

M E M O R A N D U M

TO: TOWN OF BLUE MOUNTAINS - Clerk
FROM: **Victor Vandergust**
RE: 45 Bruce Street - Candis McDonnell
DATE: May 3, 2017

ON OCT 20/2016

she paid \$75.00 for a Sign Permit Application
Under the old By-Law

ON OCT 21/2016

she paid \$75.00 for a Sign Variance Fee - under the old By-Law.

ON DEC 19/2016

The Minutes I have seen do not in detail reflect all of the questions and comments. I am advised the discussion was over 30 minutes, including not deferring it since it was Christmas and she wanted her sign up. Based on that discussion and the answered questions, the Minutes reflect a Motion by Councillor Sequin, second by Councillor Martin, Council approved the sign variance as recommended by Committee of the Whole on Dec 5, 2016. A certified copy of that Motion is attached.

Notwithstanding that Motion, and the earlier recommendations from the sign By-Law Review Committee, I gather a neighbour who had not spoken up before has protested, notwithstanding he has a similarly

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located set-back sign and it is much larger.

Recently your Committee of the Whole report dated April 24, 2017 refers to a sign By-Law Committee recommendation that suggests the placement of the sign is *detrimental to the neighbouring property owner*. We question that recommendation as the basis for a revocation. The test is not detrimental to one property owner.

Your test in the By-Law is that it would not be *materially detrimental to property owners in the vicinity under s.7.07*. Owner is plural and vicinity is not just next door.

With respect - the Committee has applied the wrong test
detrimental is not the test
detrimental to a neighbour is not the test

This makes sense as you are dealing with a downtown perspective, not a next door only one. It must be *materially detrimental to owners in the vicinity* - not just one- for a good reason - to prevent "one on one" fights among neighbours who often are prone to never to like what goes on next door.

We ask each member of Council to not just look next door, but as you look down your main street, if this sign which had approvals isn't a classy and modern credit to the vicinity-the downtown neighbourhood - note* the advice of Senior Staff Member Michael Benner to Sign Committee on Nov 7, 2016 who stated that *the sign does not impact character of the street and is tasteful* and will fit on Bruce street quite well *

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Also- please note in 7.07 *any decision of Council is final in the matter*

Therefore, what is this request for recession - the sign is and has been legally in place.

The By-Law provides that If a permit is denied under 7.05, a refund will be refunded. In 6 months, there has been no refund. The sign and the variance have been approved. It may be that with the offices closing over Christmas Break, the CBO never delivered the permit, but clearly he must

7.04 - CBO shall issue a permit if it conforms. By reason of the variance approval

With respect, it is suggested that taking a too narrow view of your By-Law is not correct. You would set a precedent that if clothing store A didn't like B's sign next door you would be umpiring one on one conflicts - that is why your By-Law uses vicinity term to avoid disputes and promote a vicinity basis.

Similarly "detrimental" is not meant to be used if A's sign blocks B's - that is not detrimental to the property itself, but perhaps a diminution of the visibility of a neighbors sign that could easily be moved and it in itself as far as the Re-Max sign goes is not a sign that we suggest is classy and a credit to your downtown.

In Mr. Benner's terms - is the Re-Max sign in big red letters tasteful and fitting on Bruce Street quite well as is my client.

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Sometimes the pro-active new sign of one business causes another to modernize and update as your very trendy main street is progressing toward.

Further, I do see in the new By-Law that existing permissions are carried forward. I see no legal basis for revocations of my client's permit anywhere in the By-Law.

We ask you to say the approvals and the sign can remain. Should the neighbour want to come forward and see a variance for a new sign, he is free to do so.

Victor L. Vandergust

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Candis McDonnell, Niche

Deputation

With Remax having 30 ft frontage the sign is inches from my property line past the railing



It's so close that Norm has to come onto my property to clear snow and any maintenance



Customers /tourists believe that my building is REMAX office and don't always cross the road



Remax has full signage including a huge listings board that blocks the light at my side windows



Remax sign could be moved up hill to the other side of entrance walkway for full visibility



The same garden foundation would support his sign and be in FRONT of the Remax building



Sign is right at the end of the property line



At least 15-20 ft available to allow both business' to have a sign

