



**STAFF REPORT
ACTION REQUIRED**

**135 Fenelon Drive
Sign Variance Request**

Date:	March 13, 2007
To:	Chairman and Members, North York Community Council
From:	Director of Building and Deputy Chief Building Official
Wards:	Don Valley East – Ward 34
Reference Number:	File No. 2007 NY 010 Folder No. 07-110432

SUMMARY

This staff report is about a matter that the community council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

The purpose of this report is to review and make recommendations on a request by Daniel Pitoscia of Strategic Media, on behalf of the property owner Beaux Properties, for approval of a variance from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of a non-illuminated wall sign at the above noted location.

The proposed wall sign, which has been erected without the benefit of a sign permit, measures 18.3 m high x 12.2 m wide (60'-0" by 40'- 0") and spans the top 7 storeys of the existing 19 storey apartment building. The sign is an off premise sign, for advertising purposes, located on the north wall of the building.

This off premise sign is prohibited under the former City of North York Sign By-law No. 30788, as amended.

RECOMMENDATIONS

Toronto Building North York Division recommends that:

1. The request for variance be refused.

Financial Impact

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

COMMENTS

The property is zoned RM6. There is presently a 19 storey apartment building located on the site.

Abutting uses are as follows:

North: Graydon Hall Park, George Henry Secondary School

North of Highway 401: Apartment buildings, multiple attached dwellings

South: Semi-detached dwellings

West: Semi-detached dwellings

East: Semi-detached, multiple attached dwellings (east side of Highway 404)

The property where the sign has been erected is located just south of Highway 401 and the east limit of the subject property borders Highway 404. Both highways are under the jurisdiction of the Ministry of Transportation of Ontario (MTO). The proximity of the existing sign to both Highway 401 and Highway 404 will necessitate approval from MTO.

The proposed signage does not comply with the former City of North York Sign By-law No. 30788, as amended in the following way:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
Section 2.9.15 "An off premise sign is prohibited, except as specifically permitted in this By-law." This type of sign is not specifically permitted in the by-law.	To erect and maintain one non-illuminated, off premise wall sign on the north side of the building.	To allow an off premise sign. The By-law prohibits off premise signs.

The applicant submitted a letter in support of his request in which he advises that the proposed sign installed on the north face of the building is a banner type sign that will be completely removed and replaced for each advertising campaign. The applicant also claims that the sign will have little or no impact on the neighbourhood in the immediate vicinity.

Several notices of by-law non conformance were issued by Toronto Building Inspections for two signs erected without a permit on the north and south sides of the building. Court action resulted in the removal of the south sign. This application for a sign variance has been submitted in order to legalize the existing sign on the north side of the building.

Toronto Building has received numerous complaints with respect to the erected sign. The off-premise sign is visible from the surrounding semi-detached dwellings and apartment buildings in the area. The sign is also visible to motorists driving south on Highway 404 and may cause traffic distractions. Approval of the variance as requested under this application may set a precedent for the approval of variances for similar types of signs in the future.

If North York community council approves the application for the sign variance, the applicant should be advised of:

1. the requirement to obtain the necessary sign permits from the Chief Building Official, and
2. the requirement to obtain approval from MTO due to the proximity to both Highways 401 and 404.

CONTACT

Magda Ishak, P. Eng.; Manager, Plan Review; Tel.: 416-395-7555; Fax: 416-395-7589;
email: mishak@toronto.ca

SIGNATURE

Steve Franklin, P.Eng.
Director and Deputy Chief Building Official
North York District

ATTACHMENTS

Attachment 1:	Zoning Map
Attachment 2:	Site Plan
Attachments 3 & 3A:	Sign Elevation and Sign Details
Attachments 4 & 4A:	Photographs by Applicant
Attachment 5:	Photograph by Staff
Attachment 6:	Letter from the Applicant