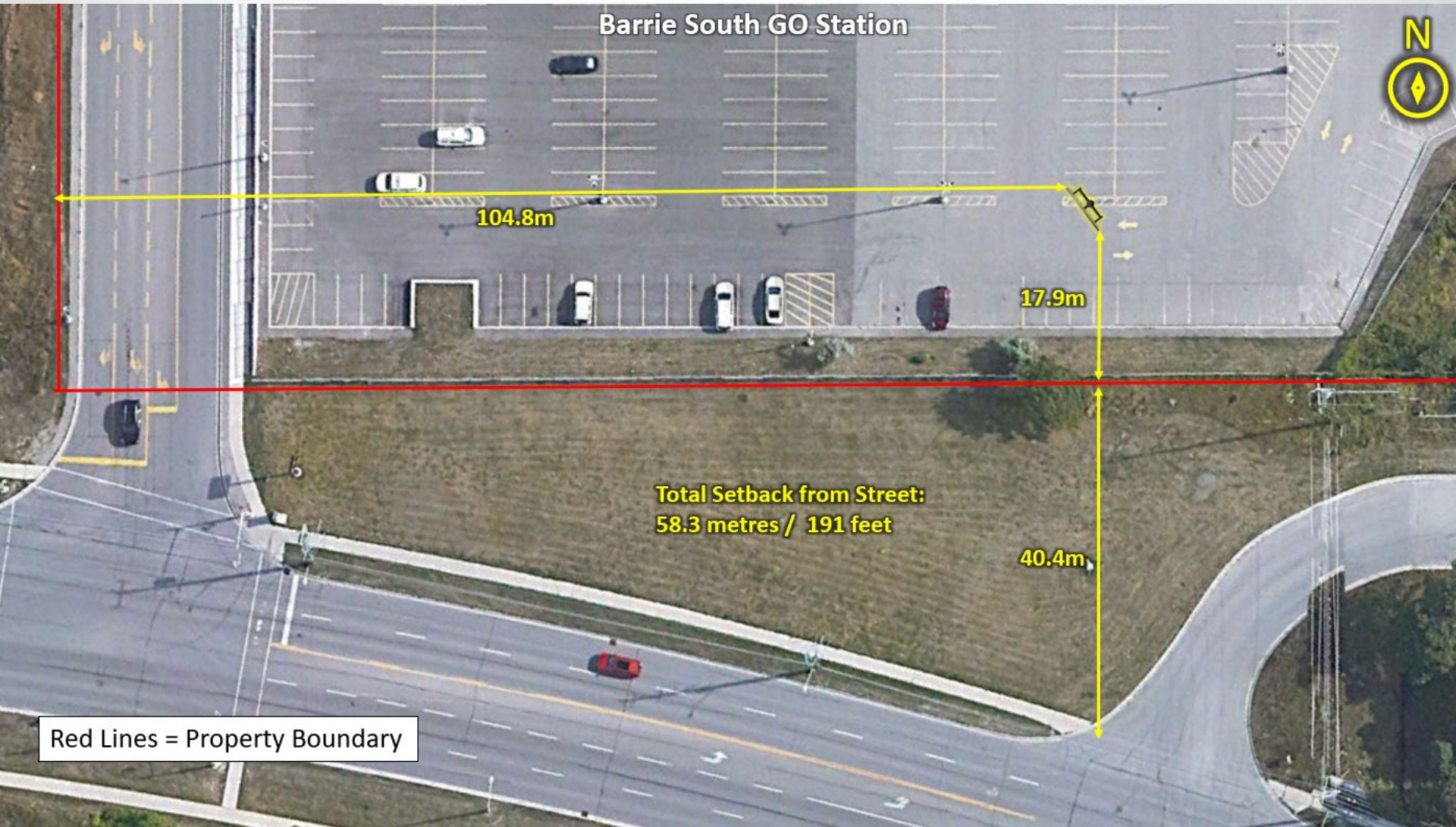
On behalf of Metrolinx, we are requesting your approval for a Sign By-law Exemption for a single-sided ground sign at the Barrie South GO Station. This sign is a crucial component of a comprehensive network, aimed at providing construction updates, public safety messages, commuter service information, and promoting local and national businesses at various Metrolinx stations across Ontario.

A Permit (PMT22-02538) was issued in May 2023 for the construction of this sign, but site-specific conditions warrant a reduced setback. We are seeking approval for a 4.0-metre setback to the street line, where 15 metres is required.

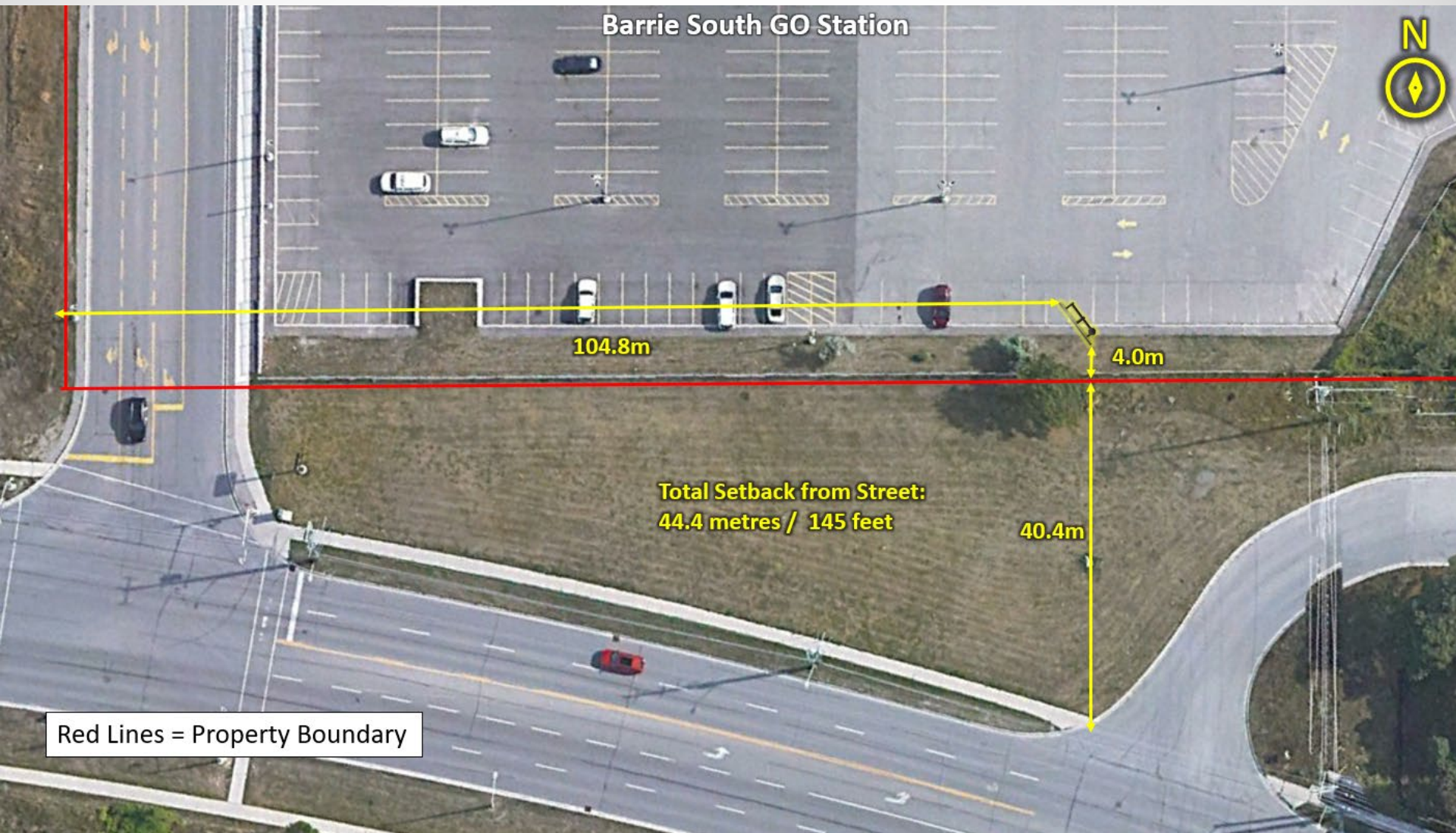
However, we believe a 4-metre setback aligns with the Sign By-law's general intent, and ensures appropriate distancing from the road, due to a 40-metre wide boulevard between the street line and the travelled road. As such, we consider this variance essential due to the unique characteristics of this property.

Furthermore, placing the sign outside the parking area will allow for uninterrupted snow removal, preventing complications with maneuvering around the sign's supporting post. We will also meet or exceed the Ontario Building Code's clearance requirement of 4.25 meters from grade, to allow safe passage under the sign.

Currently Approved Location of the Proposed Sign



Proposed Location of the Proposed Sign



Proposed Location of the Proposed Sign



QUESTIONS?



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Committee / Council Decisions and Setting a Precedent

Legal Opinion provided by Municipal Act expert John Mascarin, of Aird & Berlis

The concern of “setting a precedent” should never be a factor when an item is before Council / Committee. Each decision is intended to be made on its individual merits. In fact, the law states that Council’s discretion is not to be “fettered” prior to making a determination on an application. That would include “fettering” through precedent.

It may be helpful to remind Council that **their decisions are not – and at law cannot be held to be – precedents**. Every application must be assessed on its own merits. Council can make different decisions on similar applications, provided a fair opportunity to be considered on the merits has been provided.

Where staff has indicated that a bad “precedent” will be set, a strong argument can be made that this assertion does not apply in the Municipal Council context and may, in fact, lead Council into an error of law, by believing that its decisions either set or are bound by “precedent”. If each application is not assessed on its own merits, the Council decision would be open to challenge.