



STAFF REPORT ACTION REQUIRED

Sign Variance Report 59 Beverly Hills Dr

Date:	October 27, 2009
To:	Chair and Members, The Etobicoke York Community Council
From:	Mark Sraga, Director and Deputy Chief Building Official
Wards:	York West, Ward 7
Reference Number:	2009EY049

SUMMARY

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

Request for approval of variances from the former City of North York Sign By-law No 30788 to erect a new illuminated double-sided third-party advertising sign on the south side of the property at 59 Beverly Hills Drive.

The request comes from Solomon Misghina with OOH Vision Inc for 1014869 Ontario Ltd, attn Jimmy Merigliano for approval of the variances from the former City of North York Sign By-law No 30788.

RECOMMENDATIONS

It is recommended that:

- (1) The requested variances be denied by Community Council as they are not minor in nature.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The property is located in the former municipality of North York and is located in the former municipality of North York and is subject to Zoning By-law No. 7625, as amended. Based on Zoning By-law No. 7625, the property is zoned MC(H) - Industrial Zone. The property also is located on lands subject to approval from the Toronto Regional Conservation Authority.

COMMENTS

The proposed sign will be located in the rear yard of 59 Beverly Hills Dr. There is a single family dwelling at this address that appears vacant. The rear yard abuts Highway 401. To the east at 57 Beverly Hills Dr. there is a single family dwelling which is occupied and for which Community Council approved a sign variance application for a 3rd party ground sign in the rear yard of this property during its regular Community Council meeting on June 9, 2009 – to date no sign permit has been submitted for this sign.

The proposed sign will have 2 sign faces (10ft by 40ft) positioned in a “V” shape and will be located approximately 12.8 metres from the rear lot line. There are 3 roof signs within 75 metres of the proposed ground sign that are located on the roofs of 55 Beverly Hills Dr. (which will be approximately 9 metres from the proposed sign) and at 51 Beverly Hills Dr. (which has 2 signs on the roof). These roof signs have been illegally converted from first party to third party signs and are presently being investigated by Municipal Licensing and Standards.

Applicant has not stated the proposed height of the sign so it should be noted that if any variances are granted that the sign height be restricted to 7.7 m (25.0 ft) as set out in Section 7.2.2 of the bylaw.

The sign does not comply with the former City of North York Sign By-law No 30788 in the following ways:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
2.9.15 Off premise (third party) ground sign is not permitted.	A third party illuminated ground sign is proposed	To permit a third party illuminated ground sign.
5.3.2 - Ground signs No ground sign shall be permitted on an inside lot which has a street frontage of less than 24.4 m (80.0 ft).	A third party illuminated ground sign is proposed on a lot having street frontage of 15.24 m (50.0 ft).	To permit a third party illuminated ground sign on a lot having street frontage of 15.24 m (50.0 ft) in lieu of the minimum 24.4 m (80.0 ft).

The proposed ground sign will cast a shadow over the rear elevations of the existing house at 59 Beverly Hills Dr and will have some impact on the house at 57 Beverly Hills

Dr. In addition there will be impact on these two houses from the illumination of the sign.

It is recommended that Council deny the requested variances as they are not minor in nature.

PROPOSED NEW SIGN BY-LAW

A new harmonized Sign By-law will be introduced to the Planning and Growth Management Committee at its next regular meeting on November 4, 2009. The following is an evaluation of this particular sign variance application against the new draft Sign By-Law requirements that would govern this particular sign. This evaluation has been done to assist Council in understanding how this proposed sign would compare to the new regulatory requirements contained in the proposed Sign By-law.

One of the main features of the proposed Sign By-law is that the regulations governing signs are based upon the "Sign District" in which the sign is located. These Sign Districts align with the underlying land uses as envisioned in the Official Plan and will classify every property into a "sign district" and utilizes a series of maps to identify the various sign districts throughout the City. This approach is similar to the one being utilized by the new proposed City-wide Zoning By-law mapping.

In the case of this sign variance application and the property on which the proposed sign is located it would be classified as an "E- Employment Sign District".

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
694-22 Third party sign general regulations. 694-22.D. A third party sign shall not be erected within 100.0 metres of any other lawful third party sign whether erected or not erected. 694-24. Site-specific area restrictions. 694-24.A. (14). A third party sign shall not be erected or displayed or cause to be erected or displayed in whole or in part within; 400 metres of any limit of any portion of Highway 401 contained within the municipal boundaries of the City;	Proposal is for a 3rd-party ground tri-vision (no animation), illuminated, double sided sign in the rear yard of this property.	To permit a third party sign within approximately 35 metres of another third party sign. To permit a third party sign to be erected within approximately 21 metres of Hwy 401. To permit a third party sign with a sign face area of 40.4 square metres.

<p>694-25. An E-Employment sign district may contain the following;</p> <p>(1) A ground sign provided:</p> <ul style="list-style-type: none"> (a) The sign face shall not exceed 20.0 square metres; (b) The height shall not exceed 10.0 metres; (f) There shall be no more than one ground sign erected on a premises; 		
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MTO REQUIREMENTS

Under the requirements of Sections 34 and 38 of the *Public Transportation and Highway Improvement Act* a sign permit is required to be issued by the Provinces Ministry of Transportation (MTO) for any proposed sign within 400 metres of a Kings Highway.

The criteria that MTO staff use when evaluation sign permit applications is found in the "Commercial Signing Policy" dated April 14, 2009 of the Corridor Management and Property Section.

Section 8 of this policy states the following:

A "billboard sign" is a sign that advertises goods and services that are not related to the property that the sign is located on.

Billboard signs are not permitted within the controlled area adjacent to class 1 and 2 highways.

Highway 401 is classified as a 'class 1' highway and 'controlled area' is defined as any area within 400 metres of the limit of a Provincial Highway.

Based upon this criteria along with conversations with MTO staff who administer the issuance of Sign Permits under the *Public Transportation and Highway Improvement Act* this proposed third party sign cannot be approved by the MTO.

Therefore, under the requirements of the *Building Code Act* and the Ontario Building Code a sign permit authorizing the erection of this sign cannot be issued by Toronto Building in the absence of this permit approval by the Ministry of Transportation.

CONTACT

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Mark Sraga

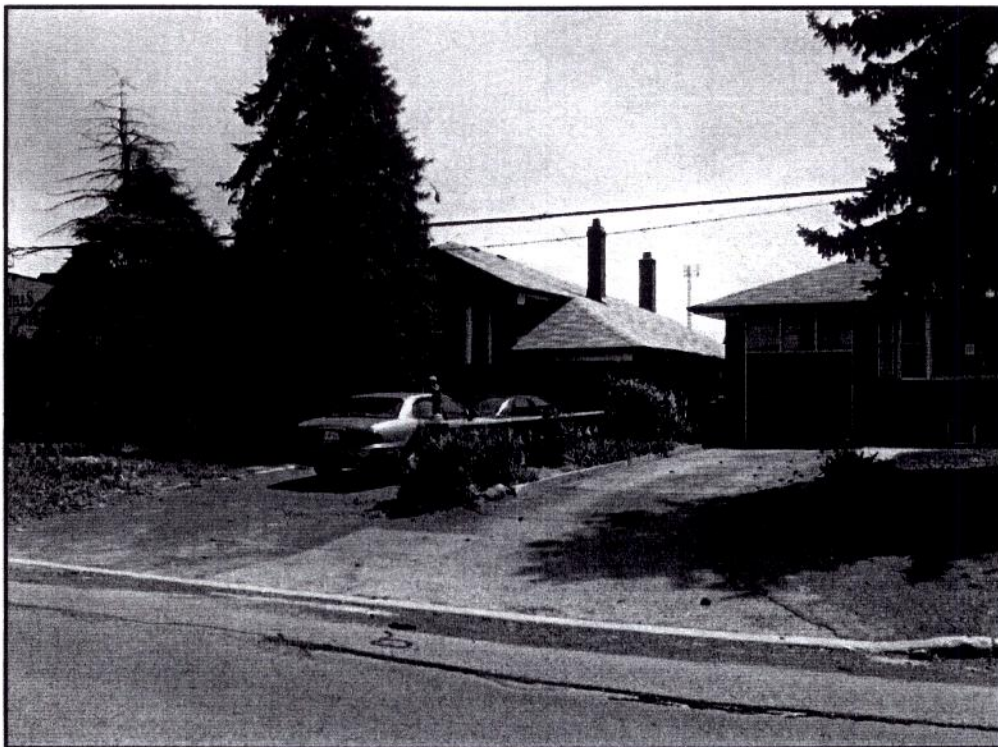
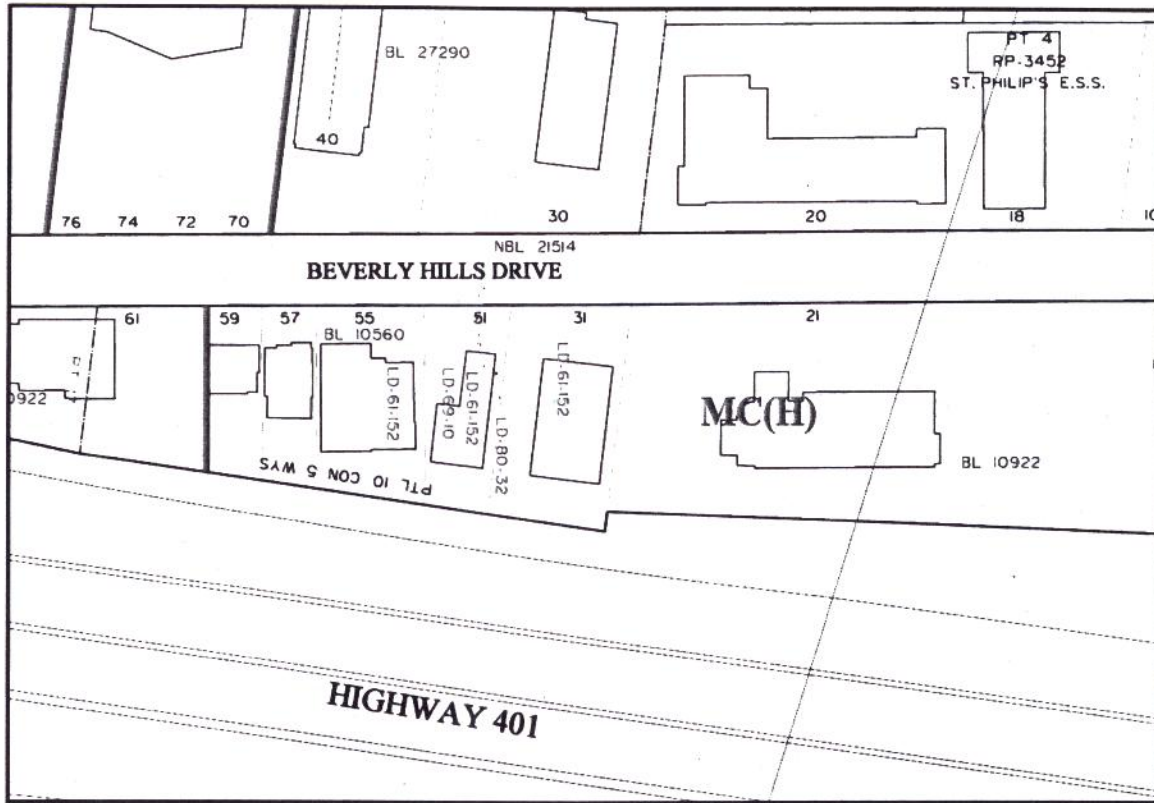
Director of Building and

Deputy Chief Building Official

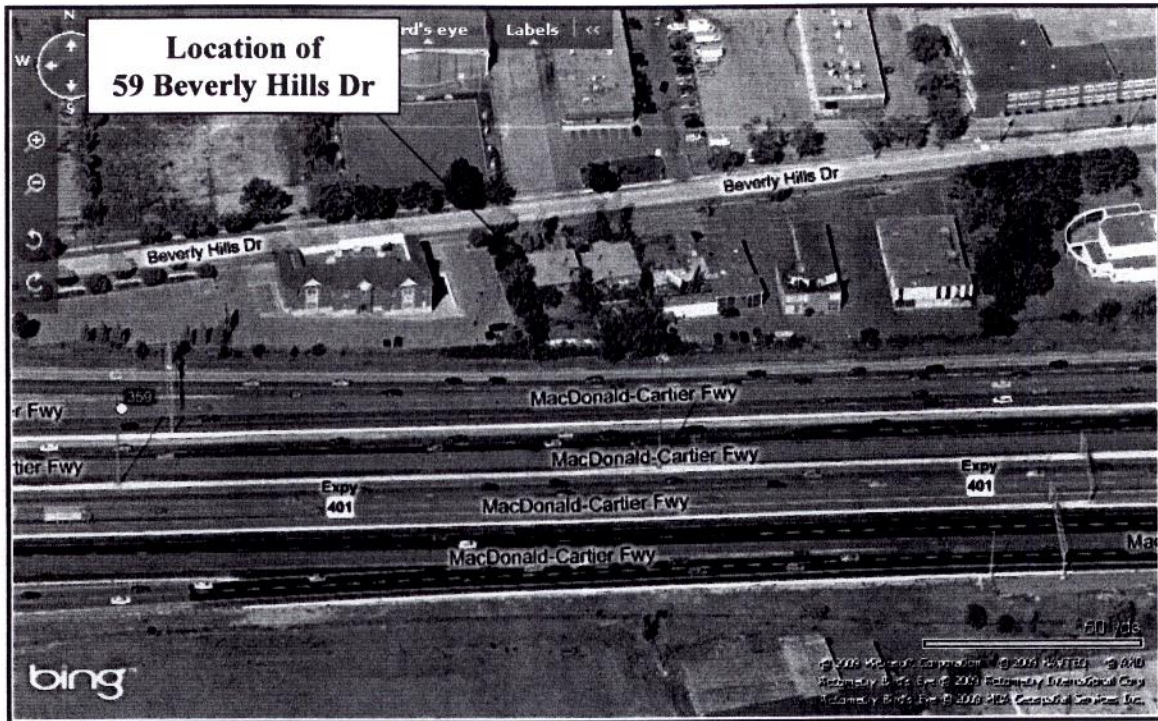
Etobicoke York District

ATTACHMENTS

- Zoning Map
- Pictures from site
- Elevation drawings
- Site plan



Front elevations of 57 & 59 Beverly Hills Dr.



Illegal third party roof sign at 55 Beverly Hills Drive that is seen from rear yard of 57 Beverly Hills Drive the location of proposed ground sign



