



STAFF REPORT ACTION REQUIRED

Sign Variance Report 270 Evans Avenue

Date:	October 20, 2008
To:	Etobicoke York Community Council
From:	Edward Tipping, Director and Deputy Chief Building Official
Wards:	Etobicoke-Lakeshore, Ward 6
Reference Number:	2008EY025

SUMMARY

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

Toronto Building received a request from the applicant Mr. Paul Seaman, of Clear Channel Outdoor, on behalf of the owner, 434925 Ontario Ltd, for Approval of Variance from Chapter 215, Signs, of the former City of Etobicoke Municipal Code, to install a 13.72 metre high Third Party Illuminated Ground Sign with a display area of 111.48 square metres, with a combination of a First Party Business Identification sign with a display area of 5.58 square metres, within 35 metres of a former provincial highway on 270 Evans Avenue.

RECOMMENDATIONS

Toronto Building recommends that :

1. The request for variance be refused for the reasons outlined in this report.

FINANCIAL IMPACT

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

BACKGROUND

On June 5, 1998 Council adopted a bylaw (By-Law No. 280-1998) to prohibit Third Party Signs, as an interim measure, on lands adjacent to certain former provincial highways, until such time, Council has had an opportunity to enact a comprehensive Sign By-law.

City Council, on July 29, 30 and 31, 1998 adopted a Clause embodied in Report No. 9 of the Urban Environment and Development Committee, for an “Interim Third Party Advertising Sign Minor Variance Process for areas abutting the F.G. Gardiner Expressway (Formerly the Queen Elizabeth Way), Eglinton Avenue West, Highway 2, Highway 2A and Highway 27”.

In this report it is recommended that The Commissioner of Urban Development Services receive applications involving minor variances from the By-Law relating to the above mentioned highways, and prepare a report on each application which is to be forwarded to the appropriate Community Council using the Ministry of Transportation of Ontario Sign Policy as guideline.

COMMENTS

The original proposed Illuminated Third Party Ground sign was 16.76 metres (55 feet) high and had a display area of 222.97 square metres (2400 square feet) and will be combined with a First Party Business Identification with a display area of 5.58 square metres. It was going to be located 25 metres (82 feet) from the Gardiner Expressway (former QEW) at 270 Evans Avenue. This property and all adjacent properties are zoned IC1 and the nearest residential zone is more than 300 metres from the proposed sign.

On September 16, 2008 Toronto Building received a revised proposal for an Illuminated Third Party Ground sign with a Business Identification sign at 270 Evans Avenue. This proposed sign is 13.72 metres (45 feet) high and will have a display area of 139.29 square metres (1500 square feet) with a Business Identification sign with a display area of 5.58 square metres. It is to be located 35 metres (115 feet) from the Gardiner Expressway.

On October 27, 2008 Toronto Building received further correspondence from the applicant. The applicant revised the proposal once more by changing the size of the display area of the Illuminated Third Party Ground sign to 111.48 square metres (1200 square feet). There is no change to the height or size of the display area of the Business Identification sign.

The proposed Ground sign does not comply with By-law No.280-1998 “to prohibit third party signs, as an interim measure, on lands adjacent to certain former provincial highways” since it is located within 400 metres of the F.G. Gardiner Expressway. It does not comply with the Ministry of Transportation of Ontario Commercial Sign Policy, which is the Guideline for the “Interim Third Party Advertising Sign Minor Variance Process” for the above mentioned former provincial highways, in the following ways:

MTO Commercial Sign Policy (where posted speed more than 50 km/hr)	Applicant's Proposal	Required Variance
(1) Height must not exceed 8 metres above the ground.	The proposed sign is 13.72 metres in height.	Sign is 5.72 metres higher than permitted.
(2) No third party advertising sign greater than 60.3 square metres will be allowed within 400 metres from the highway property line.	The proposed sign has a total display area of 117 square metres and will be located from 35 metres from the highway property lines.	Sign to be located 35 metres from the highway in lieu of more than 400 metres required.
(3) No other sign to be placed within 305 metres of another billboard sign per direction provided there are no left hand billboard signs facing the motorist.	The proposed sign will be less than 305 metres from two other billboard signs located to east of the proposed sign.	There are two existing third party advertising signs within 305 metres of the proposed sign.
(4) Third party advertising signs will not exceed 18.60 square meters when they are located within 35 metres from the highway property line.	The proposed sign has a total display area of 117 square metres.	The proposed sign is more than 6 times larger than permitted.

The proposed sign does not comply with Chapter 215, Signs, of the former City of Etobicoke Municipal Code in the following way:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
(1) 215-12(D) does not permit any standardized outdoor advertising ground sign to exceed 7.7 metres in height.	The applicant is proposing a standardized outdoor advertising sign 13.72 metres in height.	The proposed sign is 6 metres higher than the permitted height of an outdoor advertising ground sign.
(2) 215-22(B) (2) permits an outdoor advertising ground sign in lieu of business identification ground sign. The Sign Code does not recognize combination of these sign other than permitted by 215-12(M) as "Street ad" ground sign.	The applicant is proposing a standardized outdoor advertising ground sign with combination of business identification sign.	Combination of these signs are not permitted by the Sign Code

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
(3) 215-22(C) (3) does not permit maximum display area of standardized outdoor advertising sign to exceed 28 square metres	The applicant is proposing an outdoor advertising sign with display area of 111.48 square metres combined with a business identification sign with a display area of 5.58 square metres.	The proposed sign is more than 4 times larger than permitted.

The proposed Standardized Outdoor Advertising sign is combined with a Business Identification sign. It will be located 35 metres from the highway property line and will have a display area of 111.48 square metres for the Standardized Outdoor Advertising portion of the sign. The Ministry of Transportation sign policy does not permit any sign larger than 60.3 square metres within 400 metres of highway. The proposed sign is only 35 metres from the highway and Ministry Guidelines limits the display area of a sign to a maximum of 18.60 square metres for the setback.

The Ministry of Transportation sign policy does not permit a billboard sign to be placed within 305 metres of another billboard sign per direction, provided there are no left hand billboard signs facing the motorists. Presently, there are two other billboard signs to the south, and east of the highway, which are within 305 metres of the proposed sign. The proposed sign is 13.72 metres in height and does not comply with MTO Commercial Sign Policy as well as The Sign Code of the former City of Etobicoke by 5.72 metres and 6 metres respectively.

The Sign Code of the former City of Etobicoke limits the display area of any Standardized Outdoor Advertising Ground sign to 28 square metres where the frontage of the property exceeds 60 metres. The proposed sign is more than 4 times larger than permitted under the Sign Code. Also, the Sign Code do not recognize combination of third party ground sign with business identification ground sign other than "Street Add" signs permitted by article 215-12(M).

In the past, Community Council has approved Third Party Ground signs larger than permitted by the Ministry Guidelines. In 2004 council approved a Ground sign with a display area of 62.43 square metres and a height of 18.29 metres within 23 metres of the highway at 2 Wickman Road. In 2007, another Ground sign with same size and height at 10 Wickman Road was approved by the Community Council. At above mentioned locations, the road surface of the highway is approximately 10 metres from the ground therefore signs are approximately 8 metres above the road surface.

It is the opinion of Staff that the proposed sign is substantially exceeding the display area and height limits of the Ministry of Transportation Sign Policy as well as the Sign Code of the former City of Etobicoke.

Staff recommends that the requested Sign Variance be refused. Staff also consulted with the Planning Division and Works and Emergency Services staff, and they concurred with the recommendation from Toronto Building staff.

CONTACT

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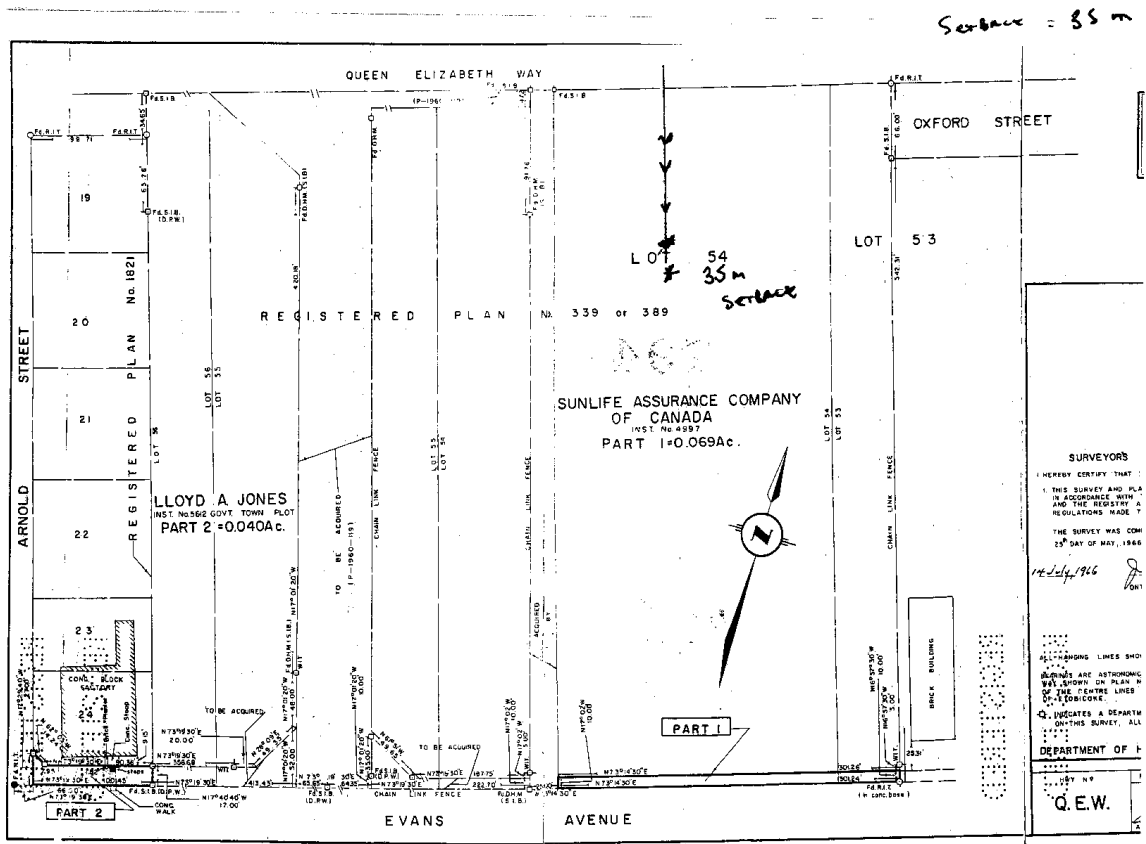
ATTACHMENTS

1. Site Plan
2. Sign Details
3. Elevation

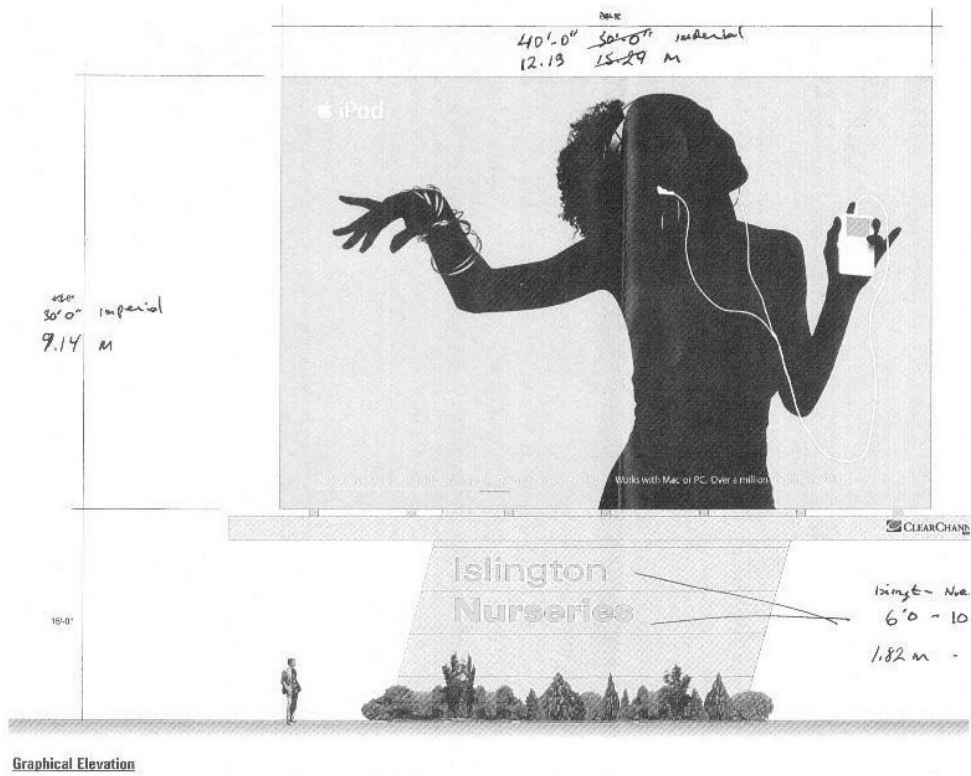
Applicant's Information

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Site Plan



Elevation

