



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name: Janine Mastronardi</b>	<b>Report Date: June 26, 2024</b>
<b>Author's Phone: 519 736-5408 ext. 2134</b>	<b>Date to Committee: July 3, 2024</b>
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**To: Chair and Members of the Committee of Adjustment**

**Subject:** A/25/24, 330 Simcoe Street, Greater Essex County District School Board,  
c/o Jeffrey R. Dow, Agent

#### 1. **RECOMMENDATION:**

It is recommended that:

1. Subject to the Committee's consideration of written and oral submissions at the public meeting that application A/25/24 **BE APPROVED**.

#### 2. **PROPOSAL:**

Purpose of Minor Variance Application A/25/24: The applicant is proposing to install an illuminated pylon sign indicating the name and address of the school along with an LED message screen. A minor variance is required for permissions and relief from the Sign By-law 2016-100.

The applicant is requesting permission to erect a pylon sign in an Institutional Zone consistent with the Commercial Pylon Sign provisions found in Section 9.5 of Sign By-law 2016-100. The applicant is also requesting 2 m of relief from Section 4.7(1) which requires an illuminated sign maintain a 30.48 m setback from a Residential Zone to allow a pylon sign in an Institutional Zone which includes illumination with a setback to the closest adjacent residential property line being 28.5 m.

Therefore, the applicant is requesting permission to erect a pylon sign in an Institutional Zone in compliance with the Section 9.5 pylon sign provisions and the applicant is seeking relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

The subject property is designated Open Space in the Town's Official Plan and is zoned Institutional (I) in the Town's Zoning By-law 1999-52.

### **3. BACKGROUND:**

The Town's Sign By-law 2016-100 is currently being reviewed and updated. At this time pylon signs are not permitted in Institutional Zone; however, pylon signs are commonly the type signs erected for school use.

### **4. PLANNING INFORMATION:**

Official Plan Designation: Open Space

By-law No. 1999-52: Institutional (I) Zone

Existing Use: Institutional (North Star High School)

Proposed Use: Institutional- No change

Neighboring Uses: residential and institutional

#### *TECHNICAL INFORMATION*

Proposed Sign Type: Pylon Sign

Permitted Sign Types: Ground Sign, Facia Sign

Permission requested: To allow a pylon sign in full compliance with provisions within Section 9.5 of Sign By-law 2016-100

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Proposed Setback for Illuminated Sign: 28.5 m

Required Setback for Illuminated Sign: 30.5 m (rounded up from 30.48 m)

Relief Requested: 2 m

### **5. PLANNING ANALYSIS:**

#### **1. *PLANNING ACT (R.S.O. 1990)***

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;  
(b) to provide for a land use planning system led by provincial policy;

- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning.”

The proposal is consistent with Section 2 of the Planning Act which requires that the Committee of Adjustment have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the orderly development of safe and healthy communities;

The institutional building on the municipally serviced property in an existing developed area is a permitted use. The minor variance is required to allow for a pylon sign to be erected and to grant relief from the setback from a Residential Zone as regulated by the Sign By-law 2016-100.

When reviewing this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

- a) maintains the general intent and purpose of the Official Plan;
- b) maintains the general intent and purpose of the Zoning By-law;
- c) is desirable for the appropriate development or use of the land, building or structures; and
- d) is minor in nature.

The application must meet all of the above tests.

## **2. OFFICIAL PLAN POLICIES**

The subject property is designated Open Space in the Town’s Official Plan. The current use has continued since 2020. No land use change is proposed. The applicant is proposing to install a sign for North Star High School on the site. As such, the proposed use is considered to be in keeping with the intent of the Official Plan.

In the opinion of the author of this report the proposed minor variance maintains the intent of the Official Plan.

## **3. ZONING BY-LAW**

The subject property is zoned Institutional (I) Zone in Bylaw 1999-52, as amended. The I Zone permits schools as a permitted use.

The applicant is proposing to install a pylon sign for the permitted school building on the site. The structure and use on the property are permitted in the I Zone.

In the opinion of the author of this report the requested variance maintains the intent of the Zoning By-law.

#### **4. SIGN BY-LAW 2006-100**

The applicant is requesting permission to erect a pylon sign in an Institutional Zone consistent with the Commercial Pylon Sign provisions found in Section 9.5 of Sign By-law 2016-100. The applicant is also requesting 2 m of relief from Section 4.7(1) which requires an illuminated sign maintain a 30.5 m setback from a Residential Zone to allow a pylon sign in an Institutional Zone which includes illumination with a setback to the closest adjacent residential property line being 28.5 m.

The location of the sign which requires the 2 m of relief in setback is needed because of the location of existing utilities.

Therefore, the applicant is requesting permission to erect a pylon sign in an Institutional Zone in compliance with the Section 9.5 pylon sign provisions and the applicant is seeking relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

#### **5. APPROPRIATE DEVELOPMENT**

The proposed variance does not change the use of the land for institutional purposes and therefore can be considered appropriate. A pylon sign is more appropriate in this location than a ground sign to allow for a better line of sight. The height of the lowest point of the sign face will be 8 ft above grade which also is appropriate to safely allow pedestrian movement around the sign. The illuminated faces of the sign are perpendicular to the closest Residential Zone 28.5 m across the street on Simcoe Street. There is a residential zone to the east of the illuminated face sign which is approximately 97 m from the proposed sign location.

The school name portion of the sign is back lit and static. There is to be a dusk to dawn photo cell on the top of the sign which will turn the sign on at dusk and off at dawn. The illumination on the LED portion of the sign has an auto dimmer to decrease the amount of illumination at night. The LED portion of the sign does not have highspeed flashing, it is programed to display 2-5 second static images. There is also an option of on/off times for this portion of the sign.

In my opinion the proposed variance would not negatively impact any adjacent land uses.

#### **6. MINOR IN NATURE**

No precise definition for what constitutes “minor” exists. Rather, it is a culmination of the review of the Official Plan, Zoning By-law and attempts to address the “big picture” for what the proposed development represents. Each application must be assessed on its own set of circumstances.

The use of the lands for a high school and the proposed sign are in conformity with the Official Plan and Zoning by-law.

There appears to be no environmental concerns.

**6. AGENCY COMMENTS:**

See attached.

**7. RISK ANALYSIS:**

As with all Committee of Adjustment decisions there is a risk that the decision is appealed. As a result of changes in Bill 23, decisions by a CoA can no longer be appealed by a third party. Decisions which are to support or refuse the consent or minor variance request, can only be appealed by the applicant, the Municipality, the Minister, a specified person or any public body. In the case of a consent decision the appeal must be filed within 20 days after the giving of notice of the decision of the committee, whereas for a minor variance an appeal must be filed within 20 days of the making of the decision of the committee. It is important to note that a tied vote is deemed to be a decision to deny the consent or minor variance request. If there is an appeal to the OLT the Town will incur costs.

**8. RECOMMENDATIONS:**

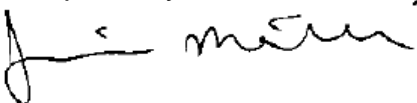
That subject to Committee consideration of written and oral comments received at the meeting, it is recommended that Application A/25/24 be approved to grant permission to erect a pylon sign in an Institutional (I) Zone in compliance with Section 9.5 provisions in Sign By-law 2016-100 and to grant relief of 2 m in setback for an illuminated sign from a Residential Zone to permit a 28.5 m setback.

**9. CONCLUSION:**

From a planning perspective in the opinion of the author of this report:

- 1) The requested variance conforms with the intent of the relevant Official Plan policies.
- 2) The proposed variance maintains the intent of Comprehensive Zoning By-law 1999-52, as amended.
- 3) The proposed variance does not change the use of the land for institutional purposes and therefore can be considered appropriate.
- 4) The requested variance would appear to be minor in nature.
- 5) The proposed variance would not appear to have a negative impact on the environment.

Respectfully Submitted,



Janine Mastronardi  
Secretary-Treasurer



## Report Approval Details

Document Title:	A-25-24, 330 Simcoe, Greater Essex County District School Board.docx
Attachments:	- A-25-24- Report Attachments-RM.pdf
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Aspila