



**STAFF REPORT  
ACTION REQUIRED**

**Sign Variance Report  
16 Queen Elizabeth Blvd.**

<b>Date:</b>	April 27, 2009
<b>To:</b>	Chair and Members, The Etobicoke York Community Council
<b>From:</b>	Mark Sraga, Director and Deputy Chief Building Official
<b>Wards:</b>	Etobicoke-Lakeshore, Ward 5
<b>Reference Number:</b>	2009EY014

**SUMMARY**

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

Toronto Building received a Request for Approval of Variance from Article 1 of Chapter 693, Signs, of the Toronto Municipal Code, from Mr. Wallace John Whistance-Smith, on behalf of 2047276 Ontario Inc., owner of the property. The request is to replace the existing roof top billboard sign with a larger display area and increase the height of the sign on the building located at 16 Queen Elizabeth Blvd. The changes to the sign are to increase the display area from 18.58 square metres to 74.32 square metres and increase the height of the sign from 11.5 metres to 14.23 metres.

**RECOMMENDATIONS**

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It is recommended 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

## ISSUE BACKGROUND

On June 5, 1998 City Council adopted Interim Sign By-law (By-law 280-1998) which prohibits Third Party Signs on lands that are adjacent to specific former provincial highways. The lands affected by this By-law are any lands within 400 metres of any limit of the following sections of highway;

- A. F.G. Gardiner Expressway from Highway 427 to the Humber River.
- B. Highway 27 from Highway 401 to Steeles Avenue.
- C. Highway 2A from Highway 401 to Old Highway 2 (Kingston Road, and Highway 2 from Highway 401 to the City of Toronto and Durham boundary.
- D. The portion of Highway 427 referred to as “Eglinton Avenue: from The East Mall to a point 0.5 kilometre east.

During its regular City Council meeting on July 29, 30 and 31, 1998, Council adopted Clause 6 of Report No. 9 of the Urban Environment and Development Committee; 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.”

This adopted Sign Variance Process included a recommendation that any applications involving minor variances from the By-law relating to the above referenced highways be brought to Community Council for approval by way of a report from staff and that staff use the Ministry of Transportation of Ontario (MTO) Commercial Sign Policy as a guideline when evaluating the merits of a sign variance application for the affected lands.

The following three Sign Variance requests have been previously considered by the Etobicoke York Community Council for 16 Queen Elizabeth Blvd.;

- On September 10, 2007, Community Council approved the first variance request which permitted the installation of a billboard sign on the roof of the building located at 16 Queen Elizabeth Blvd. within 30 metres of the F.G. Gardiner Expressway having an area of 18.58 square metres and within 305 metres of another billboard sign.
- October 7, 2008, Community Council approved the second variance request which permitted the raising of the billboard sign to a height of 11.15 metres in lieu of the 8 metres height previously approved.
- On February 9, 2009, Community Council refused a third variance request for the installation of a billboard sign on the roof of the building located at 16 Queen Elizabeth Blvd. within 30 metres of the F.G. Gardiner Expressway having an area of 222.97 square metres, a height of 20.30 metres and within 305 metres of another billboard sign.

## COMMENTS

The existing billboard roof sign is 11.5 metres above the ground and has a display area of 18.58 square metres and is located within 30 metres from the Gardiner Expressway at 16 Queen Elizabeth Blvd. This property and all adjacent properties are zoned ICI. Upon having reviewed the information provided with the Sign Variance application the following variances have been identified as being required:

### *Variance from the Sign Code*

Article I of Chapter 693 of the Toronto Municipal Sign Code does not permit any third-party signs on any lands within 400 metres of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River.

The proposed sign does not comply with Article I of Chapter 693, Toronto Municipal Sign code in the following way:

<b>Sign By-law Section &amp; Requirements</b>	<b>Applicant's Proposal</b>	<b>Required Variance</b>
(1) 693-2 No person shall erect or use any third-party signs on any of the lands within 400 metres of any limit of the following sections of highway; A. F.G. Gardiner Expressway from Highway 427 to the Humber River.	The proposed sign will be located 30 metres from the highway right-of-way.	Sign to be located 30 metres from the highway right-of-way in lieu of the 400 metres required.

### *Variance from requirements of MTO Commercial Sign Policy*

The applicant is requesting to increase the display area of the existing billboard roof sign to 74.32 square metres, with a height of 14.23 metres within 30 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding size and height limitations as contained in the MTO Commercial Sign Policy that has been adopted for use as guidelines when evaluating the merits of Sign Variance applications for signs within 400 metres of the F.G. Gardiner Expressway between Highway 427 and the Humber River.

In the past Community Council has approved variances for other billboard signs within 400 metres of the Gardiner Expressway that exceed both the area and the height requirement as contained in the MTO Commercial Sign Policy guidelines. These variance approvals are as follows;

In 2004 Community Council approved a sign variance for a billboard sign located at 2 Wickman Road within 22.86 metres of the Gardiner Expressway having a sign face area of 62.43 square metres with a height of 18.29 metres.

In 2007 Community Council approved a sign variance for a billboard sign located at 10 Wickman Road within 23 metres of the Gardiner Expressway having a sign face area of 64.23 square metres and a height of 18.29 metres.

In 2008 Community Council approved a sign variance for a billboard sign located at 270 Evans Avenue within 35 metres of the Gardiner Expressway having a sign face area of 117 square metres and a height of 13.72 metres.

The proposed increasing of the size and height of the existing billboard 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 Commercial Sign Policy which is a guideline for the “Interim Third Party Advertising Sign Minor Variance Process” that was adopted by Council in 1998, in the following ways:

<b>MTO Commercial Sign Policy (where posted speed more than 50 km/hr)</b>	<b>Applicant’s Proposal</b>	<b>Required Variance</b>
(1) No billboard sign greater than 60.3 square metres in sign area will be allowed within 400 metres of the highway right-of-way.	The proposed sign with a sign area of 74.32 square metres will be located within 400 metres of the highway right-of-way.	Sign to be located 30 metres from the highway right-of-way in lieu of the 400 metres required.
(2) Billboard signs will not exceed 18.60 square metres in area when they are located within 30 metres of the highway right-of-way.	The proposed sign will have a sign area of 74.32 square metres.	The proposed sign is 55.72 square metres (4 times larger) than permitted.
(3) Billboard signs will not exceed 8 metres in height above ground when attached to a building.	The proposed sign will be 14.23 metres above the ground.	The proposed sign will be 6.23 metres (75%) higher than permitted.

Based on the above identified facts, staff are 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**

Mark Sraga, Director, Building Division/Deputy Chief Building Official

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E-mail: msraga@toronto.ca

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

## **ATTACHMENTS**

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

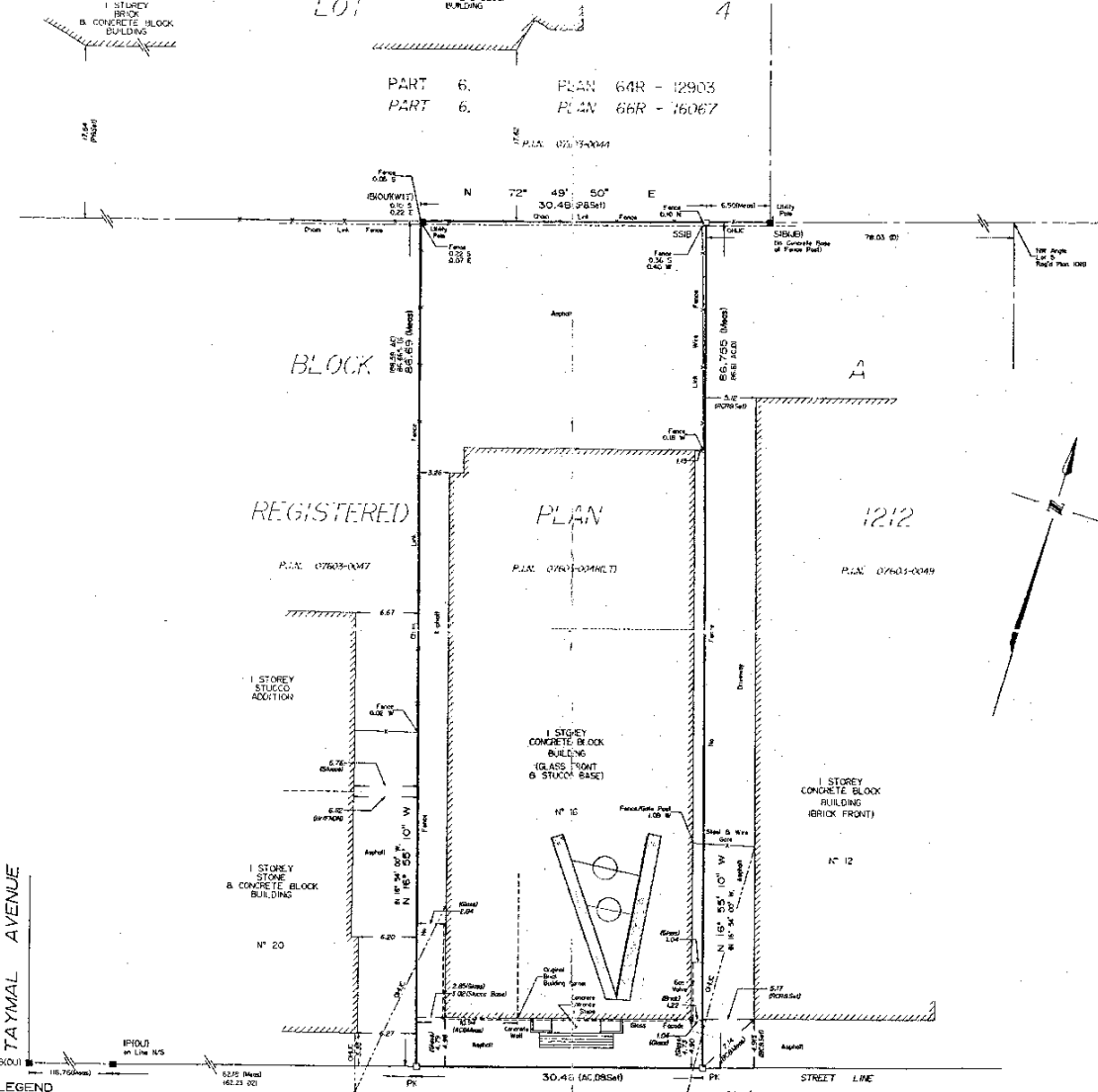
**SURVEYOR'S REAL PROPERTY REPORT  
PLAN OF**

**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 152/217 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	
SSB	SHORT STANDARD IRON BAR	
PK	"PK" NAIL & WASHER	
PP	REGISTERED PLAN 1212	
P.N.	PROPERTY IDENTIFIER NUMBER	
D	INST. N° CA 323180	
D2	INST. N° 78 663198	
P	PLAN 648-12903	
JS	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 BROMBE & 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 (BY/FIND)	
CB	BRICK/FOUNDATION	
UJ	ORIGIN UNKNOWN	

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

**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 648-12903 AND 668-16067.

**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.

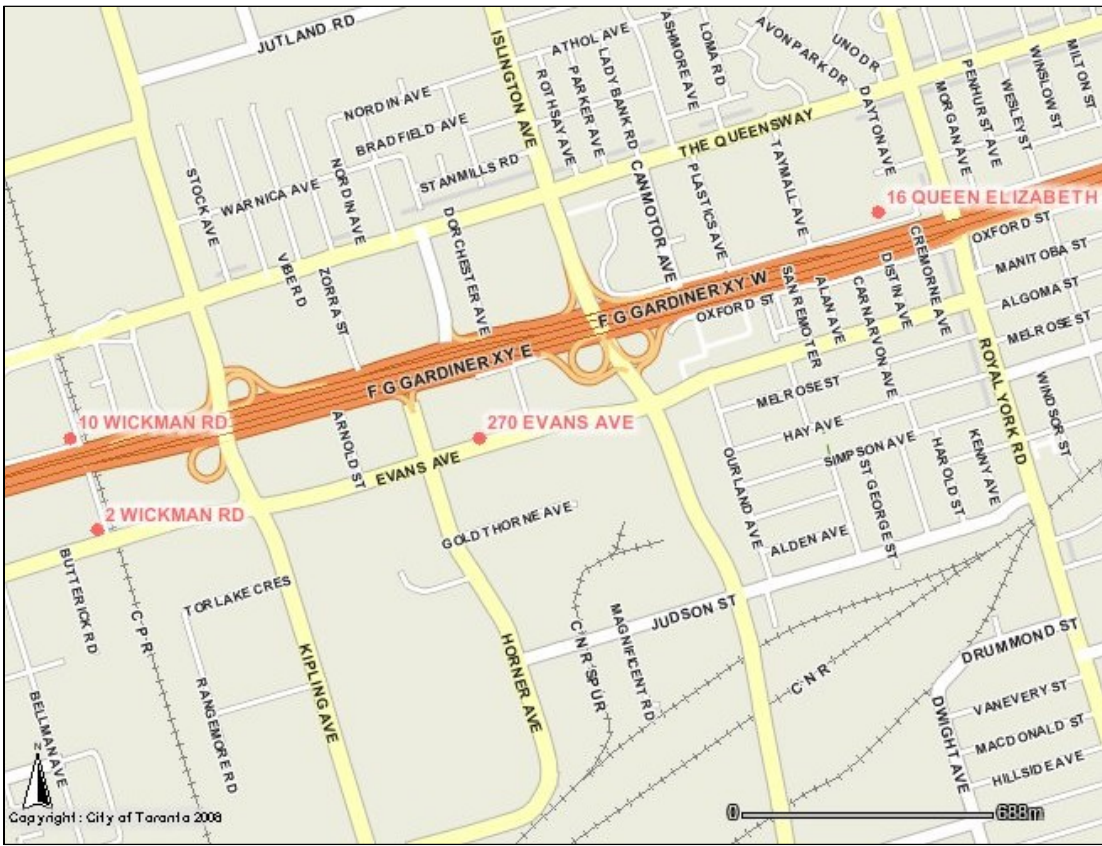
*Jan 16, 2007*  
DATE  
DAVID J. HAWLE  
Ontario Land Surveyor

**ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN COMMISSION FINDER  
1633172**

THIS PLAN IS NOT VALID  
UNLESS IT IS ENDORSED  
ON A SPECIAL COPY  
ISSUED BY THE SURVEYOR  
IN ACCORDANCE WITH  
REGULATIONS MADE UNDER THE  
SURVEY ACT, 1997, S.O. 2007/07.

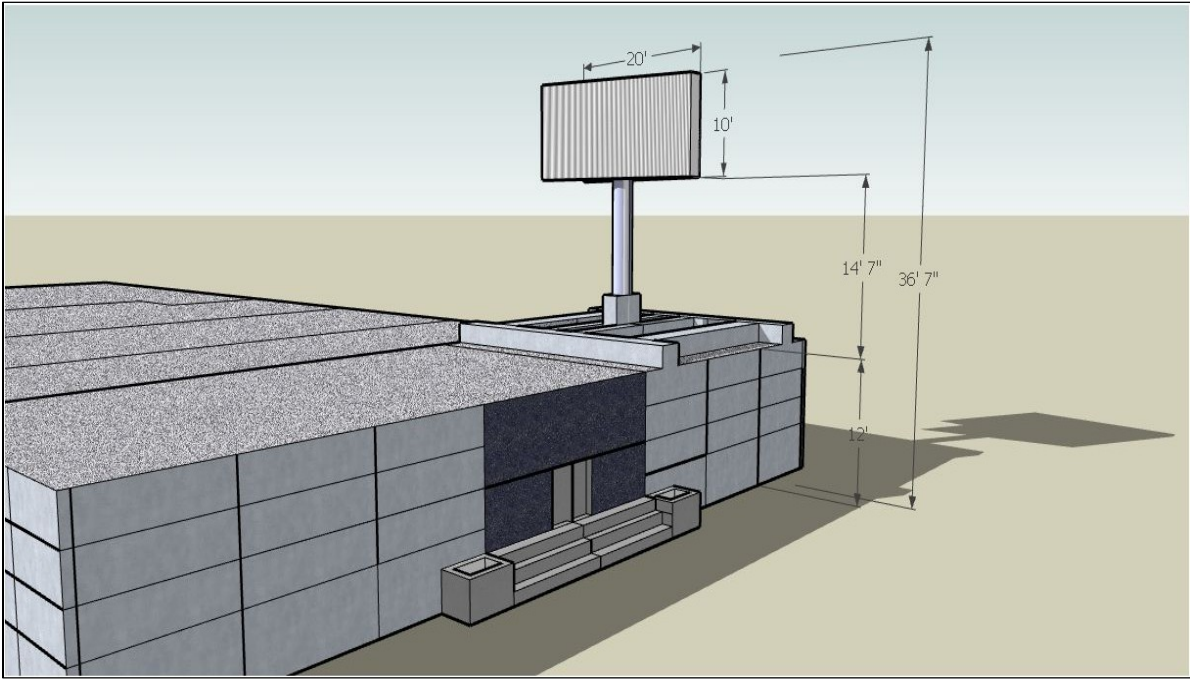
**RABIDEAU & CZERWINSKI**  
ONTARIO LAND SURVEYORS  
777 THE QUEENSWAY, UNIT E, TORONTO, ONTARIO  
M8Z 1N4  
(416) 252-2511  
DRAWN: V.C. CHECKED BY: D.M. PLAN N°: RCT514

Site Plan

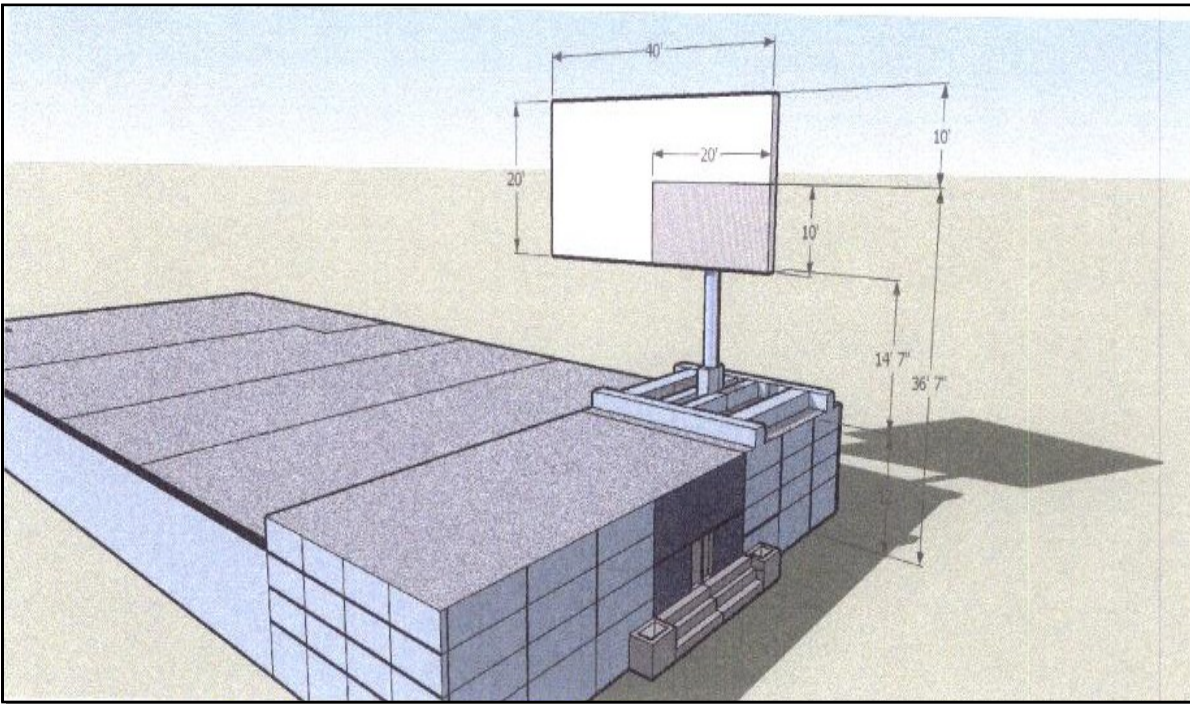


Location Plans





Existing Sign



Proposed Sign





Existing Sign – West direction



Existing Sign – East direction