



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3090-20-2201/DVP00034

From: City Manager (CAO)

Date: January 25, 2023

Subject: **Development Variance Permit No. 2201 – 377 Lerwick Road (Comox Valley Aquatic Centre)**

PURPOSE:

The purpose of this report is to consider a Development Variance Permit to vary Sign Bylaw 2760, 2013 to permit an oversized electronic message board sign in a Public Use and Assembly Three (PA-3) Zone at 377 Lerwick Road (Comox Valley Aquatic Centre).

CAO RECOMMENDATIONS:

THAT based on the January 25, 2023 staff report “**Development Variance Permit No. 2201 – 377 Lerwick Road (Comox Valley Aquatic Centre)**”, Council approve OPTION 1 and direct staff to provide public notice to adjacent property owners and occupants and request feedback regarding Development Variance Permit No. 2201; and

THAT Council, make a decision on Development Variance Permit No. 2201 at the February 8, 2023 regular Council Meeting.

Respectfully submitted,

Geoff Garbutt M.Pl., MCIP, RPP
City Manager (CAO)

BACKGROUND:

The subject property is located at 377 Lerwick Road, is zoned Public Use and Assembly Three (PA-3) Zone and is occupied by the Comox valley Sports & Aquatic Centre and the North Island College. The property is approximately 21.7 ha (53.4 acres) (**See Figure No. 1**). The property is legally described as Section 78, Comox District, Except Parts in Plans 35641, VIP61717, 2117RW and EPP27453.

The applicant is proposing to replace an existing freestanding sign on the south east side of the property (along Ryan Road) to include a dual sided electronic message board (**See Figure No. 2 and Attachment No. 4**). As per Sign Bylaw No. 2760, 2013, electronic message board signs are permitted in the Public Use and Assembly Three (PA-3) Zone. In replacing the existing sign, a number of other Sign Bylaw variances are required: to vary the number of (existing) freestanding signs permitted on site, sign location and several electronic message board regulations related to sizing and display.

An electronic message board sign is defined as “a sign, or portion of a sign, on which the message copy is displayed by means of electronically controlled illumination of lamps, tubes, light emitting diodes (LEDs) or other electronic technology which can be changed through computer programming.”

The proposed electronic message board freestanding sign will have a sign area of 5.5m² per side for a total of 11m² (See Figure No. 3). The electronic message board portion is proposed to be 40.7% of the total sign area. The sign's height is set to be 3.5m. The proposed electronic message board sign will only be used to advertise uses, events and activities occurring on the property or the time and temperature. Each message will remain static for a minimum of 10 seconds and will not use scrolling, fading, flashing or animated display.



Figure No. 1. – Subject property context map (with existing freestanding sign locations. Subject sign in red circle)

DISCUSSION:

The City of Courtenay regulates the number, size, type, form, appearance and location of signs within City boundaries. The intent of the Sign Bylaw is to encourage aesthetically pleasing and harmonious streetscapes and to prevent erecting signs that pose a safety or hazard to life or property, create traffic hazards or interfere with traffic control devices.



Figure No. 2. – Existing freestanding signage.



Figure No. 3. – Proposed electronic message board freestanding sign.

The requested Variances are summarized below:

Variance Request #1 – Sign Area and Height for Institutional Uses

As per Section 5.4.2(a) of Sign Bylaw 2760, 2013, “the sign area shall not exceed 3.0 m² (32.3 sq. ft.) and the height shall not exceed 2.0 m (6.56 ft.).”

The applicant is requesting an increase in maximum sign area by 8.0m² and an increase to the allowable height by 1.48 m. The proposed sign area is 11.0m² and the proposed sign height is 3.48 m.

The proposed sign will be equivalent to the height of the existing sign at 3.48 m and equivalent in total sign area at 11.0m².

Variance Request #2 – Number of Freestanding Signs for Institutional Uses

As per Section 5.4.2(b) of Sign Bylaw 2760, 2013, “only one freestanding sign is permitted per parcel.”

The applicant is looking to get a variance for number of signs permitted on a parcel to formally permit other existing signs as there are a total of three existing freestanding signs on the parcel.

Variance Request #3 – Sign Location

As per Section 5.4.2(f) of Sign Bylaw 2760, 2013, “no sign shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 2.0 m (6.6 ft.) of the property line adjacent to a street.”

The applicant is requesting a decrease for the distance to an adjoining street by 0.12 m. The proposed sign is set to be constructed on the existing cement foundation, which is located 1.88 m away from the street facing property line (**See Figure No. 4**).

Variance Request #4 – Electronic Message Board Sign Area for Institutional Uses

As per Section 5.4.2(g)(i) of Sign Bylaw 2760, 2013, “freestanding signs may incorporate an electronic message board provided: the electronic message board can be no more than 40% of the sign area.”

The applicant is requesting an increase in electronic message board signage area of 0.7%. The proposed sign has an electronic message board sign area of 40.7%.

Variance Request #5 – Electronic Message Board Monochromatic Display for Institutional Uses

As per Section 5.4.2(g)(v) of Sign Bylaw 2760, 2013, freestanding signs may incorporate an electronic message board provided: the electronic message board must be a monochromatic display and must include automatic dimming features to reduce light intensity in lower ambient light conditions.”

The applicant is requesting to show full colour messages rather than monochromatic messages. The proposed sign is not in monochromatic display.

The applicant’s letter of rationale also includes a request to not have to situate the sign within the minimum 5.0 m² landscaped area (Section 5.4.2(c)), however staff were able to work with the applicant to provide the landscaping therefore that variance is not included.

Staff comments

The City’s Sign Bylaw 2760, 2013 has provisions for electronic message board signs in Institutional zones (PA-1, PA-2, PA-3 and PA-4 zone). The Sign Bylaw was intentionally written to allow signs with electronic message boards on institutional properties only for the purpose of making public service or event announcements. Development Permit No. 1809 was approved by Council and issued to allow an oversized electronic message board sign for the North Island College on the same parcel. The features of that

approved sign are similar with the proposed sign in regard to being an oversized electronic message board sign in full colour display. **Staff support all 5 variance requests.**

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this Development Variance Permit application. The fee for the Development Variance Permit to vary Sign Bylaw 2760, 2013 is \$400.00.

ADMINISTRATIVE IMPLICATIONS:

Staff have spent approximately 15 hours processing this application to date. Should the proposed Development Variance Permit be approved, an additional two hours of staff time will be required to prepare the notice of permit, have it registered on title, and close the file. Additional staff time will also be required for processing and issuing a Sign Permit.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this application.

2019-2022 STRATEGIC PRIORITIES:

- Communicate appropriately with our community in all decisions we make

OFFICIAL COMMUNITY PLAN REFERENCE:

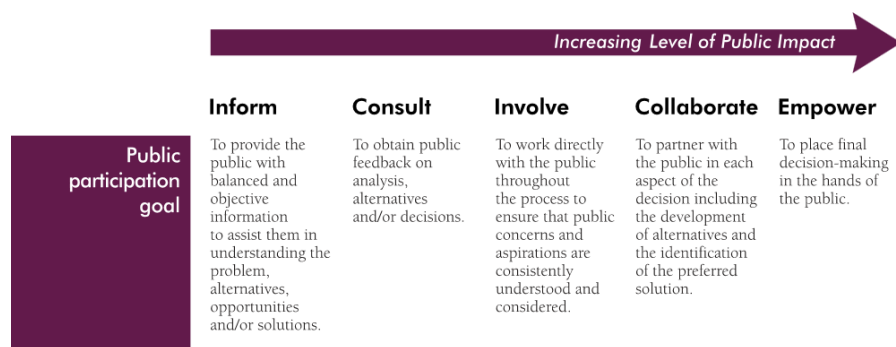
This application has no direct reference to any policies in the Official Community Plan.

REGIONAL GROWTH STRATEGY REFERENCE:

4.4 (14) - Promote and support the overall economic viability of the municipal areas so that they can continue to provide primary base for residential, commercial and institutional activities.

CITIZEN/PUBLIC ENGAGEMENT:

Staff **consulted** the public based on the IAP2 Spectrum of Public Participation



The applicant distributed an alternative public information package to property owners and occupiers within 30m of the property, as per the new Alternative Development Information Meeting process. The applicant received zero (0) comments as a result of the mail out.

To date, the City has received three (3) comments regarding the proposal on the applicant's behalf. The applicant's Public Information Meeting summary and the public comment is included in **Attachment No. 3**.

OPTIONS:

OPTION 1 (Recommended):

THAT based on the January 25, 2023 staff report “**Development Variance Permit No. 2201 – 377 Lerwick Road (Comox Valley Aquatic Centre)**”, Council approve OPTION 1 and direct staff to provide public notice to adjacent property owners and occupants and request feedback regarding Development Variance Permit No. 2201; and

THAT Council, make a decision on Development Variance Permit No. 2201 at the February 8, 2023 regular Council Meeting.

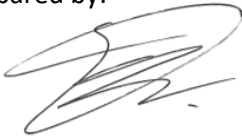
OPTION 2:

THAT based on the January 25, 2023 staff report “**Development Variance Permit No. 2201 – 377 Lerwick Road (Comox Valley Aquatic Centre)**”, Council approve OPTION 2 and not approve the issuing of Development Variance Permit No. 2201.

OPTION 3:

Defer consideration of Development Variance Permit No. 2201 pending receipt of further information.

Prepared by:



Devin Croin
Planner I – Development Planning

Reviewed by:



Nancy Gothard, RPP, MCIP
Acting Manager of Development Planning

Concurrence by:



Rob Roycroft, RPP, MCIP
Interim Director of Development Services

Concurrence by:



Geoff Garbutt, M.Pl., RPP, MCIP
City Manager (CAO)

Attachments:

1. Attachment No. 1: Draft Development Variance Permit
2. Attachment No. 2: Rationale for Variance Request
3. Attachment No. 3: Public Information Meeting Documentation
4. Attachment No. 4: Plan Survey of Proposed Sign Location

Attachment No. 1:
Draft Development
Variance Permit (1/2)

THE CORPORATION OF THE CITY OF COURTENAY

Permit No. 3090-20-2201

DEVELOPMENT VARIANCE PERMIT

To issue a Development Variance Permit

To:

Name: NORTH ISLAND COLLEGE
Address: 2300 RYAN ROAD
COURTENAY, BC V9N 8N6

Property to which permit refers:

Legal: SECTION 78, COMOX DISTRICT, EXCEPT PARTS IN PLANS 35641,
VIP61717, 2117RW AND EPP27453
Civic: 377 LERWICK ROAD

Conditions of Permit:

Permit issued to the property legally described as SECTION 78, COMOX DISTRICT, EXCEPT PARTS IN PLANS 35641, VIP61717, 2117RW AND EPP27453 to permit the following variances for an electronic message board freestanding sign on the parcel:

- *Sign Bylaw No. 2760, 2013*
 - *Section 5.4.2. (a)* – the freestanding sign may have a combined sign area of 11.0m² and a height of 3.48m.
 - *Section 5.4.2. (b)* – there may be a total of three (3) freestanding signs on the parcel.
 - *Section 5.4.2. (f)* – the freestanding sign may be 1.88m away from the street facing property line.
 - *Section 5.4.2. (g)(i)* – the electronic message board portion of the freestanding sign may have a sign area that is 40.7% of the total sign area.
 - *Section 5.4.2. (g)(v)* – the electronic message board portion of the freestanding sign may show full colour messages.

Development Variance Permit No. 2201 is subject to the following conditions:

1. Development must substantially conform to plans for the sign dimensions and complete set of drawings by Grant Illuminated Signs dated August 18, 2021 and January 6, 2023 contained in *Schedule No. 1*, which is attached to and forms part of this permit;
2. Sign location must be in accordance with the renderings contained in *Schedule No. 1*, which is attached to and forms part of this permit;

Attachment No. 1:
Draft Development
Variance Permit (2/2)

3. The freestanding sign must be located within a landscaped area of at least 5.0m²;
4. The freestanding sign requires an approved Sign Permit prior to the sign being erected, placed, displayed, altered or moved within the City;
5. The development shall meet all other applicable requirements, standards and guidelines;
6. No alterations or amendments shall be made without the City's permission. A formal amendment application is required if the plans change or additional variances are identified after the permit is issued.

Time Schedule of Development and Lapse of Permit

That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

Date

Corporate Officer

Schedule No. 1: Renderings (7/8)



Schedule No. 1: Renderings (8/8)



Attachment No. 2:
Rationale for Variance
Request (1/4)

ROLL Number: 01962.000

PID: 003-896-269

Lot Size: 53.54(ACRES)

Legal Description: SECTION 78, COMOX DISTRICT, EXCEPT PARTS IN PLANS 35641, VIP61717, 2117RW AND EPP27453

Zoning: PA-3 Institutional.

Variance Application for signage at 377 Lerwick Road, Courtenay, BC. V9N9G4

To City of Courtenay Mayor & Council,

Re: Rationale for development permit variance application – Comox Valley Aquatic Centre Sign

Attached is the application for variance for the sign permit issues for the freestanding sign located at 377 Lerwick Road, Courtenay, BC. V9N9G4

Application for sign permit & development variance permit

We are applying for a variance on portions of the Sign Bylaw No. 2760 that prohibit the replacement of an existing, newly non-conforming, sign to allow for the replacement of the same existing freestanding signage with an almost identically sized sign in the same location, located on Ryan Road frontage, in front of the Comox Valley Aquatic Centre, on a specific easement that appears to have been created specifically for the placement of this existing freestanding sign.

This sign may or may not have an existing sign permit issued to it, but we were unable to obtain information to that effect, however, as it is the opinion of city administration that the sign is being altered sufficiently that it would be considered a new sign and would need to follow the requirements of the bylaw as outlined. As such, a variance on various sections of the bylaw would need to be granted in order to replace the sign with a new sign.

We applied for a sign permit to have the sign alteration approved; however, the application was rejected as per a definition found under section 2.2.2 of the bylaw, of which 2.2.2 states “Changes to the copy of a legal non-conforming sign may be permitted by a sign permit provided that the sign shall not be rebuilt, enlarged, extended or relocated.”

It is the opinion of the City that the sign is being rebuilt and we recognize that this sign replacement would reasonably fit this assessment.

Therefore, in order to receive a sign permit for this sign I would need to receive a variance for sections under 5.4.2 Freestanding Sign

Part 1: The regulation 5.4.2.a “The sign area shall not exceed 3.0 m² (32.3 sq. ft.) and the height shall not exceed 2.0 m (6.56 ft.).”

The existing sign is 59.2 sq.ft. per side. As per the bylaw, the bylaw definition for area states that both sides need to be added together, so the total area of the existing sign is 118.4 sq. ft. (exactly 11m²). The existing sign is 366.6% the allowable size as per the Sign Bylaw.

Attachment No. 2:
Rationale for Variance
Request (2/4)

The existing sign is also 136.9" tall (3.48m). As per the bylaw, the sign must not exceed 2.0m, the existing sign exceeds the bylaw by 1.48m, as it is 174% the allowable size.

The replacement sign will be almost identical in size, with expected height and overall size to be 3.48m and 11m², therefore part 1 of our application is to apply for a variance for bylaw 5.4.2.a to allow for a sign to be made as per our drawings and the sizes noted here.

We request that the permit allows for a maximum height of

Rationale

The reason for the request for this portion of the variance is that the Comox Valley Regional District is simply replacing an existing sign with a new sign. The existing sign was once manufactured to be compliant with the law at the time of the build and has served decades of service on this portion of the roadway.

This signs overall size and height have been perfectly functional and we could not imagine having to manufacture a replacement sign that would only be 25% of the existing size overall. That sign that would only be acceptable at 16.15 sq. ft. per side and it seems an unreasonable restriction in sign size. The existing lettering "AQUATIC CENTRE" alone is approximately this overall dimension.

As the existing sign is an attractive sign in appearance and size, we believe that the request to allow the new sign to be manufactured with similar dimensions would not be unwarranted.

We request that this bylaw variance be granted to allow for a larger size.

Part 2: The regulation 5.4.2.b "Only one freestanding sign is permitted per parcel."

The existing sign is part of a trio of freestanding signs that are located on this property. To be detailed, this sign appears to be located on a parcel of property that was created specifically for the purposes of locating this sign (Easement Plan VIP 69289), wholly located inside property described by the legal description noted above.

The freestanding sign, as part of the trio of freestanding signs, was noted as part of a previous application for variance for a sign that was issued a Development Variance Permit on July 3, 2019, (Permit No. 3060-20-1809) however, the DVP that was issued erroneously noted only two signs instead of three. As there were three signs on the property before and at the time of that application, this needs to be addressed.

We request that this bylaw variance be granted to correctly note that three freestanding signs be permitted on this property.

Part 3: The regulation 5.4.2.c "All *freestanding signs* shall be located in a landscaped area, which shall be a minimum of 5.0 m² (53.8 sq. ft.) in area."

The existing sign is located on an easement plan, VIP 69289, which was created to be used specifically for the placement of the sign and for the creation of a walkway to allow easy access to the Aquatic Centre. The existing landscaping should be sufficient to satisfy this requirement,

Staff Note: Easement Plan VIP 69289 is to secure public pedestrian access.

Attachment No. 2:
Rationale for Variance
Request (3/4)

however, we ask for this variance to ensure that the sign be allowed without potential restriction going forward.

Part 4: The regulation 5.4.2.f “No *sign* shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 2.0 m (6.6 ft.) of the property line adjacent to a street.”

The existing sign is located on an easement plan, VIP 69289, which was created to be used specifically for the placement of the sign and for the creation of a walkway to allow easy access to the Aquatic Centre. The existing sign is located 1.88m from the property line facing the street, according to our land survey, and approximately the same distance from the easement boundary to the property line between the easement and the overall legal lot for 377 Lerwick Road. In order to meet this bylaw, the metal pole structure of sign base would have to be refabricated to move the sign from property line adjacent to the street and, in order to meet the 3.0m requirement, the concrete base would need to be removed and repoured in a new location. The cost of this work would be approximately fifteen to twenty thousand dollars, all of which would be a taxpayer’s expense. The existing location of the sign has not caused issues over the several decades the sign has been located there and is not expected to cause any issues going forward.

We request that this bylaw variance be granted to allow for the existing placement of the sign.

Part 5: The regulation 5.4.2.g.i “*Freestanding signs* may incorporate an *electronic message board* provided: i. the *electronic message board* can be no more than 40% of the *sign area*,”

The existing sign was designed to have a changeable message area that is approximately 40.5% of the total sign area when calculating the ratios based on overall sign area, including white space. This ratio changes to about 50% when calculating the ratios as per the sign bylaw’s explanation of sign area.

The new sign design was meant to replicate and replace the existing with the minor design alteration of squaring off the teardrop shape to allow for a larger identification area.

The new sign offers a ratio of 40.7% when comparing the total sign area and approximately 53.9% when using the definition in the sign bylaw.

The message centres are available in one foot height increments, allowing either a 2’ or 3’ height. The client wished to use a 3’ height for this sign.

The new sign has a message centre area that is 75% the size of the message centre allowed under permit 3060-20-1809 for the message centre for the North Island College on the same property and the ratios were similar at 52.8% ratio. The ratios seem reasonable and the message centre is not an obtrusive display overall, in our opinion.

We request that this bylaw variance be granted to allow for a 3’x8’ message centre on this sign.

Part 5: The regulation 5.4.2.g.v “the *electronic message board* must be a monochromatic display and must include automatic dimming features to reduce light intensity in lower ambient light conditions.”

Attachment No. 2: Rationale for Variance Request (4/4)

As with almost all current message centres, the availability of full color displays is now commonplace. Grant Signs manufacture these message centres in house and only build full color systems. Monochromatic systems are almost as costly and the resolution is poorer. We believe the bylaw stating that a message centre must be monochromatic to be difficult to follow. We believe that we have shown that full color message centres are effective for what they do and are not distracting more so than monochromatic systems.

We request that this bylaw variance be granted to allow for a message centre that contains a full color display on this sign.

Summary

In summary, the request to receive a variance for these items is for the intent of the direct replacement of an existing sign for a public government facility with the replacement to be completed with a more modern and attractive overall appearance and much greater functionality. The requests for variance noted above are believed to be all that is necessary to obtain the sufficient permits to replace this existing sign with new. Our hope is that you agree with our requests for variance and approve this request.

Thank you,

Jonathan Calderwood
GM, Grant Illuminated Signs Ltd.

Attachment No. 3:
Public Information
Meeting Documentation



Report to Courtenay City Council regarding summary of responses received regarding sign variance application for signage at 377 Lerwick Road, Courtenay, BC. V9N9G4

The City of Courtenay received three responses to our letters that were sent to neighbors of the Aquatic Centre as sent to the City's provided contact list. Grant Illuminated did not receive any responses.

Comment 1:

"We support the signage variance application made by the Comox Valley Aquatic Centre."

Comment 2:

"I don't know if you wanted actual reticence's opinions but I definitely think that they should allow this new sign if it's smaller. So long as the display screen doesn't scroll too much and isn't a distraction to the drivers. That is my main concern as a pedestrian who is a disabled person who cannot drive. I think they should get rid of the slip Lanes because people frequently do not look for pedestrians. lots of people do walk to the Aquatic Center the hospital and the college, and I have almost been hit four times in the last 3 years because people do not look for pedestrians in slip Lanes, but I digress. As a resident of 390 Cowichan Avenue, I agree that they should put up a new sign at the Aquatics Centre especially if it's going to be smaller than the current vary dated one."

Comment 3:

"The Comox Valley Regional District has received a Public Information Mailout letter regarding an application for a sign variance at 377 Lerwick Road.

The CVRD has no comments regarding this proposal."

The instructions provided in the letter to neighbors were noted as below.

View relevant documents on the City of Courtenay website www.courtenay.ca/devapptracker

Search by file number or address 377 Lerwick Road, Courtenay, BC. V9N9G4

A respond to this application can be submitted by December 7, 2022.

Please return your Comments by:

Comments can be submitted to the City of Courtenay by one of the following methods:

Drop your comment sheet off in the drop box located at the front entrance of the City of Courtenay or mail:

City of Courtenay, Planning Services Department, 830 Cliffe Avenue, Courtenay BC V9N 2J7

Email your comments to planning@courtenay.ca

Fax your comments to 250-334-4241

Attachment No. 4:
Plan Survey of Proposed
Sign Location

PLAN OF SURVEY SHOWING SIGN LOCATION: SECTION 78, COMOX DISTRICT, EXCEPT PARTS IN PLANS 35641, VIP 61717, 2117 RW AND EPP 27453

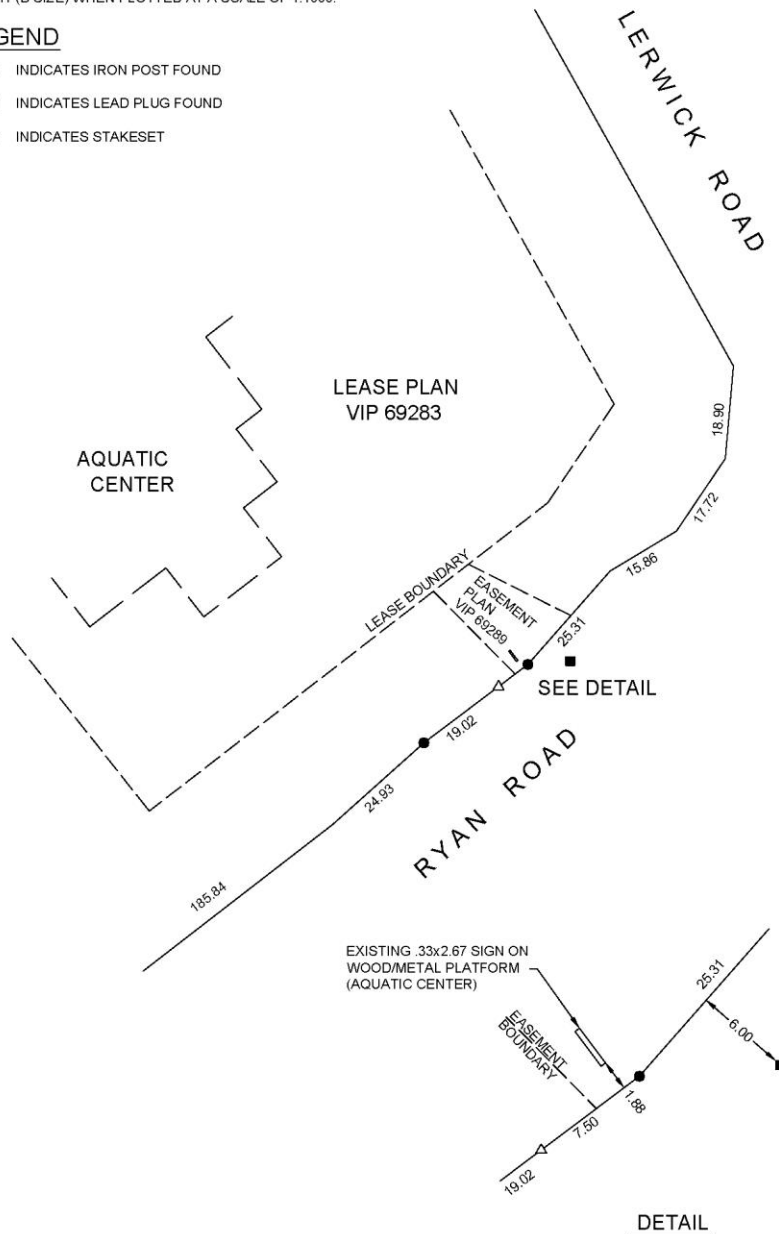
CIVIC: 377 LERWICK ROAD, COURTENAY, BC
P.I.D: 003-896-269

SCALE 1:1000 ALL DISTANCES ARE IN METERS AND DECIMALS THEREOF

0 10 20 40 60 80 100
THE INTENDED PLOT SIZE OF THIS PLAN IS 216mm IN WIDTH BY 356mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:1000.

LEGEND

- INDICATES IRON POST FOUND
- INDICATES LEAD PLUG FOUND
- △ INDICATES STAKESET



DATE: November 10, 2021
J.E. ANDERSON & ASSOCIATES
Surveyors - Engineers
Victoria - Nanaimo - Parksville - Campbell River
F-1250 CEDAR STREET, CAMPBELL RIVER, BC. V9W 2W5
File: 120-856 POS

LOT DIMENSIONS FROM FIELD
SURVEY AND LAND TITLE
OFFICE RECORDS.