

Council approves two sign variances for local honey business

By Angela Gismondi

After much debate, council has agreed to allow Pioneer Brand Honey owner Andre Flys to keep two signs on Highway 27 advertising his apiary.

Flys submitted two sign variance applications and both were approved by council at a meeting Monday after a fulsome discussion. Despite Township staff's recommendations to allow only one sign exemption to promote the business, councillors decided to grant both requests for the period of one year.

In June, the Township's bylaw enforcement staff saw an illegal third party sign at the Esso station, near the intersection of Highway 27 and 15th Sideroad in Nobleton. Bylaw enforcement staff advised the property owner and owner of the sign that the sign was in violation of the third party prohibition and had to be taken down. More signage, two sets of five beehives inscribed with the letters B, U, Z, Z and a directional arrow, was later put up on the property directly south of the initial violation.

Through discussions with the property owners and sign owner, it was determined that a variance application would be submitted and a complete application including all applicable fees, forms and drawings was received by the Township on Aug. 20. The variance requested signs for the two properties.

Originally, Flys was looking for an exemption for the sign at the Esso station ? a double-sided, four foot by four foot sign advertising Pioneer Brand Honey, indicating items for sale, location of and directions to the property and business contact information. Staff had no objections to the design, size, setbacks or content of the sign. It was the request for the second sign, the beehives spelling out BUZZ, which caused concern.

"It is the opinion of staff that the proposed signage would amount to an aggregate total of 10 signs, as it requires a series of these signs to communicate a relevant message," explained the staff report. "Any of these signs in isolation or stand alone would not successfully communicate the advertising desired, hence the aggregate approach is assessed. As such, the variance request is considered significant in the context of potentially allowing for a variance to the third party prohibition for 10 signs on one property ... it is recommended that the requested variance not be granted, as it exceeds significantly the current prohibitions of the sign bylaw as well as extending far beyond the scope of the bylaw's intent, if it were to be approved."

One of the reasons that the original third party sign was approved is because there are no other advertising alternatives currently available. However, committee also considered a report on the Agri-Business Wayfinding Signage Program at the meeting. The program, which is designed to provide directional signage for agri-businesses within King, will be included in the 2015 budget deliberations for development and implementation next year. They are even talking about employing the services of a label printing company in order to create labels that show the address and common directions, to once more drive people to support the local honey farm.

"I'm hoping the individual (Flys) will be part of the discussion when we have the Wayfinding Signage meetings," said Councillor Avia Eek.

Susan Beharriell disagreed with denying the sign variance application and came forward at the meeting to voice her opinion.

"I understand this is one of the first times variances have been requested under the new sign bylaw," said Beharriell. "Staff does not make a compelling argument to justify denying the variance."

She said staff gave little consideration to sustainability in making their decision. Allowing the signage would support a local farmer and his economic well-being. The BUZZ sign has been attracting a lot of customers to the business, she said. She added there are developers in Nobleton who are "in clear contravention of the sign bylaw."

Councillor Cleve Mortelliti said he has been struggling with the issue for some time. While he recognizes the need to support local businesses, he also knows there is a problem with sign pollution and the new sign bylaw was put in place to address that.

"I'm not sure how to treat this," said Mortelliti, adding he thought he knew how he was going to vote but hearing different arguments caused him to question his decision. "Ever since we passed the new bylaw I think we've gotten more complaints than in previous years. But we can't just focus on one sign location, there are third party signs all over the township ? some for businesses outside of King. We shouldn't penalize a local business owner who's trying to promote his business. I am struggling to make the right decision here."

Patty Fleetwood also came forward at the meeting on behalf of the King Chamber of Commerce and the Nobleton Village Association.

"We, as a group, support the signage for the Flys family," said Fleetwood. "Being a farming community, a lot of farmers do not have ability or the money to put up signs. How long has the Flys family been in business and they can't put a sign on the road? I don't

understand that. You need to explain it to me."

Councillor Peter Grandilli suggested a compromise ? that the sign at the Esso station be moved to the adjacent property where the beehive sign is currently housed.

"I don't know if it's feasible to move the sign on (Highway) 27 but I think it would give him better exposure," said Grandilli.

John Flys came forward to add Andre leases the property where he puts the beehives, therefore it should not be considered third party signage.

Mayor Steve Pellegrini suggested the applicant be allowed to keep both signs to promote his business for one year, until it needs to be renewed and the Wayfinding Signage Program is in place.

"I think we're going to spend more time wrestling this out," explained Pellegrini. "Let's allow both variances for a year and let him know that this is an exemption."

He added that staff should not be blamed for the recommendations.

"People shouldn't be abusive of our staff," said Pellegrini. "They're just doing what the bylaw says. We have a brand new bylaw and the ink is not even dry yet and we're getting heck for it. People always say we don't follow our bylaws but that's what we're trying to do."

Councillor Debbie Schaefer questioned the validity of the beehives as "effective advertising signage to market the business." Along with being difficult to see, she pointed out that they don't actually provide information about the business. She was not comfortable approving two variances and was concerned it might set a precedent.

"I personally have difficulty in agreeing to the two variances for one business at this stage in the game of having a new bylaw in place," said Schaefer. "Even though I can't tell you which agri-business is going to come forward with why they should have a sign, it will happen again. There is no rationale for two signs."

Andre was at the meeting but chose not to come forward. When asked which sign he wanted to keep he said he got more business from the beehives.

"To be honest I put those hives up there but the other sign is what I wanted," said Andre. "These BUZZ hives have been very effective for me."

He added half of the customers who come to the apiary said they were drawn there by the beehives.

"And they know exactly what they mean," said Flys, in response to council and staff comments that people wouldn't understand the advertising. "I would hate to give them up."

CAO Susan Plamondon weighed in.

"For staff, the issue is the proliferation and trying to strike a reasonable balance between the needs of the agri-business and the bylaw," said Plamondon, adding approving the variances may open a can of worms.

She suggested that Andre take the sign from the Esso property and relocate it to where the beehives are. However, the lettering would have to be removed from the hives so it's not considered a sign anymore.

"It's one variance, it keeps the hives tied to the sign and it may work," said Plamondon.

Andre responded that would require more work.

"It requires me to do a little more work than I've already done," said Andre, urging council to support local farmers. "There are very few of us here and we need help. Personally, I like the Mayor's suggestion best."

Pellegrini reiterated the other suggestions could mean additional cost for the small business owner. He reminded council that approving both sign variances will still cost the applicant.

"It all comes down to money," said Pellegrini. "He's a small business owner, he's not rolling in the dough. Let's let him have it for a year."

With that, the mayor put a motion on the table to approve both sign variance applications for the sign at the Esso station at Highway 27 and the 15th Sideroad and the beehive sign just south of that. The motion carried.

"I am happy at the outcome, however it baffles me it took three council meetings, two staff reports and an hour long discussion to get to what the people of King fully support," said Andre after the meeting. "I'm also not happy I will be in the same boat again one year from today. Not including the cost of the sign itself, Pioneer Brand will have paid the Township almost \$1,000 for the privilege of advertising our farm."