



STAFF REPORT ACTION REQUIRED

Sign Variance Report 16 Queen Elizabeth Blvd

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|--------------------------|---|
| Date: | January 13, 2009 |
| To: | Etobicoke York Community Council |
| From: | Mark Sraga, Director and Deputy Chief Building Official |
| Wards: | Etobicoke-Lakeshore, Ward 5 |
| Reference Number: | 2009EY004 |

SUMMARY

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

Toronto Building received a Request for Approval of Variance from Chapter 215, Signs, of the former City of Etobicoke Municipal Code, from Mr. Wallace John Whistance-Smith, on behalf of 2047276 Ontario Inc., owner of the property. The request is to increase the display area of an existing Third Party Illuminated Roof Sign at 16 Queen Elizabeth Blvd. from 18.58 square meters (200 square feet) to 222.97 square metres (2400 square feet) metres.

RECOMMENDATIONS

Toronto Building recommends that:

1. The request for variances 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 By-law (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 as Council has had an opportunity to enact a comprehensive Sign By-Law.

On July 29, 30 and 31, 1998, Council adopted the 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 a guideline.

On September 10, 2007, Etobicoke York Community Council approved a Sign Variance request for a roof sign at the above mentioned location. The variance that was identified and reported to the Community Council at the time was the separation distance between billboard (third party) signs. Community Council approved the distance between the two sign as 140 metres in lieu of 305 metres as required under MTO Guidelines and 230 metres required by The Etobicoke Sign Code.

On October 7, 2008, Etobicoke York Community Council approved a Sign Variance request to raise the existing roof sign to 11.15 metres in lieu of 8 metres permitted under MTO guidelines and approved a separation distance of 50 metres between this site and the residential site to the north in lieu of 61 metres required by the Sign Code.

COMMENTS

Variance from requirements of MTO guidelines

The existing roof sign is 7.5 metres (24 ft 7in) above the roof, 11.15 metres above the ground and has a display area of 18.58 square metres (200 square feet). It is located 30 metres (100 feet) from the Gardiner Expressway (former QEW) at 16 Queen Elizabeth Blvd. This property and all adjacent properties are zoned IC1.

The existing sign has been erected after the applicant obtained sign variances in 2007 and 2008. This application has been submitted to increase the display area of the existing sign therefore resulting in additional variances under the MTO guidelines as well as under the Etobicoke Sign Code.

The applicant is requesting to increase the display area of the sign to 222.97 square metres from 18.58 square metres which is 12 times larger than the present sign. This will result in the sign exceeding the MTO guidelines for size and height. The proposed height of the sign will be 20.30

metres above the ground. In the past Community Council approved variances for some other standard outdoor advertising ground signs exceeding height requirement of the MTO guidelines along the Gardiner Expressway.

In 2004 Council approved a sign variance for a standard outdoor advertising ground sign located east of Wickman Road and south of Gardiner Expressway with a height of 18.29 metres. In 2007, Community Council approved a sign variance for another standard outdoor advertising ground sign located at 10 Wickman Road just north of Gardiner Expressway with a height of 18.29 metres. Most recently, the Community Council approved a sign variance for another standard outdoor advertising sign at 270 Evans Avenue with a display area of 117 square metres and height of 13.72 metres within 35 metres of the Gardiner Expressway.

The proposed raising of the existing roof 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 F.G. Gardiner Expressway. It also does not comply with the Ministry of Transportation of Ontario Commercial Sign Policy, which is a 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) 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 222.97 square metres and will be located from 30 metres from the highway property lines. | Sign to be located 30 metres from the highway in lieu of more than 400 metres required. |
| (2) Third party advertising signs will not exceed 18.60 square meters when they are located within 30 metres from the highway property line. | The proposed sign has a total display area of 222.97 square metres. | The proposed sign is more than 12 times larger than permitted. |
| (3) No sign to exceed 8 metres in height above the ground. | The proposed roof sign will be approximately 20.30 metres above the ground. | The roof sign will be 20.30 metres above the ground in lieu of 8 metres permitted. |

Variance from the Sign Code

The Sign Code permits a standard outdoor advertising roof sign less than 7.5 metres above the roof and maximum display area of 25 square metres. The proposed sign will be 16.63 metres above the roof more than twice the height permitted and will have a display area of 222.97 square metres which is almost 9 times the size permitted by the Sign Code.

The proposed roof 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) 215-22(C)(4)(a) permits maximum height of 7.5 metres and maximum display area of 25 square metres per side for a standardized outdoor advertising roof sign. | The proposed standardized outdoor advertising roof sign will be 16.63 metres above the roof and will have a display area of 222.97 square metres per side. | <ul style="list-style-type: none"> a) The roof sign will be 16.63 metres above the roof in lieu of 7.5 metres permitted. b) Display area of the sign will be 222.97 square metres in lieu of 25 square metres permitted |

Based on the above mentioned observation, staff is of the opinion that the request for variances are not minor in nature and recommends that Community Council refuse the variances requested for 16 Queen Elizabeth Blvd.

CONTACT

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 Plan Examination
 Etobicoke York District
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Mark Sraga
 Director of Building and
 Deputy Chief Building Official
 The Etobicoke York District

ATTACHMENTS

1. Site Plan
2. Location Plans
3. Existing Sign
4. Proposed Sign
5. Pictures

APPLICANT:

Wallace John Whistance-Smith
2047276 Ontario Inc.
16 Queen Elizabeth Blvd.
Etobicoke, Ontario
M8Z 1L8

Tel: (416) 236-9255

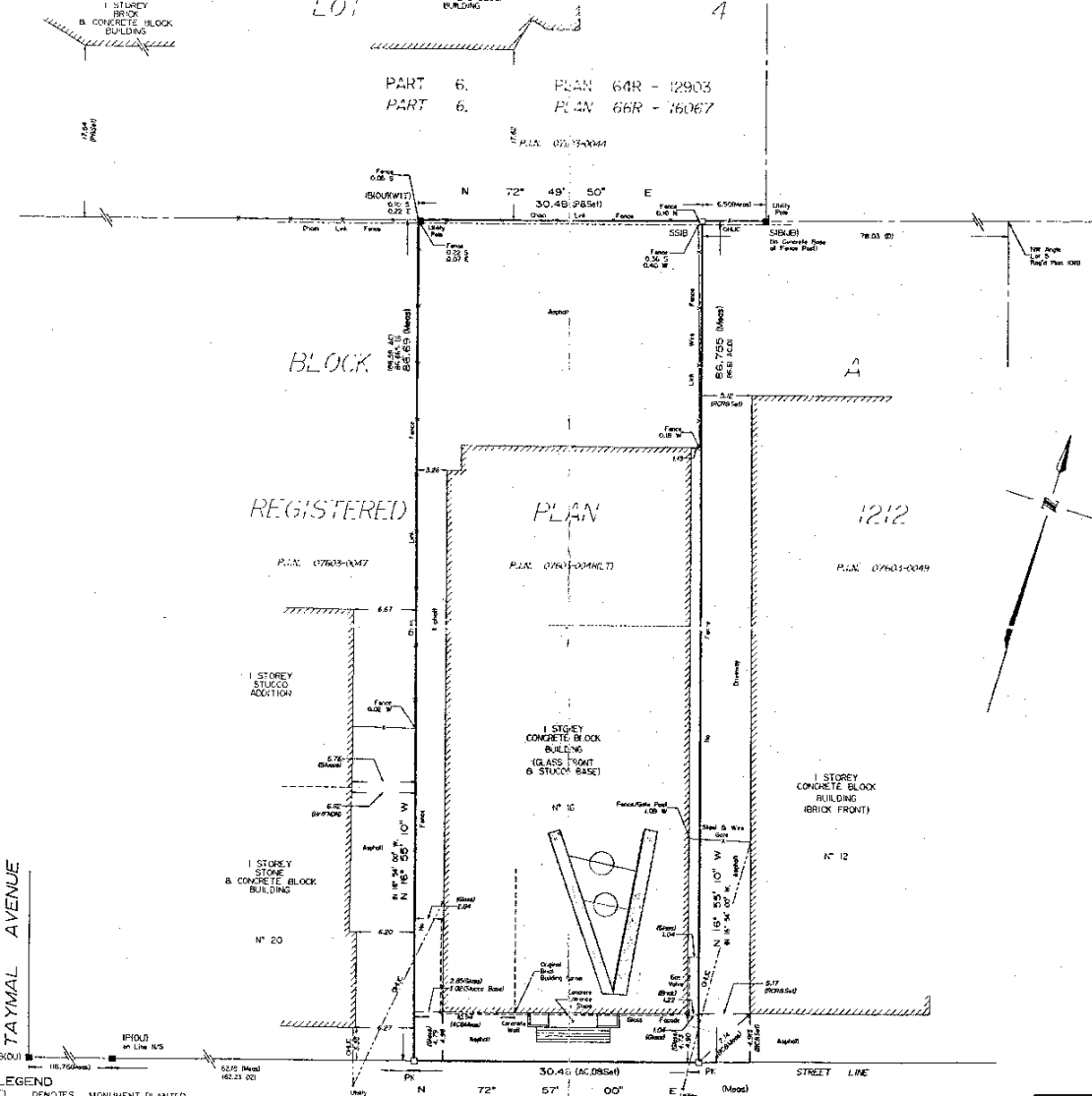
SURVEYOR'S REAL PROPERTY REPORT
PLAN OF

PART OF BLOCK A
REGISTERED PLAN 1212
CITY OF TORONTO
(FORMERLY CITY OF ETOBICOKE)

SCALE 1 : 300
10 metres

METRIC
DISTANCES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048

NOTE
1) THIS PLAN MUST BE READ IN
CONJUNCTION WITH SURVEY REPORT
DATED JANUARY 15TH, 2007.
2) THIS PLAN AND REPORT WERE PREPARED
FOR 1212/1712 ONTARIO INC.
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER
PARTIES.



- LEGEND**
- DENOTES MONUMENT PLANTED
 - MONUMENT FOUND
 - WT WITNESS
 - IP IRON PIPE
 - IB IRON BAR
 - SB STANDARD IRON BAR
 - SBP SHORT STANDARD IRON BAR
 - PK "PK" NAIL & WASHER
 - PP REGISTERED PLAN 1212
 - P.I.N. PROPERTY IDENTIFIER NUMBER
 - D INST. N° CA 323180
 - D2 INST. N° 78 663198
 - P REGISTERED PLAN 1212
 - JO JOHN C. BEATSON, O.L.S.
 - AC FIELD NOTE & SKETCH BY A. COOK, O.L.S. DATED FEBRUARY 22/23, 1949.
 - BC FIELD NOTE BY BROMNE & CAVELL, O.L.S. DATED MARCH 5TH, 1948.
 - RCR PLAN OF SURVEY BY R.C. RABIDEAU, O.L.S. DATED AUGUST 30TH, 1984
 - OHUC OVERHEAD UTILITY CABLES (B/F/INDA)
 - GF BRICK/FOUNDATION
 - OU UNKNOWN

QUEEN ELIZABETH BOULEVARD
(By By-Law 7495 ETOBICOKE, Inst. N° EB 78473)

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NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM RABIDEAU & CZERWINSKI, ONTARIO LAND SURVEYORS.

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PART 1 HAVING A BEARING OF N 72° 49' 50" E AS SHOWN ON PLATE 64R-12903 AND 66R-16067.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JANUARY 15TH, 2007.

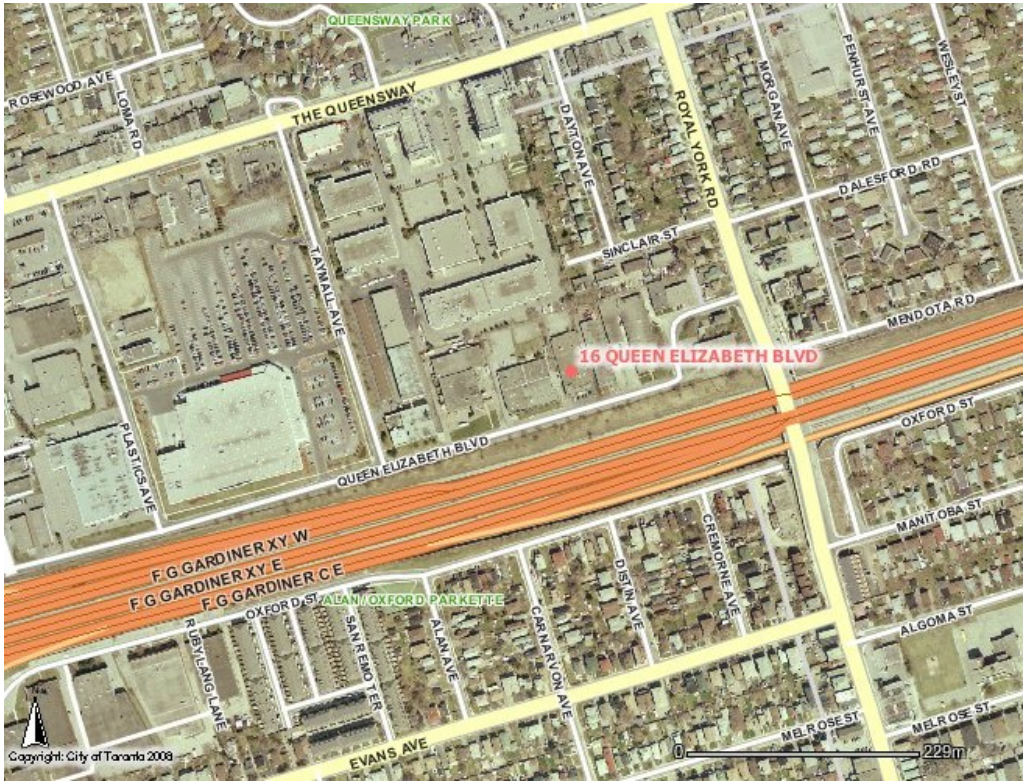
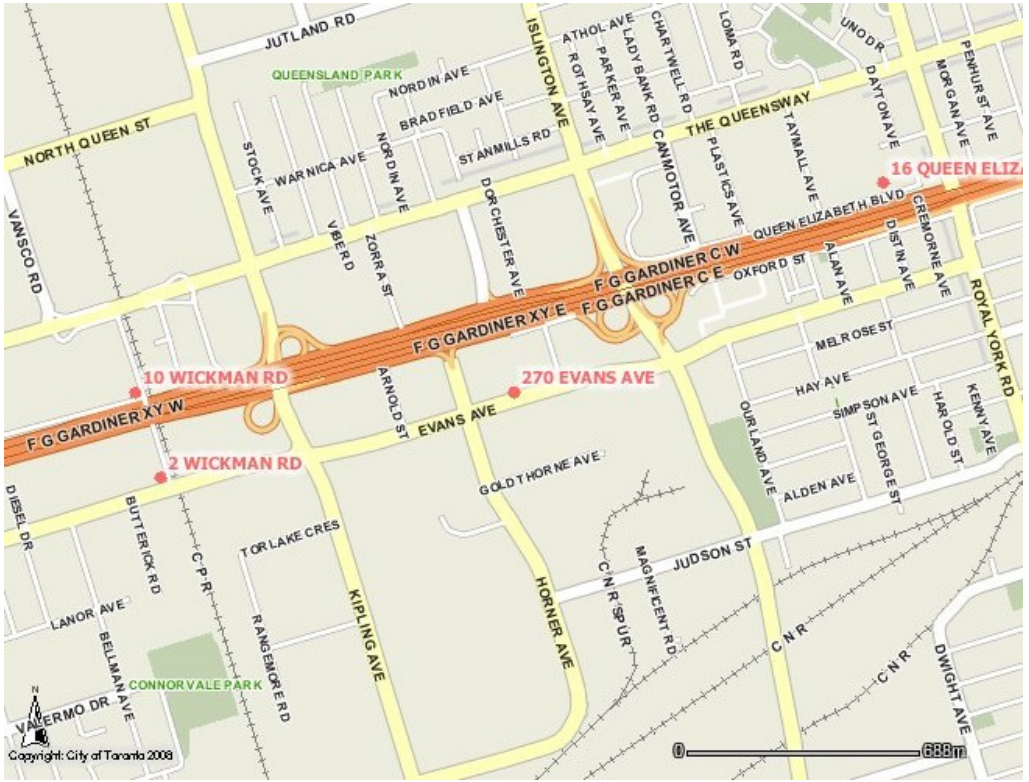
David J. Hawley
DATE: Jan 16, 2007
DAVID J. HAWLEY
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN COMMISSION FINDER
1633172

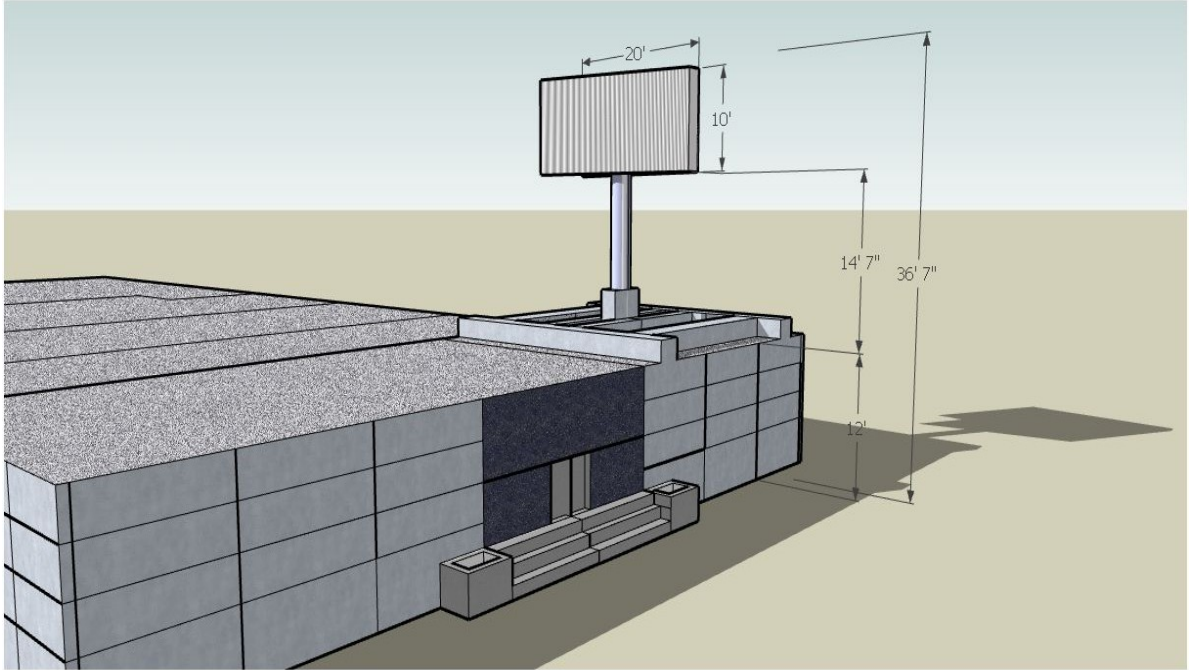
THIS PLAN IS NOT VALID UNLESS IT IS ENDORSED ON ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1076, SECTION 29(7).

RABIDEAU & CZERWINSKI
ONTARIO LAND SURVEYORS
777 THE QUEENSWAY, UNIT E, TORONTO, ONTARIO
M8Z 1N4
(416) 252-2511
DRAWN: V.C. CHECKED BY: D.M. PLAN N°: RCT514

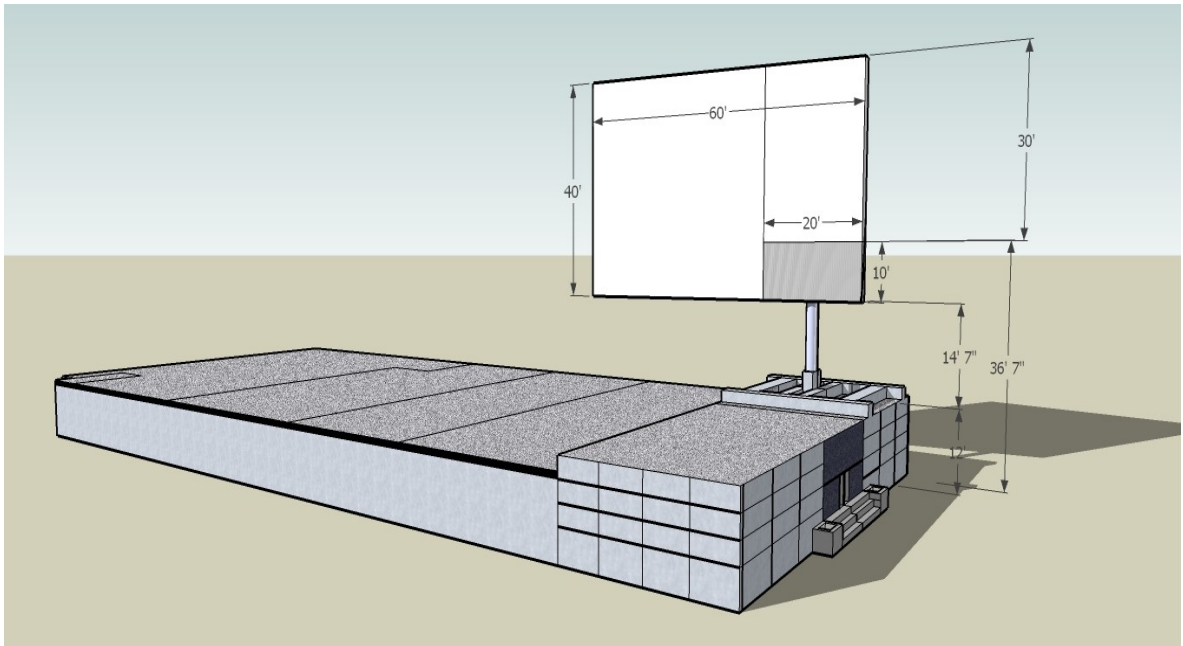
Site Plan



Location Plans



Existing Sign



Proposed Sign (16 Queen Elizabeth Scale Drawing for Variance New Size 40 by 60 South East Exposure* existing sign located at 16 Queen Elizabeth Blvd. noted in grey – white area to be built on structure)



Exiting sign – West direction



Exiting sign – East direction