

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-63

Date of Report: May 29, 2024

Date of Meeting: June 3, 2024

Subject: Application for Variance to Sign By-Law 72-96, 142 Athol Street  
East, 2741136 Ontario Inc. O/A Eye Candy Ads

Ward: Ward 4

File: SV-2024-02

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## **1.0 Purpose**

The purpose of this Report is to seek direction from Council with respect to a sign variance application to permit one (1) pylon sign with a one-sided digital read-o-graph display for non-accessory (third party) advertising, which is not permitted by Sign By-law 72-96, as amended (the “Sign By-law”). One (1) pylon sign with a digital read-o-graph display for non-accessory (third party) advertising is proposed at the northwest corner of the property located at 142 Athol St. East (the “Subject Property”).

Attachment 1 is a map showing the location of the Subject Property and the existing zoning in the area.

Attachment 2 is a copy of the Site Plan showing the proposed pylon sign location.

Attachment 3 is a copy of the rendering of the proposed pylon sign.

Attachment 4 is a copy of the details of the proposed pylon sign.

By-law 29-2009, as amended (the “Delegation By-law”), grants the Commissioner, Economic and Development Services Department or the Director, Planning Services the authority to approve variances to the Sign By-law. The Commissioner, at their discretion, may forward controversial applications or applications proposed to be denied for Council’s consideration. The subject application as it relates to one (1) proposed pylon sign with a one-sided digital read-o-graph display for non-accessory (third party) advertising is recommended for denial, necessitating this Report.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-24-63 dated May 29, 2024, the application for a variance to Sign By-law 72-96, as amended, submitted by 2741136 Ontario Inc. O/A Eye Candy Ads (File: SV-2024-02) to permit one (1) pylon sign with a one-sided digital read-o-graph display for non-accessory (third party) advertising at 142 Athol Street East, be denied.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

Not applicable.

## **5.0 Analysis**

### **5.1 Background**

The Subject Property is located east of Charles Street and has frontage on both King Street East and Athol Street East. The Subject Property is owned by Canadian Corps Association Oshawa Unit 42 (the "Owner"). The Owner granted 2741136 Ontario Inc. O/A Eye Candy Ads (the "Applicant") permission to submit the application for a sign variance.

In February 2024, the Applicant submitted an application for a building permit for a pylon sign with a digital read-o-graph display for non-accessory (third party) advertising at 142 Athol Street East. The Applicant was advised that a sign variance would be required, as the proposed sign does not comply with the City of Oshawa Sign By-law 72-96.

Subsequently, on March 18, 2024, the Applicant submitted an application for a variance to the Sign By-law (File: SV-2024-02) to permit the installation of one (1) pylon sign featuring a one-sided digital read-o-graph display for non-accessory (third party) advertising on the Subject Property, as shown on Attachments 2 and 3.

The proposed pylon sign, measuring 5.792 metres (19 ft.) wide by 3.521 metres (11.55 ft.) high with a cumulative sign area at 20.39 square metres (219.48 sq. ft.), and clearance of 3.6 metres (11.81 ft.) between the bottom of the sign and the existing grade, is proposed to be installed within the existing parking area at the northwest corner of the Subject Property at 142 Athol Street East (see Attachment 2).

The Subject Property is zoned PSC-A (Planned Strip Commercial) in the City's Zoning By-law 60-94, as amended. In the PSC-A (Planned Strip Commercial) Zone, the Sign By-law permits one (1) pylon or ground sign for each street line, and the sign area of a ground or pylon sign shall not exceed a ratio of 0.3 square metres (3.23 sq. ft.) for each metre of street line up to a maximum of 10 square metres (107.64 sq. ft.).

The Sign By-law also requires that a minimum clearance height of 4.25 metres (13.94 ft.) be provided where signs project over an area to which vehicles have access.

The Sign By-law defines a non-accessory sign as a sign in which the copy does not relate to the lawful use of the lot upon which the sign is located.

The Sign By-law defines a read-o-graph as a sign displaying an electronic message via illuminated, moving and changing light patterns which form words or numbers.

Under the Sign By-law, non-accessory signs are prohibited in all zones, with some exceptions. Exceptions allow for a billboard sign, election sign, homebuilders identification sign, real estate open house sign, subdivision or condominium billboard sign, utility pole sign, special event banner or community event sign. Billboard signs are only permitted under the Sign By-law in Industrial and Airport Zones.

There are no other existing pylon or ground signs on the property. However, there are two existing fascia signs on the north and south facades of the existing building.

## **5.2 Options**

The options that follow in this section provide certain alternatives for consideration by the Economic and Development Services Committee and City Council.

### **5.2.1 Recommended Option: Deny the Sign Variance for the proposed pylon sign**

The recommended option to Council is to deny the Sign Variance for the proposed pylon sign for the following key reasons:

1. The requested variance is not desirable for the area as it adds visual clutter due to its large size (twice as large as permitted), and the City must make decisions which balance the demand for signage with the need to create attractive and appropriate streetscapes, particularly in the Downtown Oshawa Urban Growth Centre. The proposed sign is comparable to a billboard sign.
2. The Applicant proposes third party advertising, whereas under the Sign By-Law, non-accessory signs are prohibited in all zones, with some exceptions. Exceptions allow for a billboard sign, election sign, homebuilders identification sign, real estate open house sign, subdivision or condominium billboard sign, utility pole sign, special event banner or community event sign. Billboard signs are only permitted in Industrial and Airport Zones.

Section 2.0 of this Report has been prepared with the appropriate language should the Economic and Development Services Committee support this recommendation.

### **5.2.2 Option 2 for the proposed pylon sign**

Under Option 2, Council would approve the variance for the proposed pylon sign with one-sided digital display for non-accessory (third party) advertising.

Should the Economic and Development Services Committee choose to advance this option, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-24-63 dated May 29, 2024, the application for a variance to Sign By-Law 72-96, as amended, submitted by 2741136 Ontario Inc. O/A Eye Candy Ads (File: SV-2024-02) to permit one (1) pylon sign with a one-sided digital read-o-graph display for non-accessory (third party) advertising at 142 Athol Street East, be approved, subject to the following conditions:

- (a) Static messages only with no animation, flashing, turning or full motion video;
- (b) Each static message is to remain up for a minimum of 8 seconds;
- (c) Transition time between two different static messages is to be instantaneous; and,
- (d) Clearance of 4.25 metres (13.94 ft.) is to be provided between the bottom of the sign and the existing grade.

## **6.0 Financial Implications**

There are no financial implications resulting from Option 1 or Option 2 of this Report.

## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendation advances the Accountable Leadership and Cultural Vitality goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



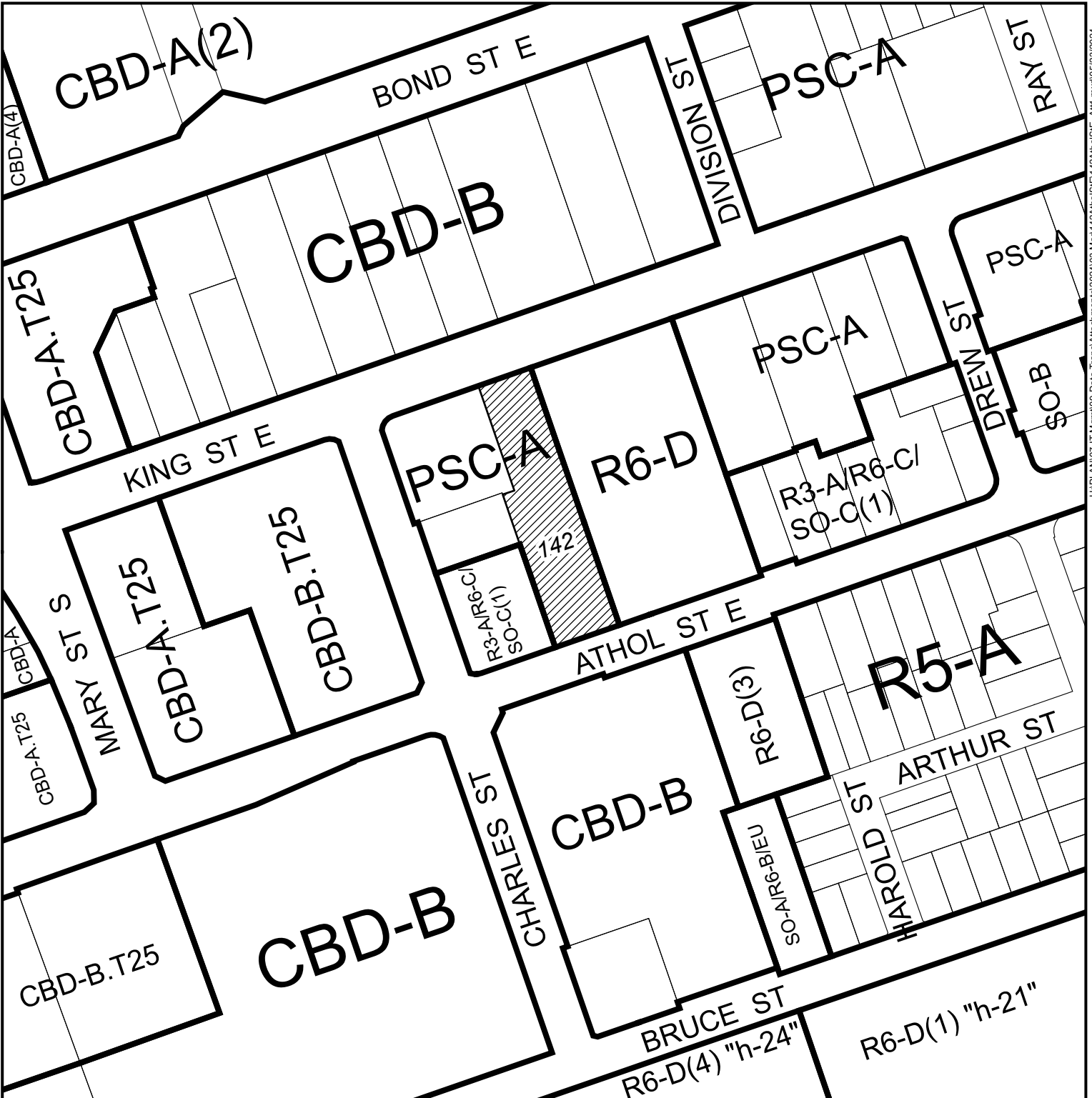
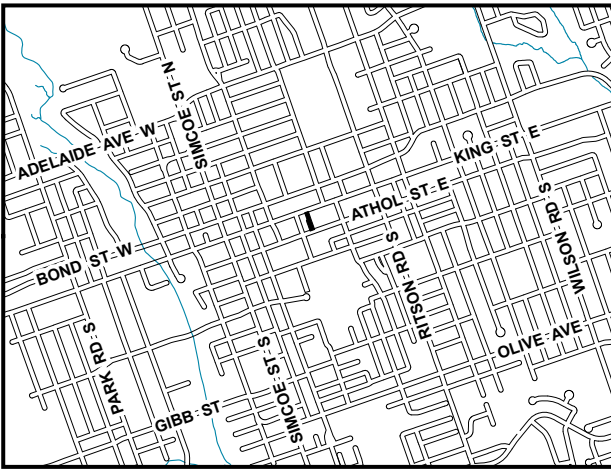
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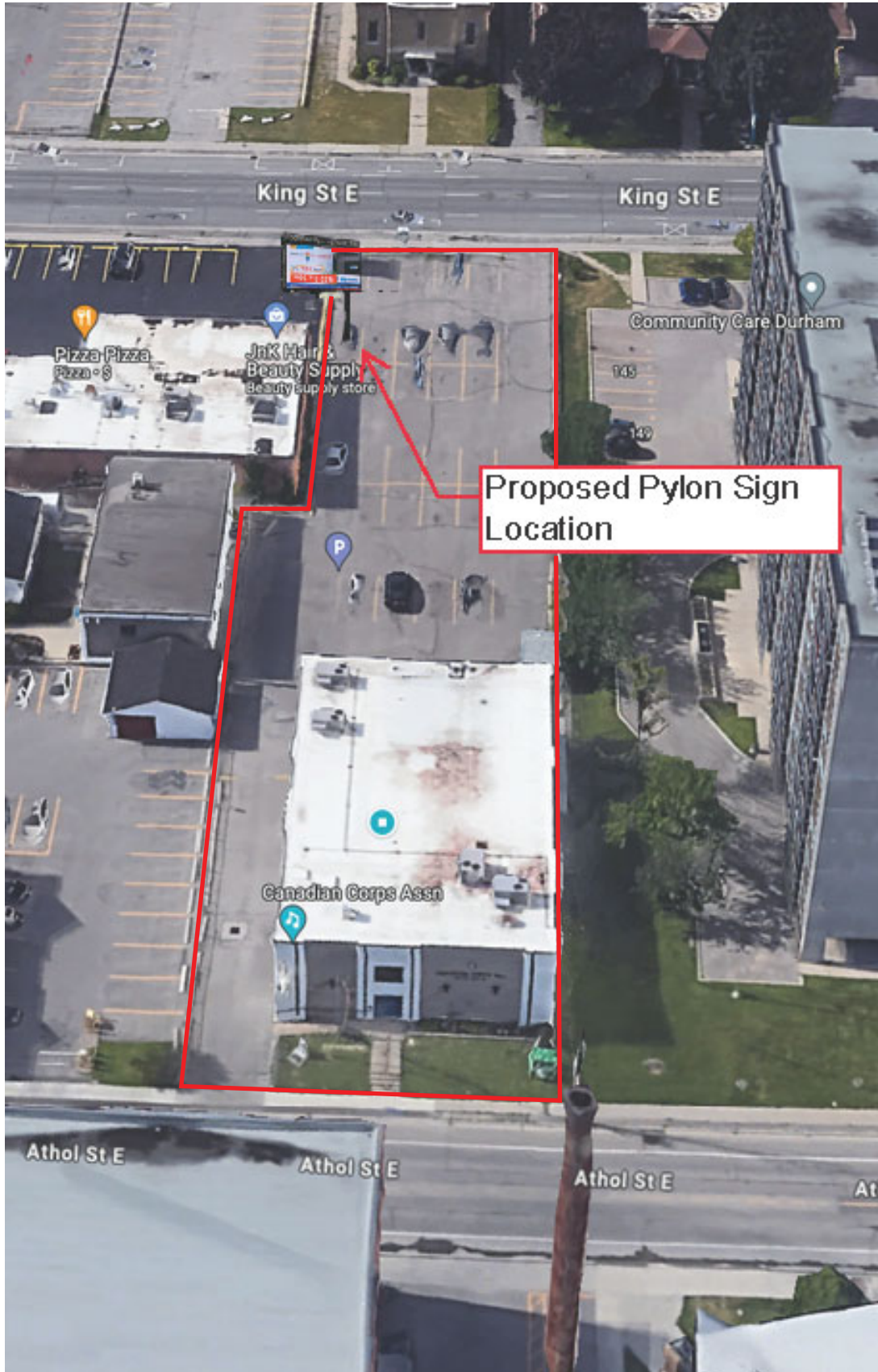
Subject Site



Title: Copy of the Site Plan Showing the Proposed Pylon Sign Location  
Subject: Application for Variance to Sign By-Law 72-96, 142 Athol Street East,  
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 Subject Site





Title: Copy of the Rendering of the Proposed Pylon Sign  
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City of Oshawa  
Economic and Development Services

