



STAFF REPORT ACTION REQUIRED

Sign Variance Report 16 Arnold Street

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| Date: | May 22, 2009 |
| To: | Chair and Members, The Etobicoke York Community Council |
| From: | Mark Sraga, Director and Deputy Chief Building Official |
| Wards: | Etobicoke-Lakeshore, Ward 6 |
| Reference Number: | 2009EY023 |

SUMMARY

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 a Variance from Article I of Chapter 693, Signs, of the Toronto Municipal Code, from Mr. Rick Taddeo of Supersign Zeta Inc., on behalf of Calssada 2000 Holdings Inc., the property owners. The request is to allow an existing double face illuminated third-party ground sign to remain at 16 Arnold Street and within 400 meters of the limit of the F. G. Gardiner Expressway.

RECOMMENDATIONS

It is recommended 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.

ISSUE BACKGROUND

On June 5, 1998 City Council passed By-law 280-1998, Article I, Third Party Signs, Chapter 693 of the City of Toronto Municipal Code. Article I, Chapter 693 prohibits Third Party Signs on lands adjacent to the former provincial highways, transferred to the City by orders in Council 533/97, 534/97, 535/97 and 647/97. The lands affected by this By-law are any lands within 400 meters of any limit of the following sections of the former provincial highways;

- A. F. G. Gardener 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 point 0.5 kilometre east.

During its regular City Council meeting on June 29, 30 and 31, 1998, Council adopted Clause 6 of the 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. Gardener 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 Commercial Sign Policy (MTO Sign Policy) as a guideline when evaluating the merits of a sign variance application for the affected lands.

COMMENTS

The property is located in the former municipality of Etobicoke which is subject to the Etobicoke Zoning Code. Based on the Etobicoke Zoning Code the property is zoned I.C1 Zone. The existing sign was erected without the benefit of a building permit and is located east of Kipling Avenue at the junction of Arnold Street and F. G. Gardener Expressway and is subject to By-law 280-1998.

The property at 16 Arnold St. is a one and a half storey industrial building. The existing third-party ground sign is erected at the west-north corner of property and is facing the eastbound traffic along F. G. Gardener Expressway. The east elevation of this sign is also visible to the vehicle traffic traveling westbound along F. G. Gardener Expressway. The existing double face sign has a display area of 37.2 square meters for each face (3.05 m x 12.2 m = 37.2 sq.m.) The overall height of the ground sign is 12.56 meters.

Municipal Licensing and Standards staff in 2007 investigated the third-party ground sign at 16 Arnold St. and Notice of Violation was issued for the erection of a sign prior to obtaining a permit.

Variance from Chapter 693 of the City of Toronto Municipal Code

Article I of Chapter 693 of the City of Toronto Municipal Sign Code does not permit third-party signs on any lands within 400 meters 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:

| Sign By-law Section & Requirements | Applicant's Proposal | Required Variance |
|--|--|--|
| (1)693-2 No person shall erect or use any third-party signs on any lands within 400 meters 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 approximately 39 meters from the highway right-of-way. | Sign to be located 39 meters from the highway right-of-way in lieu of the 400 meters required. |

Deviations from the MTO Sign Policy

The applicant is proposing to erect a ground sign with a display area of 37.2 square metres, within 39 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding size 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.

Community Council has, in the past occasionally 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 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.

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 size of the billboard ground sign does not comply with Article I, Third-Party Signs, Chapter 693 of the City of Toronto Municipal Codes, since it is located within 400 metres of the portion of the F.G. Gardiner Expressway from Highway 427 to the Humber River. 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:

| MTO Commercial Sign Policy (where posted speed more than 50 km/hr) | Applicant’s Proposal | Deviations from Guidelines |
|---|---|---|
| (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 37.2 square metres will be located within 400 metres of the highway right-of-way. | Sign to be located 39 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy. |
| (2) Billboard signs will not exceed 60.3 square metres in area when they are located within 84 metres of the highway right-of-way. | The proposed sign will have a sign area of 37.2 square metres. | The proposed sign is 45 metres closer to the right-of-way than permitted under the MTO Commercial Sign Policy. |
| (3) Billboard signs will not exceed 30.19 square metres in area when they are located within 46 metres of the highway right-of-way. | The proposed sign will have a sign area of 37.2 square metres. | The proposed sign is 7.0 square metres larger than permitted under the MTO Commercial Sign Policy. |

Based on the above identified facts, 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 Arnold St.

Since January 2009 Toronto Building received a total of ten sign variance applications to permit erection of third party billboards signs within the 400 meters of the F. G. Gardiner Expressway. Nine sign variance reports are submitted to the Etobicoke York Community Council for their consideration at the June 19, 2009 Community Council Meeting. The increased number of requests to permit erection of third party billboards along the short stretch of the Gardiner Expressway between Highway 427 and the Humber River will result in the proliferation of signs in the area.

CONTACT

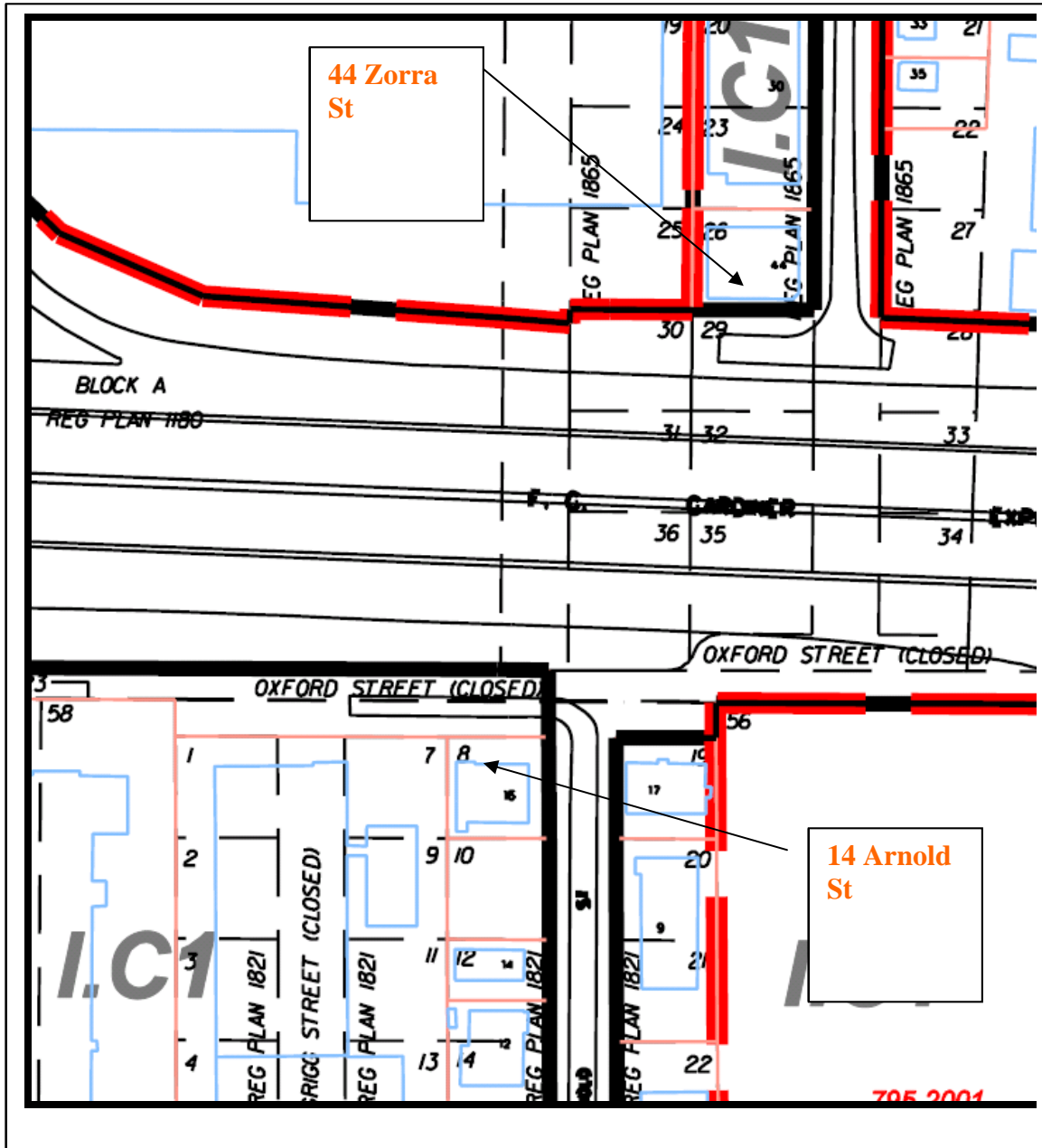
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Mark Sraga
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The Etobicoke York District

ATTACHMENTS

Attachment 1 – Zoning Map
Attachment 2 – Aerial Map
Attachment 3 – Site Plan
Attachment 4 – Sign Details
Attachment 5 – Photo of the Existing Ground Sign

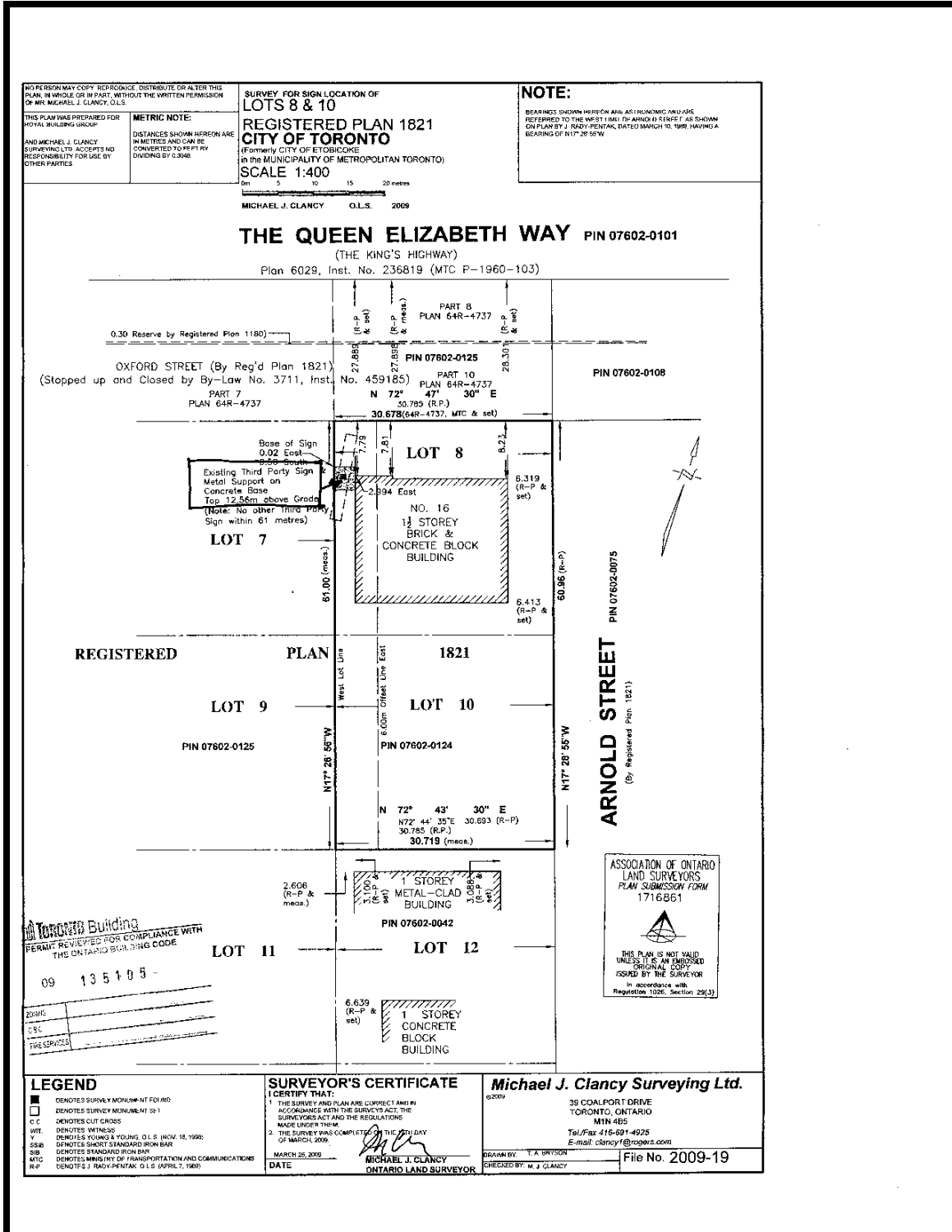
Attachment 1 – Zoning Map



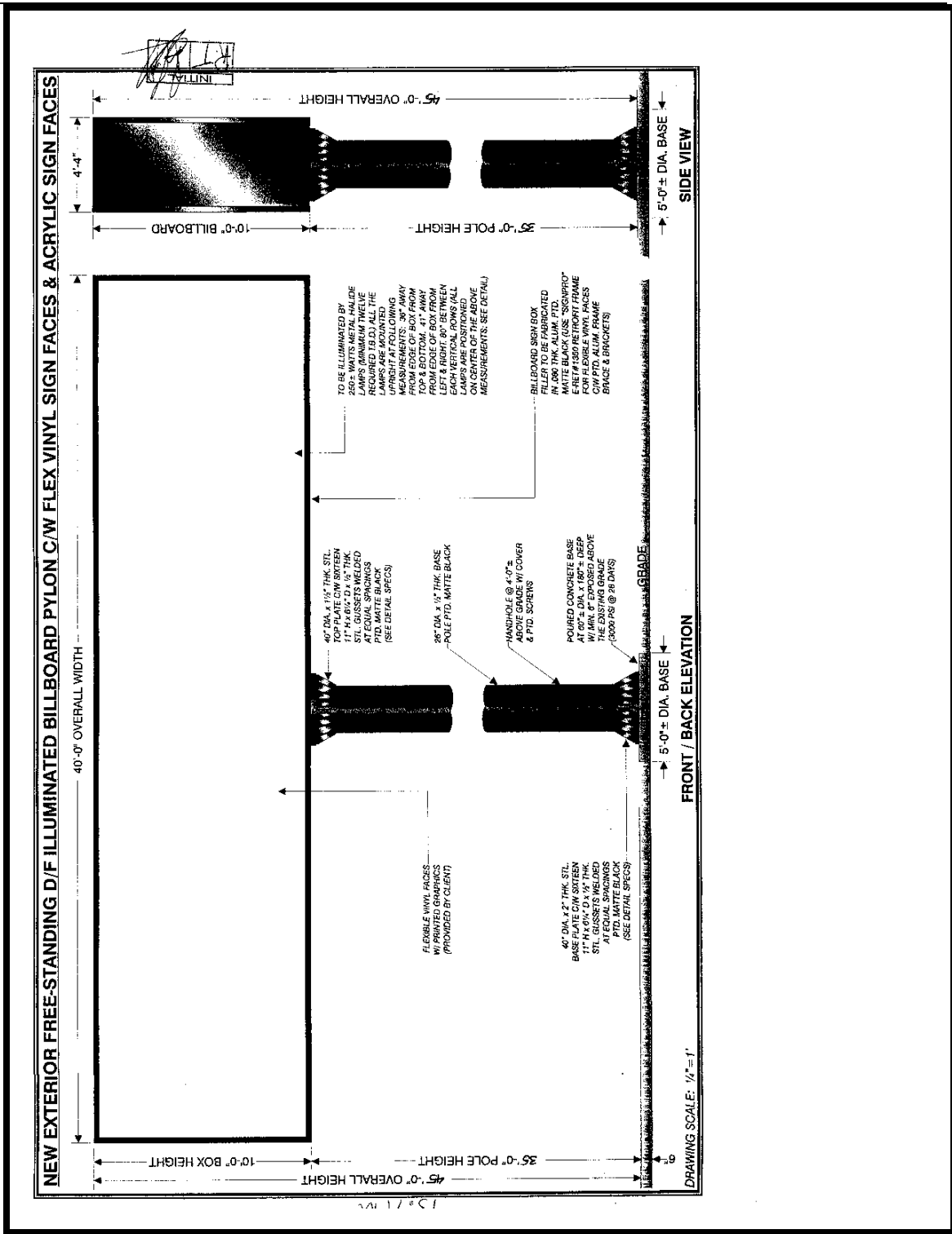
Attachment 2 – Aerial Map



Attachment 3 – Site Plan



Attachment 4 – Sign Details



Attachment 5 – Existing Ground Sign at 16 Arnold St.

