

Clause embodied in Report No. 3 of the Scarborough Community Council, as adopted by the Council of the City of Toronto at its meeting held on April 14, 15 and 16, 2003.

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**Request for Variance from the Sign By-law
Nick Brokalakis
Roof Mounted Non-Accessory Third Party Sign at
2635 Victoria Park Avenue
(Ward 40 - Scarborough Agincourt)**

(City Council on April 14, 15 and 16, 2003, adopted this Clause, without amendment.)

The Scarborough Community Council recommends the adoption of the following report (March 11, 2003) from the Director of Building and Deputy Chief Building Official:

Recorded vote on the recommendation:

Yeas: Councillors Altobello, Balkissoon, Berardinetti, Cho, Duguid, Kelly, Shaw, Soknacki -8

Nays: Councillors Ashton, Moeser -2

Purpose:

To review and make recommendations on a request by Nick Brokalakis, the owner of the property at 2635 Victoria Park Avenue, for approval of a variance from the former City of Scarborough Sign By-law No. 22980, as amended, to permit the erection of a roof-mounted non-accessory third party sign at the above noted location. Refer to attachments for details.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the request for variance be approved for the reasons outlined in this report; and
- (2) in the event that City Council adopts the proposed amendments to the former City of Scarborough Sign By-law No. 22980, as amended, the subject sign be exempted from the provisions of the setback requirement for third party billboard signs at street intersections.

Background:

The subject property is located at the north-east corner of the intersection of Sheppard Avenue East and Victoria Park Avenue. The property, originally known as 2904 Sheppard Avenue, was redeveloped in 2000 as a one-storey 894 square metre building and is now known as 2635 Victoria Park Avenue. A Donut shop and a bank presently occupy the entire one-storey building.

The property is zoned Highway Commercial (HC) in the L'Amoreaux Community Zoning By-law No. 12466. Clause VI, sub-clause 23, of the zoning by-law, prohibits roof-mounted Non-Accessory signs.

The adjacent land to the north is presently zoned Highway Commercial, however, there is a proposed re-zoning for high rise Apartments and townhouses. The land immediately east of the subject property is also zoned Highway Commercial (HC). The property at the north-west corner of the intersection of Sheppard Avenue East and Victoria Park Avenue is zoned Commercial and the south-west corner is zoned Industrial in the North District zoning by law.

The approximate distance from the proposed sign to apartment residential uses in the surrounding area is 110 metres to the north and 120 metres to the east. The approximate distance from the proposed sign to single family residential uses is 150 metres to the south-east, 175 metres to the north-west, and 300 metres to the west.

The former City of Scarborough Sign By-law No. 22980 was amended by By-law 25110, on May 13, 1997, by deleting the requirements for roof-mounted Non-Accessory Signs. Since the 1997 amendment, there have been no applications for sign variances to allow roof-mounted Non-accessory billboards or third party signs and no permits have been issued for such signs. Presently, there are 140 roof-mounted Non-accessory third party signs in the former City of Scarborough, all preceding the above mentioned 1997 sign by-law amendment.

The former City of North York Sign By-law allows third party roof-mounted signs for the properties at the north-west and south-west corners of the intersection of Victoria Park Avenue and Sheppard Street East. The site on the north-west corner may be permitted a sign with maximum sign area of 45.9 square metres and to be located not less than 153 metres to a similar sign on the same side of the street. The property at the south-west corner may be permitted to have a sign with maximum sign area of 23.2 square metres and shall be located not less than 229 metres to a similar sign on the same side of the street.

Comments:

The applicant is proposing to erect a roof-mounted non-accessory third party billboard sign, facing Victoria Park Avenue, at the south-west corner of the building. The proposed height of the sign would be in keeping with the previous permissions under the sign by law.

The proposed double faced sign with an angle of less than 45 degrees between the two sign faces has an area of 18.6 square metres and a height of 7.5 metres above the parapet wall. The sign setback is approximately 5 metres from the south property line and 7 metres from the west property line.

Consideration was given to the feasibility of a non-accessory ground sign at this location, however, the concept for ground sign location could not be accommodated under the by law.

The building immediately to the east of the subject property is a two-storey commercial building and has a roof-mounted third party billboard sign facing Sheppard Avenue and is approximately 30 metres from the proposed sign.

Further to the east of the subject property, at Pharmacy Avenue, a roof-mounted third party sign is erected at 2993 Sheppard Avenue on a two-storey commercial building. The distance of this sign to the proposed sign is about 350 metres.

To the west of the subject property, a roof-mounted third party sign is erected at 2175 Sheppard Avenue East, on a three-storey commercial building, at a distance of approximately 700 metres from the proposed billboard sign.

The proposed sign does not comply with the former City of Scarborough Sign By-law No. 22980, as amended, for reasons tabled below.

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
Roof-mounted Non-Accessory Signs are not permitted	To erect one roof-mounted Non-Accessory Sign, with a maximum sign area of 18.6 square metres, a maximum height of 7.5 metres above the parapet wall of the building and setback not less than 5 metres from the south and west property lines.	To allow the erection of one roof-mounted Non-Accessory Sign, with a maximum sign area of 18.6 square metres, a maximum height of 7.5 metres above the parapet wall of the building and setback not less than 5 metres from the south and west property lines.

The Ward Councillor has been notified of the request for variance and has been provided with a copy of this report.

Conclusions:

The Official Plan of the former City of Scarborough contained a policy against allowing roof-mounted Non-Accessory third-party signs.

The former City of Scarborough did extensive studies in establishing policies for signs resulting in the existing Zoning By-law prohibition of roof-mounted signs and current Sign By-law standards. Scarborough clearly wanted to prevent the erection of additional third party signs to avoid the visual intrusion and clutter which would result from a proliferation of such signs.

The Former City of Scarborough Sign By-law No. 22980, prior to the aforementioned sign by-law amendment in 1997, permitted roof-mounted third party billboard signs, consequently, it would have permitted the proposed sign at the subject location. After this, though, such signs are not permitted. The only way, therefore, to allow the installation of roof-mounted third party billboard signs is through the process of sign variance applications and/or applications to amend the Official Plan and/or the Zoning By-laws of the former City of Scarborough, as required. The current case for 2635 Victoria Park Avenue falls into this category of applications.

The Council of the City of Toronto, at its meetings on February 24, 25, 26, 27, 28 and March 3, 2003, adopted the amendments to the former City of Scarborough Official Plan and the L'Amoreaux Community Zoning By-law No. 12466 to permit a roof-mounted Non-Accessory third party sign at 2635 Victoria Park Avenue.

The proposed Sign by-law amendment, presently before Scarborough Community Council, if approved, would require Non-accessory third party billboard signs to be located not closer than 30 metres to the point of intersection of property street lines. The proposed sign, notwithstanding the current variance, would require a further variance due to the non-compliance with the required minimum distance of 30 metres to the intersection, as a result of the approval of the Sign by-law amendment.

The proposed sign design would meet the regulations for non-accessory third party signs and would have been permitted prior to the amendments to the By-law in 1997. It is the opinion of staff that the requested variance to the former City of Scarborough Sign By-law 22980, as amended, be approved.

Contact:

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