
TO: GENERAL COMMITTEE

SUBJECT: REQUEST FOR EXEMPTION FROM SIGN BY-LAW 2018-029 – 60 MAPLEVIEW DRIVE

WARD: 7

PREPARED BY AND KEY CONTACT: J. FORGRAVE, SUPERVISOR OF ENFORCEMENT SERVICES, EXT. 4330

SUBMITTED BY: W. COOKE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES / CITY CLERK

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That notwithstanding section 11.1.11.0.0 to permit third party sign panels to be contained on existing ground signs of Sign By-law 2018-029, the exemption request from Zelinka Priamo Ltd. on behalf of Barrie Lifestyle Inc. and Barrie Lifestyle II Inc. to Sign By-law 2018-029 11.1.11.0.0. at the property municipally known as 60 Mapleview Drive West, Barrie, be approved given that the Farm Boy Grocery Store is located immediately adjacent to 60 Mapleview Drive West on the same commercial block and can be accessed through a fire access lane connecting 436 Bryne Drive with 60 Mapleview Drive West and are under the same ownership.
2. That all other provisions of Sign By-law 2018-029 apply.
3. That as part of the Sign By-law review, staff conduct a holistic review of third party signage as it applies to all sign types.

PURPOSE & BACKGROUND

Report Overview

4. The purpose of this Staff Report is to provide members of General Committee with information and research completed in relation to a request for a permanent exemption to Sign By-law 2018-029 to permit two (2) third party sign panels to be erected on two (2) independent existing ground signs.
5. Staff in Legislative and Court Services, Enforcement Services Branch, received a minor variance request dated June 19, 2023, as a result of an enforcement process that was commenced with the property owner and businesses who had included signage in contravention of the Sign By-law.

Background

6. On March 26, 2018, City Council adopted By-law 2018-029, a By-law of the Corporation of the City of Barrie to regulate advertising devices, including signs. Staff previously prepared a report regarding this matter which was withdrawn at the request of the applicant.

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7. Section 2.1.23.0.0. of City of Barrie By-law 2018-029 states:

“Third Party: advertising which identifies or provides information on goods, products, services or facilities that are not available at the location where the advertising device or signs is located.”
 8. As per City of Barrie By-law 2018-029, “third party” advertising is only permitted on poster panel signs (billboard) which are permitted to be placed on vacant undeveloped lots zoned commercial or industrial and on all lands zoned agricultural.
 9. Section 26.1.0.0.0 of City of Barrie By-law 2018-029 states:

“The Clerk of the Corporation may grant variances to this by-law from time to time as is deemed necessary providing that the variance is minor in nature and such variance does not erode or interfere with the integrity of this by-law”.
 10. Staff in Legislative and Court Services, Enforcement Services Branch, received a minor variance request dated June 19, 2023, as a result of an enforcement process that was commenced with the property owner and businesses who had included signage in contravention of the Sign By-law (see Appendix “D” to Staff Report LCS013-23).
 11. Staff conducted a review of the request and circumstances for both third party signs and concluded the request was not minor in nature given the request did not uphold the integrity of the by-law, and would create a precedence for commercial property owners to request sign variances for third-party advertising opportunities on additional owned properties throughout the City. Based on the review, the property owner was advised that the request was not deemed minor in nature and was beyond the authority of the City Clerk. The property owner requested that the matter be presented to City Council for a permanent exemption.

ANALYSIS

12. Barrie Lifestyle Inc. and Barrie Lifestyle II Inc. are the affiliated owners of three individually addressed commercial establishments; a TD Bank at 60 Mapleview Drive West, Jack Astor’s Restaurant at 70 Mapleview Drive West, and a Wendy’s Restaurant at 450 Bryne Drive. The lands are identified as a single parcel or property (see Appendix “A” to Staff Report LCS013-23).
13. The property at 60 Mapleview Drive West, Barrie, has two (2) legally erected and permitted ground signs that contain numerous advertising panels, albeit only the three (3) businesses on the property are eligible to advertise on these signs. Advertising for establishments not located at the property is not permitted under the Sign By-law.
14. One sign is located at the west entrance to the property off Mapleview Drive West and was erected under a building permit issued in May 1999. At the time of application, the sign contained advertising for Jack Astor’s Restaurant, Wendy’s Restaurant, TD Bank, and Bad Boy Superstore. The advertising for Bad Boy Superstore was third party as the business was located at 42 Caplan Avenue, Barrie, an approximate driving distance of 660 metres from sign to business. See Appendix “B” to Staff Report LCS013-23 for sign location and description.
15. Since the request for an exemption was received and staff completed the review, Bad Boy Superstore declared bankruptcy and as of January 23, 2024, ceased operations at all stores including 42 Caplan Avenue, Barrie. The applicant advised the sign has been removed permanently from the existing ground sign located at the west entrance and therefore no longer forms part of the exemption request.

16. The second sign is located at the southeast corner of the property at the intersection of Mapleview Drive West and Bryne Drive and was erected under a building permit issued in March 2022. When the sign permit application was submitted, the supporting drawings for the proposed ground sign did not include any proposed advertising. This sign currently contains advertising for TD Bank, and Farm Boy, and contains 7 empty panels. Although the properties are owned by the same/affiliated company, the advertising for Farm Boy is deemed to be third party as the business is located at 436 Bryne Drive, Barrie, an approximate driving distance of 200 metres from sign to business. See Appendix "B" to Staff Report LCS013-23 for sign location and description.
17. Enforcement Services reviews Sign Building Permits and had provided comments previously regarding a proposed building permit application which included a ground sign solely for Farm Boy, to be erected on the property of 406 Bryne Drive, which is located to the north of 436 Bryne Drive. Upon verification with the applicant that the ground sign would be third party, it was not approved. See Appendix "C" to Staff Report LCS013-23 for a memorandum to permit file. The applicant resubmitted the application with a proposed sign location on the property of 436 Bryne Drive, which Enforcement staff provided approval as it met the Sign By-law requirements, as submitted.
18. Staff held discussions with the property owners and representatives of the property owners regarding the third-party advertising on several occasions. Staff were advised that Barrie Lifestyle Inc. was the property owner of 60 Mapleview Drive, 436 Bryne Drive, and 406 Bryne Drive, and Barrie Lifestyle II Inc. was the property owner of 42 Caplan Avenue.
19. Based on the unique circumstances of this request staff are recommending the exemption be granted. The nature of the request is unique as there is access to the Farm Boy store from Mapleview Drive through a fire access, and both properties are under the same ownership.
20. There is some concern that this will create a precedence for other exemptions of this nature being requested which could potentially cause an increase in commercial signs throughout the City. However, as the exemption is being recommended on the basis that while the businesses are located on separate properties, they are directly abutting and owned by the same or affiliated property owner, the potential for this circumstance to be replicated is limited. As part of the Sign By-law review that has been requested, staff will review third party signage in a holistic manner as third party requests apply to multiple forms of signage.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

21. There are no environmental or climate change impact matters related to the recommendation.

ALTERNATIVES

22. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could recommend that the exemption from City of Barrie By-law 2018-029 Section 11.1.11.0.0. to permit one (1) existing ground sign at the property municipally known as 60 Mapleview Drive West, Barrie to contain one (1) third party advertising panel for Farm Boy, be denied or deferred pending review of the Sign By-law.

This alternative is available and it would allow for the intent and integrity of the Sign By-law to be maintained until the Sign By-law review can be completed. It has not be recommended as the particular circumstances associated with the location and affiliated ownership appear to be limited.



FINANCIAL

23. There are no financial implications associated with the recommended motion.

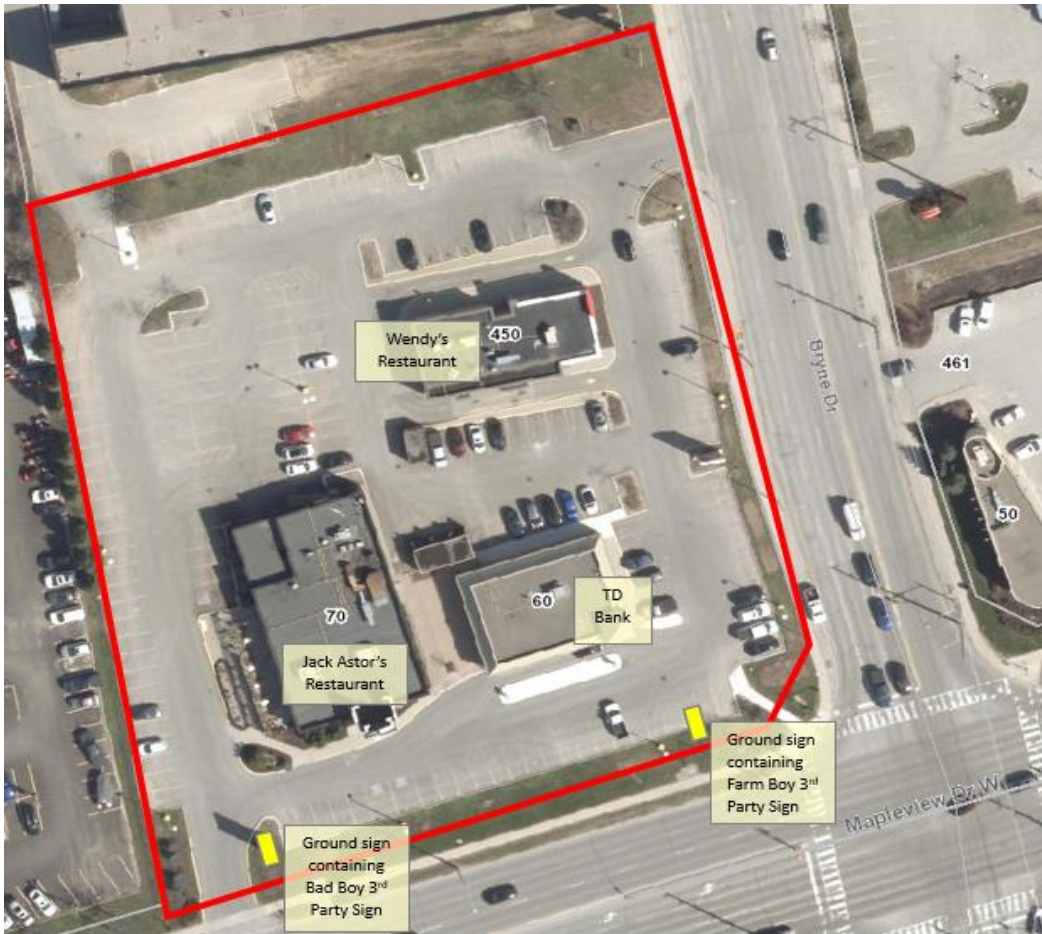
LINKAGE TO 2018-2022 STRATEGIC PLAN

24. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2022-2026 Strategic Plan.

APPENDIX "A" – 60 MAPLEVIEW DRIVE



60 MAPLEVIEW DRIVE WEST, VIEW FROM INTERSECTION AT BRYNE DRIVE



60 MAPLEVIEW DRIVE WEST PROPERTY MAP

APPENDIX "B" – DESCRIPTION OF 3RD PARTY SIGNS AND LOCATIONS



FARM BOY 3RD PARTY SIGN, 60 MAPLEVIEW DRIVE WEST



BAD BOY SUPERSTORE 3RD PARTY SIGN, 60 MAPLEVIEW DRIVE WEST



APPENDIX "C" – ENFORCEMENT SERVICES MEMORANDUM



Enforcement Services Branch
MEMORANDUM

TO: Building Services Department
FROM: Michael Davidson – Municipal Law Enforcement Officer
RE: 436 Bryne Drive - PMT22-00497
DATE: March 25, 2022

To whom it may concern,

This application is not approved due to purposed location of ground sign.

The proposed ground sign is on a different parcel of land (406 Bryne Dr). The By-law does not allow third party advertising.

The proposed ground sign will not exceed 7.5m in height and is required to meet or exceed required setbacks and related regulations which are as follows:


- 1.0m from any City property line.
- 1.5m from any private property line.
- 1.5m from any driveway, aisle or walkway or parking space.
- 1.5 m from any other ground sign located on the same side of the street.
- 6.0m from the private property line where an adjacent lot contains a residential use.
- 3.0m from any fire hydrant, telephone, telegraph or electric wire other than those to illuminate or operate the sign.
- No ground sign shall be located within the sight triangle of a corner lot.

The proposed wall signs do not appear to exceed the finished roofline of the building or will be attached to a parapet wall.

Although not part of this application, it should be noted by the applicant that no signage is permitted on municipal (City of Barrie) lands as per City of Barrie By-law #2018-029, as amended Section 11.1.5.0.0.

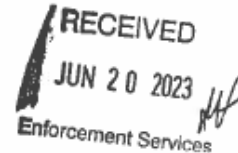
Until revised drawings are received, we are unable to provide our approval.

Thank you,



Michael Davidson

APPENDIX 'D' – MINOR VARIANCE REQUEST



VIA EMAIL

June 19, 2023

City of Barrie
Legislative and Court Services
45 Cedar Pointe Drive
Barrie, ON, L4N 5R7

Attention: Mr. Michael Davidson, Municipal Enforcement Officer

Dear Michael:

**Re: Application for Third Party Sign Exemption
Barrie Lifestyle Inc. and Barrie Lifestyle II Inc.
60 and 70 Mapleview Drive West
Barrie, ON**

Our File: MAV/BAR/18-01

On behalf of Barrie Lifestyle Inc. and Barrie Lifestyle II Inc. (the "Owner"), Zelinka Priamo Ltd. is pleased to submit an exemption application pursuant the City's Sign By-law for two third party sign panels on existing ground (pylon) signs located on the lands known municipally as 60 and 70 Mapleview Drive West, in the City of Barrie.

BACKGROUND

The Owner's landholdings comprise a cluster of large, multi-tenanted commercial properties in Barrie, generally located north of Mapleview Drive West and along Bryne Drive (the "subject lands").

The subject lands are developed with a wide range of commercial and retail uses, including a Dollarama, nation-wide restaurants (Wendy's, Jack Astor's), financial institutions (TD Bank, HSBC), and furniture stores (The Brick, Bad Boy, Herchi Furniture), as well as other retail uses. A grocery store (Farm Boy) was recently introduced to 436 Bryne Drive through a Site Plan Exemption application to the City (D11-EXE-010-2021).

There is an extensive range of existing wall and ground signs installed on the subject lands to reflect the mix of commercial tenants on the Owners lands.

PROPOSAL

Specific to this application, there is an existing and lawful ground (pylon) sign located adjacent to the entrance off Mapleview Drive West (the "Bad Boy Sign"); and, there is another existing and lawful ground (pylon) sign located at the south westerly corner of the intersection of Mapleview Drive West and Bryne Drive (the "Farm Boy Sign").

A locational map showing the Owner's landholdings (denoted in red), and the locations of the subject ground signs containing the third-party sign panels and the associated stores, is provided on Figure 1.

June 19, 2023

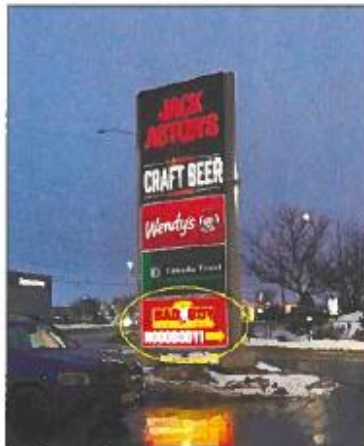
Figure 1 – Locational sketch – landholdings and sign locations



Location and boundaries are approximate

Figure 2 below provides photographs of the existing ground (pylon) signs, including the third-party signage panels.

Figure 2 – Photographs of subject ground signs and third party sign panels



Bad Boy Sign
Third party panel highlighted in yellow



Farm Boy Sign
Third party panel highlighted in yellow

June 19, 2023

REQUESTED EXEMPTION

The purpose of the exemption application is to seek relief from the following provision of the City of Barrie Sign By-law 2018-029:

No person shall erect, or cause or permit to be erected on any lands or premises any of the following types of signs, except as may be authorized by the City:

11.1.11.0.0: signs erected, placed, painted on or attached to a wall of a building that advertises, identifies or provides information on goods, products, service or facilities that are not available at the location where the sign is situated.

ANALYSIS

The exemption to the Sign By-law to allow for third party advertising panels on the existing Bad Boy Sign and existing Farm Boy Sign, are appropriate, and do not erode or interfere with the integrity of this by-law, for the following reasons:

Bad Boy Sign

- The third-party signage panel on the Bad Boy Sign has existed in its current form and location for approximately 15 years without any known complaint, concern or conflict.
- The Bad Boy signage panel is modest in size compared to the over size of the existing ground sign i.e. approximately 20% of the total sign area.
- The Bad Boy signage panel is not prominently featured on the ground sign, being positioned at the bottom of the ground sign.
- No visual clutter or driver distraction is anticipated from the signage panel.
- There is no heritage designated or non-designated properties in proximity to the sign location. As such, the proposed signage panel will not impact any properties identified as having cultural heritage value or interest
- The sign is located on the edge of a large cluster of commercial uses which are under the same ownership and which largely function as a single commercial entity. The signage panel helps with wayfinding for the travelling public, and helps improve the financial viability of an existing business by providing it with sufficient means of identification from an adjacent public area.

Farm Boy Sign

- As above, the Farm Boy Sign is located on the edge of a large cluster of commercial uses which are under the same ownership and which largely functions as a single commercial entity. To the general public it would not be obvious that the Farm Boy sign panel is not located on the same property as the Farm Boy store.
- The Farm Boy signage panel is modest in size compared to the over size of the existing ground sign i.e. approximately 25% of the total sign area.
- The signage panel helps with wayfinding and vehicle circulation for the travelling public, and again helps improve the financial viability of an existing business by providing it with sufficient means of identification from an abutting public area.
- No visual clutter or driver distraction is anticipated from the signage panel.
- Again, there are no heritage designated or non-designated properties in proximity to the sign location, and as such there, would be no impacts on cultural heritage.



June 19, 2023

We trust that the enclosed information is complete and satisfactory, and we look forward to a timely approvals process. Please note that the required application fee cheque of \$166.09 will be forwarded shortly. Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Dave Hannam, MCIP, RPP
Partner

cc: The Client (Via Email)