



Introduction

The City of Hamilton has a Sign By-law (06-243) that regulates the size, type, location etc. of signs, posters and other advertising devices. The Sign By-law replaces the individual Sign By-laws and/or sign regulations of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, Stoney Creek and the Region of Hamilton-Wentworth.

The By-law ensures:

- any new signs or advertising devices adhere to standards (i.e. safety, consistency etc.);
- any new signs reflect the diverse character found in Hamilton; and,
- an appropriate framework is provided for evaluation and enforcement purposes.

What is a Sign Variance?

A Sign Variance alters or changes the regulations of the Sign By-law. By requesting a Sign Variance you are basically asking for special permission to deviate from certain requirements of the By-law. Prior to applying for a Sign Variance for a proposed sign or advertising device, it is strongly recommended that you consult with the Planning Division. Staff can determine what is required for the variance and may offer an opinion on whether such variances meet the intent of the Sign By-law.



More information about the Sign By-law can be found online at www.hamilton.ca/signbylaw

Who has the authority to approve Sign Variances?

Authority to approve or deny proposed variances has been delegated to the Director of Planning and designate.

If approved, the applicant will be required to apply for a Sign Permit from the Building Services Division. If approval is not granted, the applicant may appeal the decision.

How is the decision made to approve or deny an application?

Approval is based on whether the requested variance(s) adhere to specific criteria that ensure the general intent and purpose of the Sign By-law is maintained. The proposed Sign Variance(s) is evaluated using the following four criteria:

1. Are there any special circumstances or conditions applying to the land, building or use referred to in the application;
2. Would strict application of the provisions of the By-law in the context of the special circumstances applying to the land, building or use, result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
3. Are there special circumstances or conditions that are pre-existing and not created by the sign owner or applicant; and,
4. Does the sign that is the subject of the variance alter the essential character of the area in which the sign will be located.



What is the Sign Variance process?

Step 1: Consult with the Planning Division

Before submitting a sign variance application, consultation with a Planner from the Development Planning Section is strongly suggested. The purpose of the consultation is to:

- confirm whether a Sign Variance(s) is necessary;
- provide initial feedback on the proposed variance(s); and,
- confirm whether other approvals will also be required (i.e. Sign Permit, Ministry of Transportation, Environment Agreements, etc.)

The Planner may also suggest that other City departments or agencies be consulted prior to submitting an application.

Step 2: Submit the Application

After consultation with a Development Planner, the following will need to be submitted:

- a complete Sign Variance Application, including proposed sign location and sign drawings (elevations of the proposed sign from the sign manufacturer are preferred); and,
- the application fee.

Step 3: Circulation

The application is circulated to various City Departments and outside agencies for comment. Upon receipt of all comments, a report is completed and forwarded to the Director of Planning for consideration.

Step 4: Approval/Denial

The Director of Planning may grant approval of, or deny the requested variance(s). A letter outlining the decision will be sent to the applicant. Approval of any variances apply only to the sign or signs proposed in the application. If denied, the applicant may appeal the decision to City Council.

Step 5: Sign Permit

Upon receipt of the approval letter from the Director of Planning, the applicant is required to apply for a Sign Permit from the Building Services Division for the proposed sign. Sign Variance applications are also available online at www.hamilton.ca/pedapplications

Step 6: Appeals

If approval is not granted, the applicant may either choose to adhere to the requirements of the Sign By-law and apply for a Sign Permit in the normal manner, or appeal the decision of the Director of Planning to be heard before the Economic Development and Planning Committee. If



appealed, the applicant will be notified once a hearing date has been set.

Failure to attend will not result in a rescheduled hearing or any further notification of the Committee's recommendation to Council. Council's decision to uphold or vary the recommendations of the Planning and Economic Development Committee, in any way, is final and applicants will still be required to obtain a Sign Permit in the normal manner.

Appeals must be forwarded to:

Alexandra Rawlings, Coordinator
Economic Development and Planning Committee/
Advisory Committees
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5

How can I apply for a Sign Variance?

Application forms are available at the Planning and Economic Development Department's offices and online at www.hamilton.ca/pedapplications

How long does it take to apply?

Upon the receipt of a complete Sign Variance Application, a decision on the proposed Sign Variance(s) may take a minimum of four (4) weeks.

Can I make an appeal if my variance is denied?

If approval is not granted, the sign owner or applicant may appeal the decision to deny the application to City Council. You must address your appeals to:

Alexandra Rawlings, Coordinator
Economic Development and Planning Committee/
Advisory Committees
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5



Information collected in the Sign Variance application process, including personal information, is collected under the authority of the *Municipal Act*, 2001, R.S.O. 2001, Chap. 25, and is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

For more information contact:

Planning Division

Planning and Economic Development Department
City Hall
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5
Website: www.hamilton.ca/developmentplanning

Monday - Friday

8:30 a.m. - 4:30 p.m.

East Wards - 3,4,5,6,9,10 and 11

Phone: 905.546.2424 Ext. 1355

West Wards - 1,2,7,8,12,13,14 and 15

Phone: 905.546.2424 Ext. 2799

All Department brochures can be found at: www.hamilton.ca/pedpublications

All Department applications can be found at: www.hamilton.ca/pedapplications



Hamilton

PLANNING DIVISION
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT