

Request for approval of variances from the former City of Scarborough Sign By-law No. 22980, as amended, for three facial signs at 1125 Kennedy Road.

Date:	January 2, 2007
To:	Chair and Members, Scarborough Community Council
From:	Bruce Ashton, Director and Deputy Chief Building Official
Wards:	Scarborough Centre – Ward 37
Reference Number:	2007SC001

SUMMARY

To review and make recommendations on a request by Paul Picini of Twilight Sign & Neon Inc., on behalf of N. Turk Investments Limited, for approval of variances from the former City of Scarborough Sign By-law No. 22980, as amended, to permit three facial signs at the above address.

The aggregate sign area of the proposed and existing facial wall signs would exceed the sign area permitted by the Sign By-law, by 52.77m² or 338.0%. In addition, two of the proposed signs would not be in compliance with the existing Uniformity Plan for this property.

The requested variances significantly exceed what is permitted by the Sign By-law, are not minor in nature and are not in compliance with the purpose and intent of the sign by-law which regulates area and appearance of signs. Staff recommends refusal of the requested variances.

RECOMMENDATIONS

The Director of Building and Deputy Chief Building Official recommends that:

- (1) the requested variance be denied for the reasons outlined in this report; and
- (2) should Council choose to approve the variances, the applicant to be informed to submit an application and required documents to revise the existing sign Uniformity Plan.

FINANCIAL IMPACT

There are no financial implications resulting from this report.

ISSUE BACKGROUND

The applicant, on behalf of the owner of the property, submitted on March 25, 2005 an application to obtain a sign permit to install three facial wall signs. The application was not approved because the signs did not comply with the Scarborough Sign By-law and the sign Uniformity Plan for the property. Subsequently, the applicant submitted an application to request variances from the provisions of the Sign By-law. This report is a result of that application.

The subject property is located on the east side of Kennedy Road, north of Lawrence Avenue East. The land is occupied by a two storey commercial building with multiple occupancies, located in a Mixed Employment Zone (ME), in the Dorset Park Employment District area of Zoning By-law No. 24982.

The abutting lands are designated, in the above zoning by-law, as follows:

North: "Mixed Employment Zone" (ME) and "Highway Commercial Zone (HC).

South: "Mixed Employment Zone" (ME).

East: "General Industrial Zone" (MG), "Special Industrial Zone" (MS) and "Vehicle Service Zone" (VS).

West: "Commercial Zone (C), on the west side of Kennedy Road.

The applicant proposes to erect three illuminated facial wall signs, 'A', 'B' and 'C'. Signs 'A' and 'C' would be erected on the front/west elevation of the building, facing Kennedy Road. Sign 'A', with copy "United Furniture Warehouse", is a metal sign box, 2.46m (8'-1") high and 7.32m (24'-0") long, with black and red letters in a yellow plastic sign face. Sign 'B', to be erected on the north wall, is also a metal sign box, 1.85m (6'-1") high and 5.49m (18'-0") long, of same design and colours as sign 'A'. Sign 'C', with copy "Furniture & Mattresses" in red channel letters, is 0.56m (1'-10") high and 7.53m (24'-8.5") long.

An existing Uniformity Plan for this property, approved on July 5 1996, requires all wall signs to be neon channel letters. An affidavit signed by the property owner, as part of this Uniformity Plan, confirmed the above requirement. The present owner is the same owner as the one who signed the affidavit in 1996.

COMMENTS

The subject property is classified as Group Use 4 in the Sign By-law of the former City of Scarborough. The by-law allows facial wall signs with a maximum aggregate sign area

of 20% of the area of the walls facing a street and applied to the storey whose height would provide the maximum sign face area.

The aggregate area of existing signs that were erected under permit and of the proposed signs would greatly exceed the maximum area permitted by the Scarborough sign by-law. In addition, two of the proposed signs are of a sign box type, and as such are not in compliance with the existing Uniformity Plan for the property. The Uniformity Plan requires all signs on this property to be the type consisting of channel letters. The following table describes in greater detail the non-compliances of the proposed signs.

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
<p>2.3.6(4) (d) Maximum area per sign face, with respect to identification or business or promotional advertising sign faces only, shall not exceed:</p> <p>(iii) When signs are related to an occupancy, the total sign face area of all occupancy related signs on a building shall not exceed, for Group 4 Use premises 20 percent of the area of the walls facing a street, applied to the storey whose height would provide the maximum sign face area.</p>	<p>To erect three facial wall signs with an aggregate sign area of 32.39m² (348.66 ft²), in addition to the existing facial wall signs, with an aggregate area of 35.99m² (387.44ft²), for a total sign face area of 68.38m² (736.10ft²).</p> <p>Permitted sign area is 15.61m² (168.00 ft²), based on the area of the storey whose height would provide the maximum sign face area.</p>	<p>To allow the erection of three facial wall signs with an aggregate sign area of 32.39m² (348.66ft²), in addition to the existing facial wall signs, with an aggregate area of 35.99m² (387.44ft²), for a total sign face area of 68.38m² (736.10ft²).</p> <p>The total sign area, existing and proposed, is larger than the permitted sign area by 52.77m² (568.00ft²), or 338.0%.</p>
<p>2.3.1(8)(c).....Once a uniformity plan is approved as in compliance with this By-law, all permits issued thereafter and signs erected or displayed pursuant to such permits shall comply in all aspects with the approved uniformity plan, or if later amended, the approved uniformity plan as amended.</p>	<p>To erect two new signs not in compliance with the existing sign uniformity plan.</p> <p>Signs under the uniformity plan must be neon channel letters.</p>	<p>To allow the erection of two facial wall signs not in compliance with the existing uniformity plan.</p> <p>Two of the proposed signs are box signs, not channel letters.</p>

CONTACT

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SIGNATURE

Bruce Ashton, P.Eng
Director of Building and
Deputy Chief Building Official
Scarborough District

ATTACHMENTS

Attachment 1 - Site Plan
Attachment 2 - Zoning map
Attachment 3 - Sign Elevations
Attachment 4 – Front wall picture