



Report to: Development Services Committee

Report Date: May 5, 2015

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**SUBJECT:** Sign Variance for Starks Barber Company  
177 Main Street  
Unionville Heritage Conservation District

File No. 14 129517 SP

**PREPARED BY:** George Duncan, Senior Heritage Planner, ext. 2296

**REVIEWED BY:** Regan Hutcheson, Manager of Heritage Planning

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**RECOMMENDATION:**

- 1) That the staff report titled “Sign Variance for Starks Barber Company, 177 Main Street, Unionville Heritage Conservation District” dated May 5, 2015, be received;
- 2) That the application for a Sign Variance (14 129517 SP) be approved for one wall sign with an area of 3.71 square metres on the condition that the variance apply for the existing Starks Barber Company sign only and will not apply to any future signage on the property;
- 3) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

To recommend that Council approve the requested sign variance for Starks Barber Company, 177 Main Street, on the basis of the unique characteristics of the design and location of the sign.

**BACKGROUND:**

**A wall sign has been installed without an approved Sign Permit**

A wall sign for Starks Barber Company has been installed at 177 Main Street, a property located within the Unionville Heritage Conservation District. The sign was installed without an approved Sign Permit and has been investigated by By-law Enforcement. As a result, the owner has been instructed to bring the property into compliance and has applied for a Sign Permit for the existing sign, acknowledging that a variance to the Sign By-law is required because the sign exceeds the maximum size allowed.

**The sign was designed to meet the guidelines of the Unionville Heritage Conservation District Plan with respect to commercial signage**

The application is for a variance to the Sign By-law to allow a wall sign with an area of 3.71 square metres whereas the By-law permits a maximum area of 2.25 square metres (a

difference of 1.46 square metres – 40% higher than permitted under the Sign By-law). The sign is a sandblasted wood sign in heritage colours, with traditional lettering and motifs. The Starks Barber Company sign meets the guidelines of the Unionville Heritage Conservation District Plan in terms of materials, colours and design for commercial signage and is, in staff's opinion, a complimentary heritage design – other than the fact that it exceeds the maximum size allowed by the Sign By-law (See Figure 2, Photograph of existing sign and previous sign in the same location)

**The applicant has applied for the Sign Permit and a Variance to the Sign By-law to bring the property into compliance**

The applicant is seeking to legalize the existing wall sign by applying for a Sign Permit and a Sign Variance, and has provided detailed justification for the requested variance. The applicant's rationale is discussed below under the Options/Discussion section of the staff report.

**OPTIONS/ DISCUSSION:**

**The Sign By-law includes a process for variance applications**

The Sign By-law sets out a process by which a variance can be applied for, including that a staff report be prepared for the consideration of the Development Services Committee that outlines the reasons why a variance to the Sign By-law is being requested and a recommendation to Council. In the review of an application for a variance, the following criteria are to be considered:

- (a) Special circumstances or conditions applying to the land, building or use referred to in the application.*
- (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.*
- (c) Whether such special circumstances or conditions are pre-existing and not created by the owner or applicant.*
- (d) Whether the sign that is subject of the variance will alter the essential character of the area.*

**The applicant has provided a rationale for the Sign Variance**

The applicant has provided the following rationale for the requested variance:

- The sign is similar in size to the previous wall sign for "ENJOY" in the same location.
- The sign covers up marks on the wall surface left by the previous sign..
- The sign is appropriate to the character of the heritage district in terms of materials, colour and design.
- The sign suits the wall space on the building.

**Sign variances are not generally supported by staff**

Generally, sign variances are not supported by staff. There is a valid concern that such variances may set an undesirable precedent and thereby undermine the effectiveness of

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the Sign By-law, which has been developed to ensure appropriate commercial signage in the interest of good urban design in the City. In the case of Special Sign Districts, which consist of Markham's four Heritage Conservation Districts, the provisions of the Sign By-law have been carefully designed to ensure that signage complements the special historic character and scale of those areas.

**In this case, staff is of the opinion that the requested Sign Variance is appropriate and supportable**

Staff has examined the existing sign and considered if it could be trimmed down to reduce the magnitude of the Sign Variance; however to do that would, in staff's opinion, compromise the design and the integrity of the material.

Staff considers the Starks Barber Company wall sign situation a special case that is supportable, based on the criteria in the By-law cited above, for the following reasons:

- The sign meets the guidelines for commercial signage in the Unionville Heritage Conservation District Plan, other than compliance with the Sign By-law in terms of its size.
- The design and shape of the sign suites the wall space on the building and its superior quality makes it almost an art piece that enhances the Unionville Heritage Conservation District.
- The sign will not alter the essential heritage character of the area.

**Heritage Markham supports the Sign Variance**

Heritage Markham reviewed the Sign Permit application and the application for a Sign Variance at its April 8, 2015 meeting and supported the proposal (see Extract, Appendix 'A').

**Recommendation**

Staff recommends that the application for a Sign Variance for a maximum wall sign area of 3.71 square metres, if approved by Council, apply to the existing Starks Barber Company sign only on the merits of its unique characteristics and on the basis of the support of Heritage Markham. Staff also recommends that the Sign Variance not apply to any future signage on the property.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

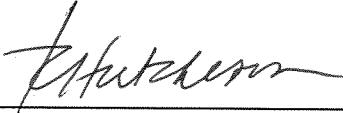
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

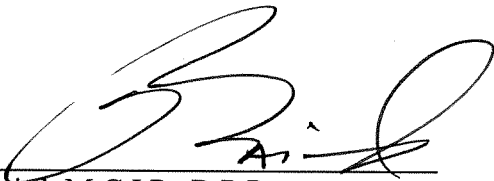
Not applicable.

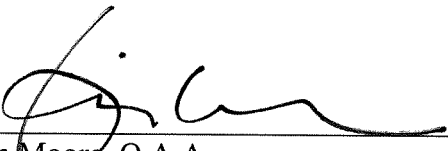
**BUSINESS UNITS CONSULTED AND AFFECTED:**

This report has been reviewed by the Building Department.

**RECOMMENDED BY:**

*for*   
\_\_\_\_\_  
Ron Blake, M.C.I.P., R.P.P.  
Acting Senior Development Manager

  
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Jim Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services

  
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Tim Moore, O.A.A.  
Director of Building Standards

**ATTACHMENTS:**

Figure 1: Applicant and Location Map

Figure 2: Photograph of Existing Sign and Previous Sign

Appendix 'A': Heritage Markham Extract

**FILE PATH:** q:\development\heritage\property\mainstu\177-179\dscmay52015.doc

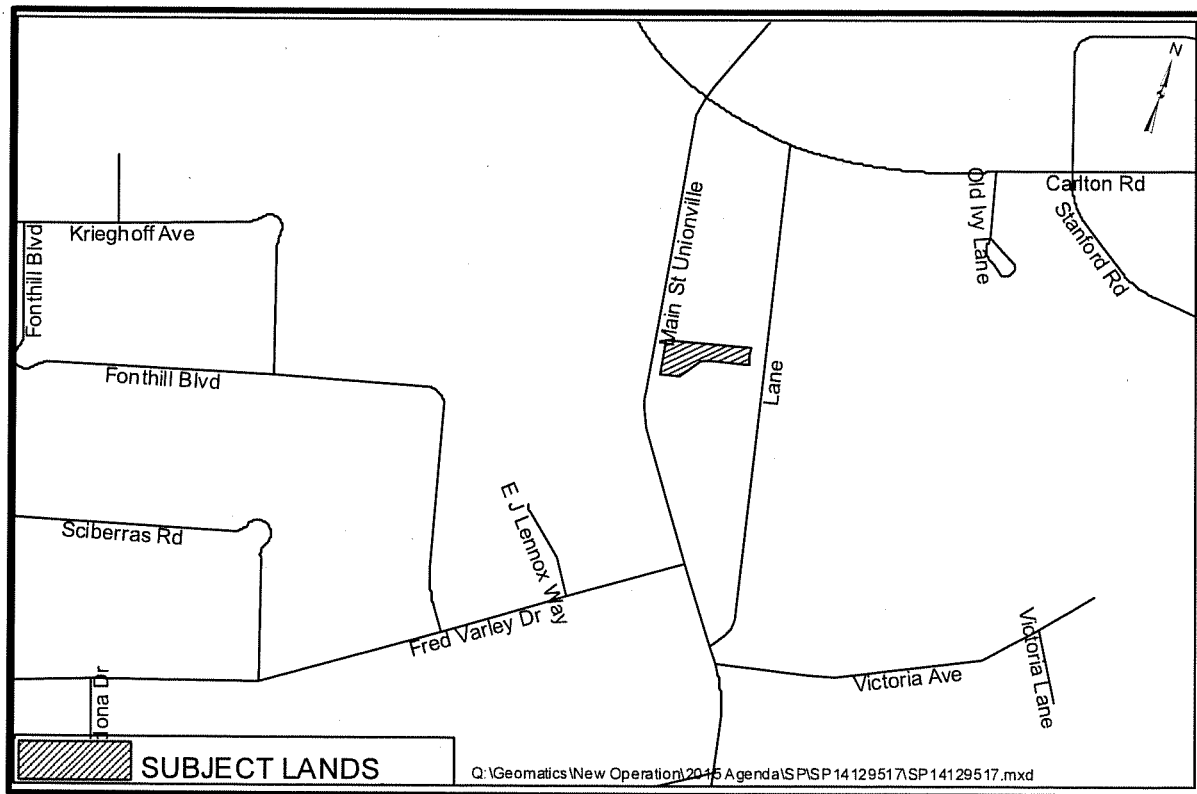
**Figure 1:**

**Owner:**  
Therese Taber

**Applicant:**  
Ryan McLachlan  
Starks Barber Company

ryan@starksbarbercompany.com

**Location Map:**





HERITAGE MARKHAM  
EXTRACT

DATE: April 13, 2015  
TO: R. Hutcheson, Manager of Heritage Planning  
B. Roberts, Zoning

EXTRACT CONTAINING ITEM #15 OF THE FOURTH HERITAGE MARKHAM  
COMMITTEE MEETING HELD ON APRIL 8, 2015.

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15. **Sign Variance,**  
**177 Main Street,**  
**Starks Barber Company (16.11)**  
File Number: 14 129517  
Extracts: R. Hutcheson, Manager of Heritage Planning  
B. Roberts, Zoning
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The Senior Heritage Planner explained the Sign Variance application required for 177 Main Street, installed without permits. The existing wall sign is larger in size than permitted by the Sign By-law.

Heritage Markham Recommends:

That Heritage Markham has no objection to the requested sign variance for Starks Barber Company at 177 Main Street on the basis of its materials, colours and design being of a superior quality in terms of compliance with the policies and guidelines of the Unionville Heritage Conservation District; and,

That this sign variance not be considered a precedent for other sign variances in the Unionville Heritage Conservation District.

CARRIED