



Report to: Development Services Committee

Meeting Date: March 9th, 2020

SUBJECT: Ground Sign Variance – Markham Subaru
9401 Markham Road
Application No. 19.112248.000.00.SP

PREPARED BY: Cristin Miller, Supervisor of Zoning
Ext. 3980

RECOMMENDATION:

1. THAT the ground sign variance application by Markham Subaru at 9401 Markham Road, Application No. 19.112248.000.00.SP, BE DENIED.
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

During the drafting of the revised Sign By-law passed in 2002, careful consideration was given to sign size and sign height to control the proliferation of signage throughout the City. At that time, signage provided for in the Sign By-law was liberalized to some extent, and the standards currently contained therein were considered acceptable. If approved, the increase in sign height and sign area would encourage and set a precedent for other single and/or multiple tenant properties, including motor vehicle sales establishments, to have larger and higher signs throughout the City.

The subject property is located on the east side of Markham Road, south of Bur Oak Avenue (FIGURE 2), in lands zoned M.HC - Highway Commercial, under By-law 88-76, as amended.

The site is the location of a single building, with single tenant, operating a motor vehicle sales establishment with accessory service garage.

The applicant is seeking permission to replace the existing ground sign with a new, larger ground sign.

The proposed sign does not comply with By-law 2002-94, as amended, in the following ways:

Sign By-Law Section and Requirements	Applicant's Proposal	Required Variance
<u>Section 7.0, Table B</u> A ground sign (on a lot with a lot frontage greater than 20 metres) shall have a maximum area of 6.0 m ² per face.	A ground sign with an area of 9.13 m ² per face. Percentage Increase = 52.17 % Refer to FIGURE 3	To permit a ground sign (on a lot with a lot frontage greater than 20 metres) with an area of 9.13 m ² per face; whereas the by-law permits a maximum area of 6.0 m ² per face.

<u>Section 7.0, Table B</u> A ground sign (on a lot with a lot frontage greater than 20 metres) shall have a maximum height of 7.5 metres.	A ground sign with a height of 9.15 metres. Percentage Increase = 22 % Refer to FIGURE 3	To permit a ground sign (on a lot with a lot frontage greater than 20 metres) with a height of 9.15 metres; whereas the by-law permits a maximum height of 7.5 metres.
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OPTIONS/ DISCUSSION:

Section 19.0 of Sign By-law 2002-94, as amended, states that 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 maintains frontage on Markham Road (a Major Collector Road) and has sufficient visibility to provide the public reasonable and appropriate means to locate and identify the business.

In addition to the ground sign, Subaru has been issued permits for five (5) other signs that are currently erected on the façade of the building (FIGURE 4). With the exception of one (1) sign indicating the 'service/reception' entrance, all existing signs attract visual attention from the streetline by advertising either the name, or the logo of the business.

The use of the site, as a motor vehicle sales establishment, involves the prominent display of vehicles for sale and/or lease. Unlike many commercial establishments, where outdoor display or storage of products is prohibited, this business has the advantage of direct advertising to the general public through their product(s).

- (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:*

Staff are of the opinion that the amount of signage permitted under the by-law is adequate to suit the needs of the applicant. The site is the location of a single tenancy building, which is afforded the same sign area and sign height for ground signs as a multiple tenancy plaza.

The General Manager of Markham Subaru submitted a letter in support of this application indicating the growth of deciduous street trees is interfering with the visibility of the signage (FIGURE 6). However, given that commercial properties throughout the city require landscaping buffers, staff are of the opinion that landscaping is not a special circumstance that creates practical difficulties nor undue hardship for the applicant. Enhancing the visibility of the ground sign from the street could be achieved through re-design and/or relocation without a variance.

The letter of support further outlines the ‘promise of two new high-rise buildings scheduled to be constructed on the property directly south’ and the anticipated difficulties that will result in viewing the signage once these buildings are constructed. As these buildings have not yet been constructed, staff feel it is inappropriate to comment at this time on the perceived hardship they will create.

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

There are no special circumstances or conditions. This section is not applicable.

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

The signage proposed in this application would alter the essential character of the area. The site is located within an area of the City experiencing re-development, including new mixed-use high-rise developments along the west side of Markham Road south of Bur Oak Avenue. Adhering to the By-law standards encourages compatibility between the commercial uses that remain, and the new residential uses.

To conclude, staff have reviewed the application with respect to Section 19.5 of the Sign By-law and are of the opinion that the variance requested does not meet the purpose and intent of the Sign By-law. The Building Department recommends that the ground sign variances 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 Drawing
- Figure 4 – Photograph of Existing Ground and Wall Signs
- Figure 5 – Existing Ground Sign Drawing
- Figure 6 – Letter of Support from General Manager of Markham Subaru

RECOMMENDED BY:

Chris Bird,
Director of Building Standards

Arvin Prasad,
Commissioner of Development Services

FIGURE 1 – Applicant

Permit World
C/O Ali Campaniaris, Dorothy Pearce
12 Rock Avenue, Unit B
Kitchener, Ontario
N2M 2P1

FIGURE 2 – Site Location

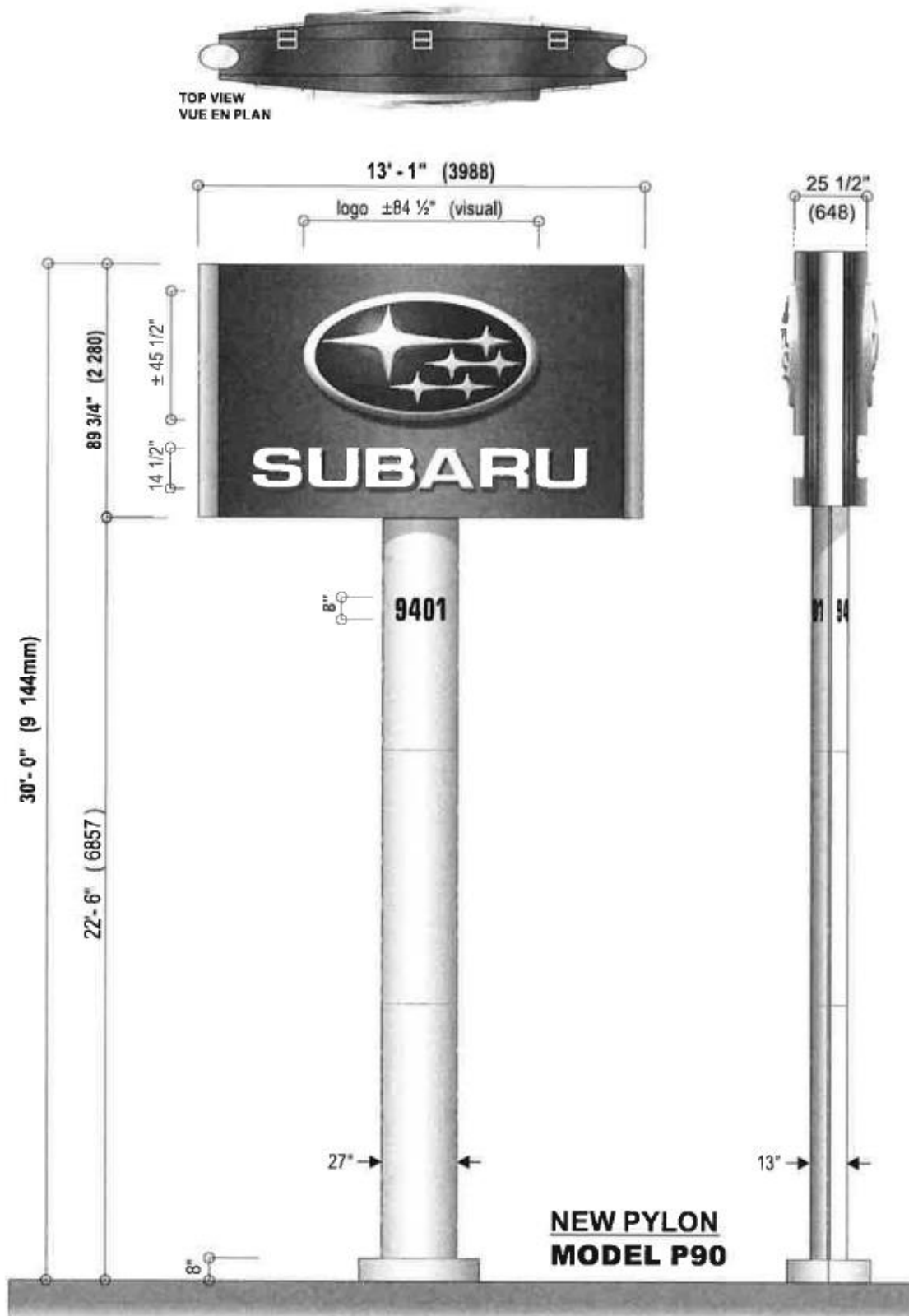
FIGURE 3 – Proposed Ground Sign Drawing

FIGURE 4 – Photographs of Existing Ground Sign and Wall Signs



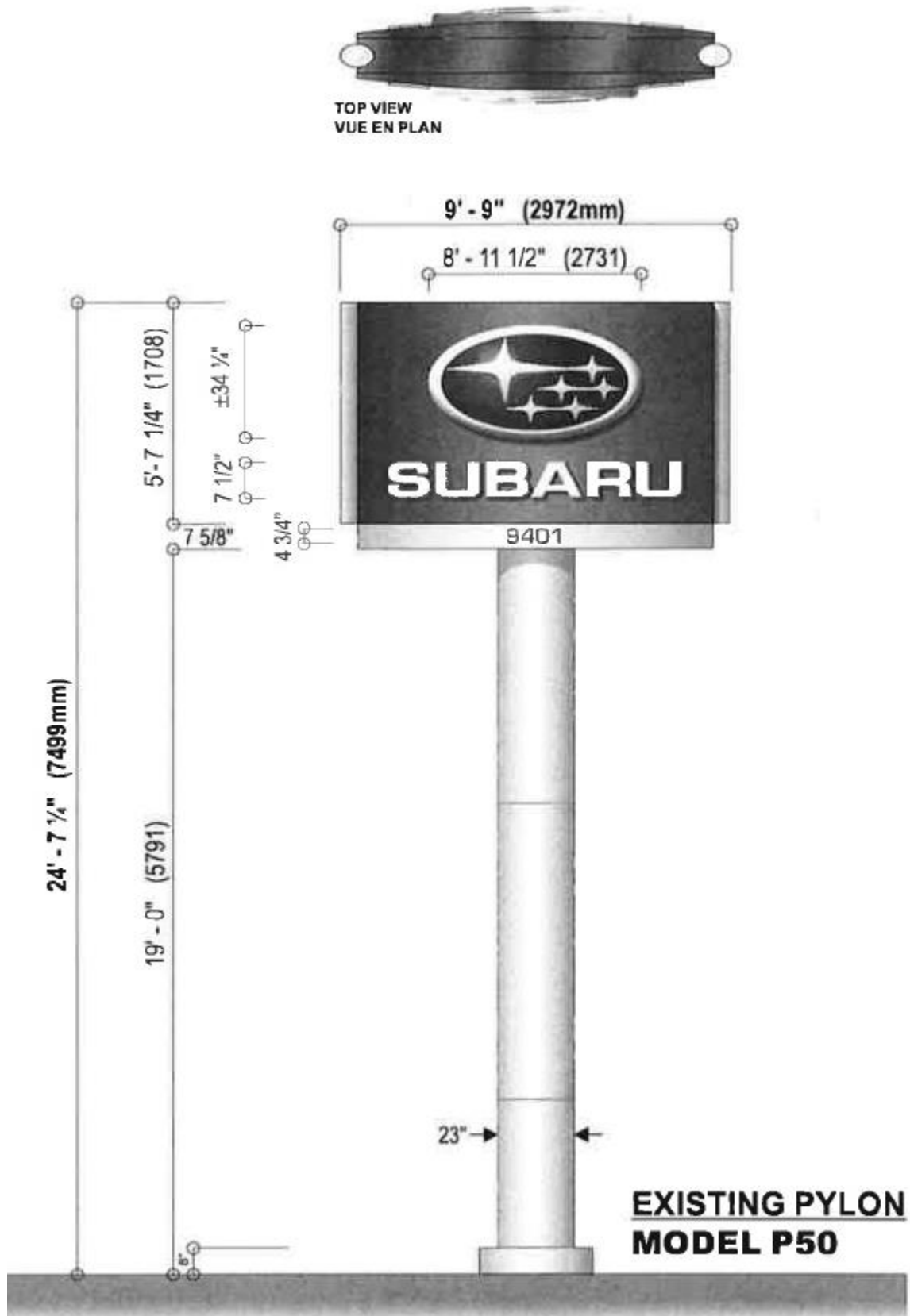
FIGURE 5 – Existing Ground Sign Drawing

FIGURE 6 – Letter of Support from General Manager of Markham Subaru

May 9, 2019

To Whom It May Concern,

I have been asked to write a letter describing why our dealership, Markham Subaru at 9401 Markham Road, is requesting a variance from the City of Markham to erect a taller curbside sign.

When we first opened our dealership in 2004, the land surrounding us was largely undeveloped and the sign erected was perfectly suitable for the location. However, since that time, the makeup (and zoning) of our area has completely changed.

When our store was first built, we were directed to ensure our frontage and parking was well recessed from the road. Since that time, multiple storefronts, plazas and condominiums have been erected essentially on the street, creating a sunken look to our property and making it harder to see from the road. This problem will only be exacerbated by the promise of two new high-rise buildings scheduled to be constructed on the property directly south of us. It is already difficult to both see our building and our sign while travelling southbound on Markham Road. The presence of two large buildings sitting in front of our property will only make this issue worse.

Further, since opening, we have proudly maintained a series of seven trees in front of our property. These trees were requested by the city as part of our approval process but we are more than happy to house them. That said, since they were planted, they have grown quite large and, in the case of our black locusts, have nearly reached the top of our existing sign. My family appreciates the value of trees both in an environmental perspective as well as an aesthetics one, however, these trees are currently blocking our existing sign from oncoming traffic.

My family lives and works in Markham as do most of our employees. We are proud members of the community. We only want what is fair to allow our business to continue to thrive in our current location. We appreciate your consideration into our variance application.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlo Vigliatore".

Carlo Vigliatore
General Manager & Director

MARKHAM SUBARU

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