

5 High Park Avenue - Sign Variance Application

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| Date: | April 13, 2007 |
| To: | Etobicoke York Community Council |
| From: | Director, Community Planning, Etobicoke York District |
| Wards: | Ward 13 - High Park |
| Reference Number: | File No. 07 – 115320 ZSV 00 ZR |

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision.

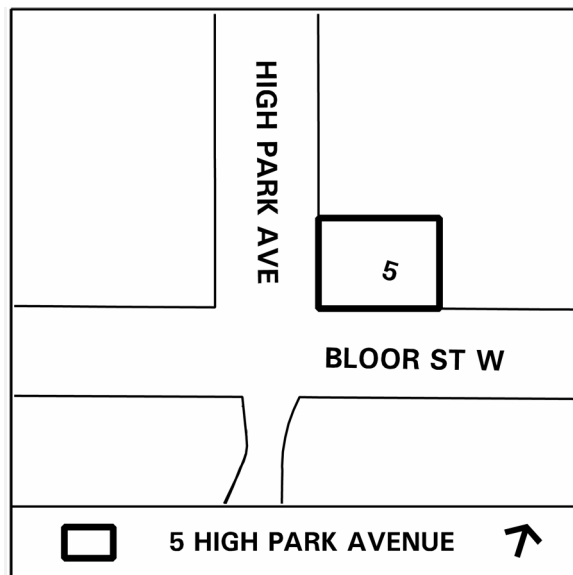
This report reviews a request for approval from Chapter 297, Signs, of the former City of Toronto Municipal Code, to permit an awning sign on the south side elevation of the existing residential building at 5 High Park Avenue.

This report recommends approval of the application to amend the former City of Toronto Municipal Code, as amended, to permit the awning sign subject to conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Etobicoke York Community Council approve the requested variance to permit the awning sign to be installed on the south side elevation of the building, subject to:
 - a. the sign permit being obtained and the sign being installed in accordance with the application plans filed with Toronto Building, Etobicoke York District;



- b. permission for the installation and display of this sign be granted for the term of the lease, in order to be consistent with the Ontario Municipal Board's decision; and
2. Etobicoke York Community Council authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Owners of the property and residential building filed an application to the Committee of Adjustment to seek a variance from the former City of Toronto Zoning By-law to allow a commercial use within a residential building. The commercial unit is to be located on the main floor.

A commercial use is allowed within a residential building when there are a minimum of 100 residential units. The existing building contains 21 residential units. The application was refused by the Committee of Adjustment, and was then appealed to the Ontario Municipal Board. The Board dismissed the decision of the Committee of Adjustment and deemed the commercial use minor, and desirable for the appropriate development of the land, subject to the commercial use being granted permission to operate for the term of the lease. Upon expiration of the lease, an additional approval will be required to maintain this temporary use.

(OMB Decision: <http://www.omb.gov.on.ca/e%2Ddecisions/pl060777%5F%230173.pdf>)

ISSUE BACKGROUND

The property is zoned R4 and is located on the north east corner of Bloor Street West and High Park Avenue. The proposed awning sign is not permitted within this residential zone.

COMMENTS

Signs within residential zones are to be small and low in order to limit any negative impacts the sign may have on neighbouring residential uses and the streetscape. The proposed sign is on the side elevation of the building which abuts the pedestrian sidewalk along Bloor Street West. The awning sign is sized well in relation to the retail unit, and the graphic design and layout is discrete and does not conflict with the existing building façade, or impact the visual aesthetic of the streetscape.

Staff have no objection to the requested variance to permit the awning sign, subject to the following conditions:

1. the sign permit being obtained and the sign being installed in accordance with the application plans filed with Toronto Building, Etobicoke York District; and
2. permission for the installation and display of this sign be granted for the term of the lease, in order to be consistent with the Ontario Municipal Board's conditional decision.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

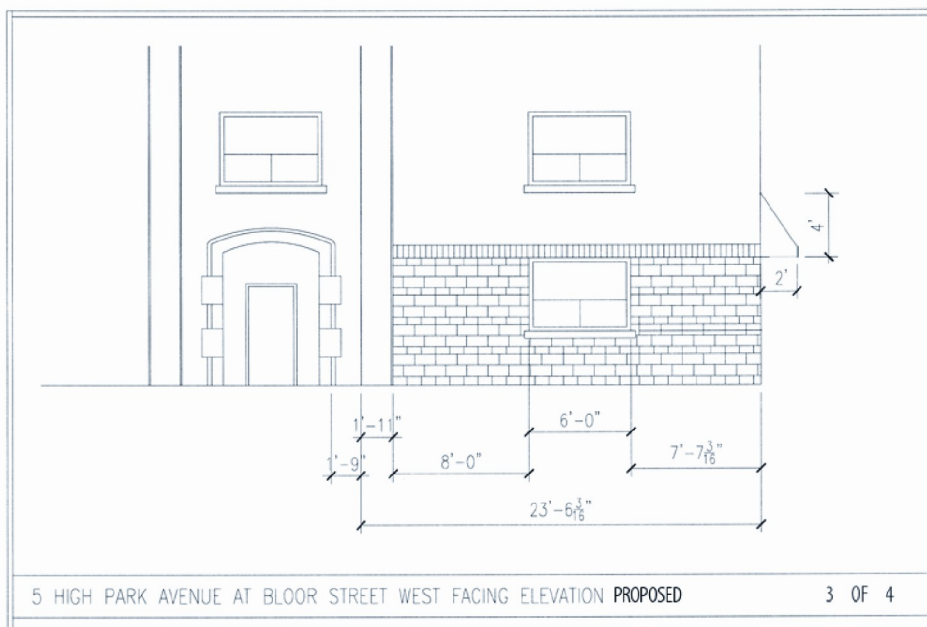
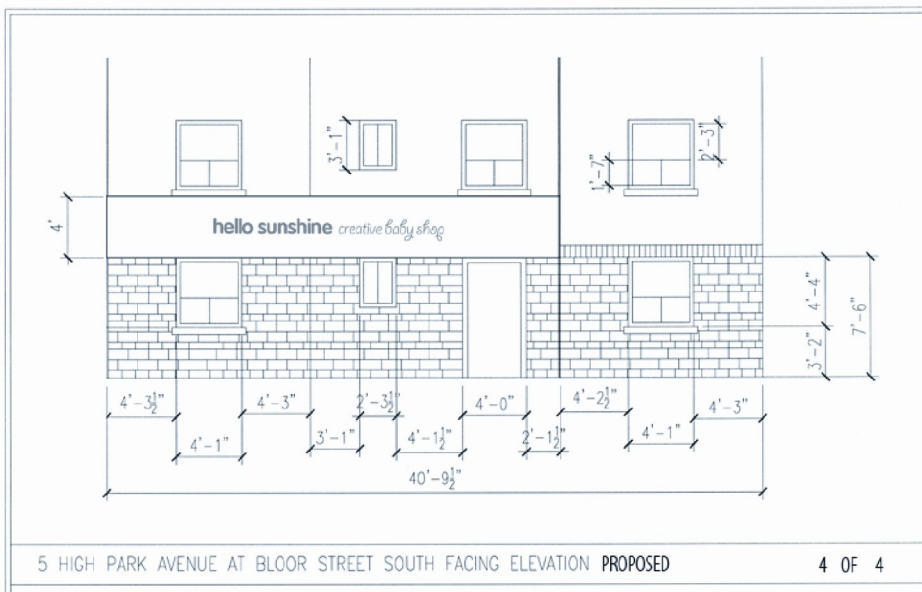
Attachment 1: Elevation

Attachment 2: Elevations

Attachment 3: Sign Detail

Attachment 4: OMB Decision No. 1073

Attachment 1: South & West Facing Elevation



Elevation

5 High Park Avenue

Applicant's Submitted Drawing

Not to Scale
04/11/07

File # 07_115320

Attachment 2: Sign Fronting onto Bloor Street West



Front Elevation

Elevations

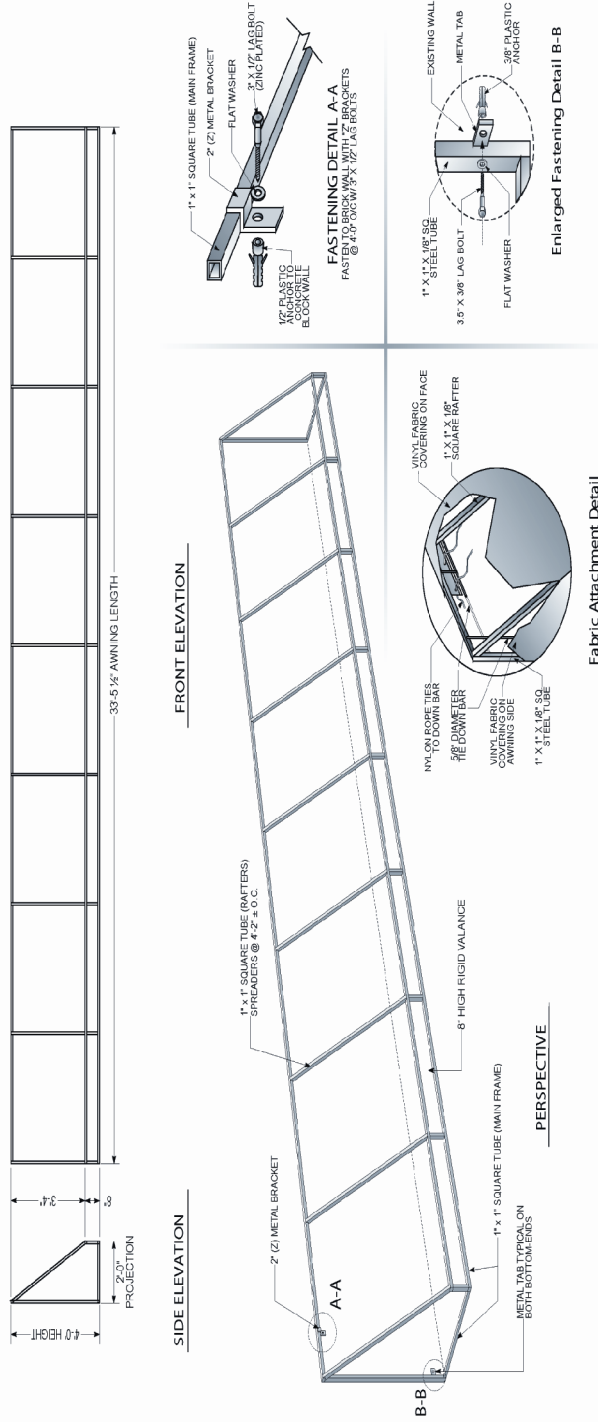
Applicant's Submitted Drawing

Not to Scale
04/11/07

5 High Park Avenue

File # 07_115320

Attachment 3: Sign Detail



5 High Park Avenue

File # 07_115320

Sign Detail

Applicant's Submitted Drawing

Not to Scale
04/11/07

Attachment 4: OMB Decision No. 0173

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| ISSUE DATE: JAN. 22, 2007 |
| DECISION/ORDER NO: 0173 |



PL060777

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

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|-------------------------------|-------------------------|
| Applicant and Appellant: | Vera and Delko Blazanin |
| Subject: | Minor Variance |
| Property Address/Description: | 5 High Park Avenue |
| Municipality: | City of Toronto |
| OMB Case No.: | PL060777 |
| OMB File No.: | V060393 |
| Municipal File No.: | A-397/06EYK |

APPEARANCES:

Parties

Delco and Vera Blazanin

Agent

D. Blazanin

DECISION DELIVERED BY J. E. SNIJEK AND ORDER OF THE BOARD

D. Blazanin, son of the owners of 5 High Park Avenue, appeared before the Board on behalf of himself and his parents. He and his wife operate an on line baby store and they wish to establish a retail store in the existing twenty one unit apartment owned by his parents. Both he and his wife will reside in the apartment above the proposed retail baby store.

Adrian Litavski, a consulting planner, appeared before the Board. He stated that the subject lands were designated "Apartment Neighbourhood" in the Toronto Official Plan (TOP) and zoned R-4 Z 2.0 H 23 in the zoning by-law. The existing zoning by-law permits retail uses in residential apartments with 100 units or more. The existing building has 21 units. It permits 247 sq. ft. of retail space where the proposed use is 480 sq. ft. It provides that no exterior evidence of the use is permitted whereas the applicant is proposing a sign/awning and the applicant may use the existing windows to place signage and merchandise.

The applicant provided three letters of support (Ex. 9) and the comments from the Transportation Services Department (Ex. 8) indicating support for the application.

The Board requires that an application for a minor variance meet the four tests of Section 45(1) of the *Planning Act* being that the application meets the general intent and purpose of the Official Plan and Zoning By-law, is minor and is desirable for the appropriate development of the land.

Official Plan (TOP)

According to the uncontradicted planning evidence of Mr. Litavski, the subject application complies with the general intent and purpose of the TOP and is supported by the built form, structure and land use policies of the “Apartment Neighbourhood” designation.

The Board finds that the application meets the first test in that it complies with the general intent and purpose of the TOP.

The Zoning By-law (ZBL)

Mr. Litavski’s evidence was that Zoning By-law 438-66 permitted retail stores in apartment buildings of greater than 100 units. The use is contemplated by the ZBL. The property is located on a major commercial street “Bloor Street West”. The small change to the apartment along this street is in keeping with the general intent and purpose of the ZBL.

The Board finds that the application meets the second test in that it complies with the general intent and purpose of the ZBL.

The Minor Nature of the Variance

The evidence of Mr. Litavski was that the question of minor is not a numerical issue but issues such as the size of the variance and its impact and importance must be assessed. The context of the location and the fact that the use is taking up one existing apartment unit must be considered. The retail unit will have interior and exterior access points and no major alteration to the building is required. The windows may be used for signage and display of goods but they will not be changed

in their size or appearance. A sign and new entrance doors will be the only physical improvements. The proposal does not warrant the necessity of a zoning change.

The Board finds that the variance in terms of its size, importance and impact can be considered minor.

Desirability

The evidence of Mr. Litavski is that the proposed use is desirable in the context of other commercial uses along the street and considering the location on Bloor Street West it is desirable and good planning.

The Board finds that the proposed use is desirable and constitutes good planning.

Overall Findings and Conclusions

The Board finds that the proposed use meets the general purpose and intent of both the Official Plan and Zoning By-law 438-86; is minor and is desirable for the appropriate development of the land.

The appeal is allowed and variances authorized subject to the conditions contained in Ex. 8 and attached as "Attachment "1".

"J. E. Sniezek"

J. E. SNIEZEK
MEMBER