

**Sign Variance Report - Revised
0 Oakville Sub, CN Rail Lands E/S of HWY27 at Brockport Rd.**

Date:	January 8, 2010
To:	Chair and Members, The Etobicoke York Community Council
From:	Mark Sraga, Director and Deputy Chief Building Official
Wards:	Etobicoke North, Ward 2
Reference Number:	2010EY007

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 Blair Murdoch with Allvision Canada, on behalf of Canadian National Railway, Ernie Longo, Manager of BD & RE. The request is to permit to erect a new, V-shaped, illuminated third party ground sign having digital face area of 32.5 sq. m each (350 sq.ft) that will project static messages every 6 seconds.

Sign will be located on CN Rail Lands on the east side of HWY 27 and the north side of Brockport Dr. and within 400 meters of the limit of Highway 27 from Highway 401 to Steeles Ave.

RECOMMENDATIONS

It is recommended that:

1. The request for variance at 0 Oakville Sub, CN Rail Lands at HWY27 and Brockport Rd. 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 Class 3 Industrial Zone (IC3). In 1986 a building permit was issued for an erection of a third party ground sign at the location close to the proposed ground sign.

The applicant is proposing to remove the existing illuminated ground sign and replace it with a new V-shaped, illuminated third party ground sign, with digital changeable face that will project static messages every 6 seconds.

The sign will consist of two sign faces in a "V" configuration. Each sign face will be

3m x 10.67m (10 ft x 35 ft) with a sign face area of 32.5 m² (350 ft²). The overall height of the proposed ground sign is 9.1m (30.0ft).

The new sign will be located on CN Rail Lands on the east side of Highway 27 and the north side of Brockport Dr. and within 400 meters of the limit of Highway 27 from Highway 401 to Steeles Ave.

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 Highway 27 from Highway 401 to Steeles Avenue.

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; B.- Highway 27 from Highway 401 to Steeles Avenue.	The proposed sign will be located approximately 15 meters from the highway right-of-way.	Sign to be located 15 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 electronic digital LED sign with a display area of 32.5 square metres, within 15 metres of the Highway 27. This will result in the proposed sign exceeding 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 Highway 27 from Highway 401 to Steeles Avenue. The applicant is proposing to erect a ground sign with a display area of 32.5 square metres for each face of the sign, within 15 metres of the Highway 27.

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 Highway 27 from Highway 401 to Steeles Avenue. 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) Signs over 30.19 square metres, but not over 60.3 square metres must be set back 84m from the highway property line	The proposed sign with a sign area of 32.5 square metres will be located within 18 metres from the highway property line.	Sign to be located 18 metres from the highway right-of-way in lieu of the 84 metres required under the MTO Commercial Sign Policy.
(2) No billboard sign shall exceed 8 meters in height above the ground	The proposed sign is 9.1 meters in height.	The height of the sign will 1.1 meters higher than permitted under the MTO Commercial Sign Policy.
(3) No signs are to be placed within 23 meters of the highway property line.	The proposed 32.5 square meters sign will be erected within 15 meters from the highways off ramp.	Sign to be located 15 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy.
(4) Changeable message signs* are not permitted on Billboard signs**.	The proposed sign will be electronic digital LED sign (i.e., changeable message sign).	To install an electronic digital LED sign (i.e., changeable message sign).

* Changeable Message Sign is defined in the MTO Commercial Sign Policy as a sign that is capable of content change by means of mechanical or electronic input and includes the following:

- Electronic – a changeable sign whose content can be changed by means of an electrically energised display matrix, such as an LED pixel board.

** Billboard signs are defined in the MTO Commercial Sign Policy as an advertising sign erected at a place where the goods and services advertised are not available on the property.

Therefore, it is recommended that Council deny the requested variance as it is not minor in nature.

PROPOSED NEW SIGN BY-LAW

On December 7, 2009 City Council approved a new harmonized Sign By-law that will come into force and effect on April 6, 2010. 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 a “U- Utility Sign District”.

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
694-24 Site-specific area restrictions. 694-24.A. (10). 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 any limit of Highway 27 from Highway 401 to Steeles Avenue, transferred from the Province of Ontario in Council 535/97.	Proposal is to permit a 3rd-party ground sign with an electronic digital LED display.	To permit a third party sign within approximately 15 metres of the Highway 27.
694-22 Third party sign general regulations. 694-22.A. Third party signs are permitted to display mechanical copy*.	Proposal is to permit a 3rd-party ground sign with an electronic digital LED display.	To permit a third party sign with an electronic LED display.
694-25.C. U-Utility Sign district 694-25.C.(1) The sign face area of a ground sign shall not exceed 20.0 square meters	Proposal is to permit a 3rd-party ground sign with a sign face area of 32.5 square meters.	To permit a third party sign with a face area that exceed permitted are by 2.5 square meters.

* Mechanical Copy – Sign copy which physically moves in whole or in part and shall include tri-vision sign copy.

CONTACT

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ATTACHMENTS:

Attachment 1 – Zoning Map

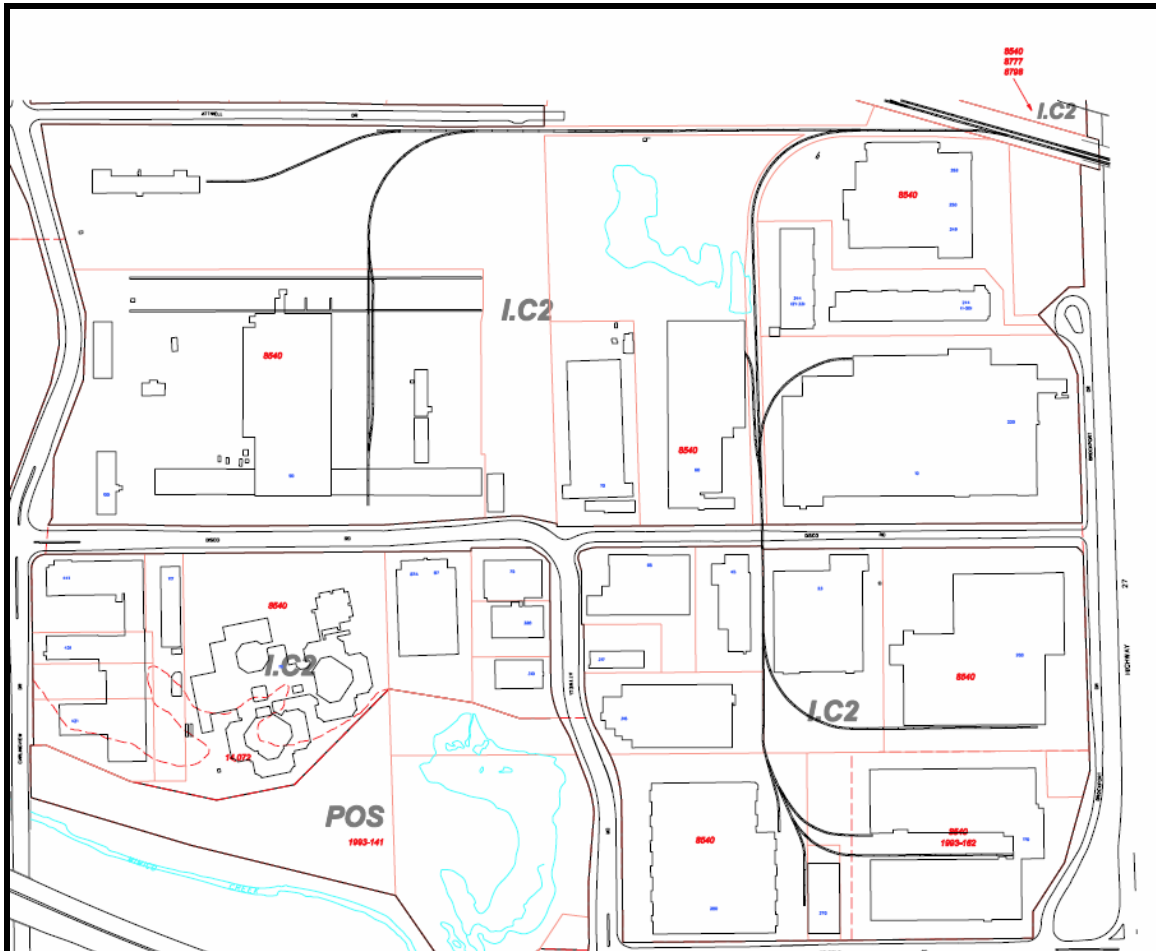
Attachment 2 – Aerial Map

Attachment 3 – Site Plan

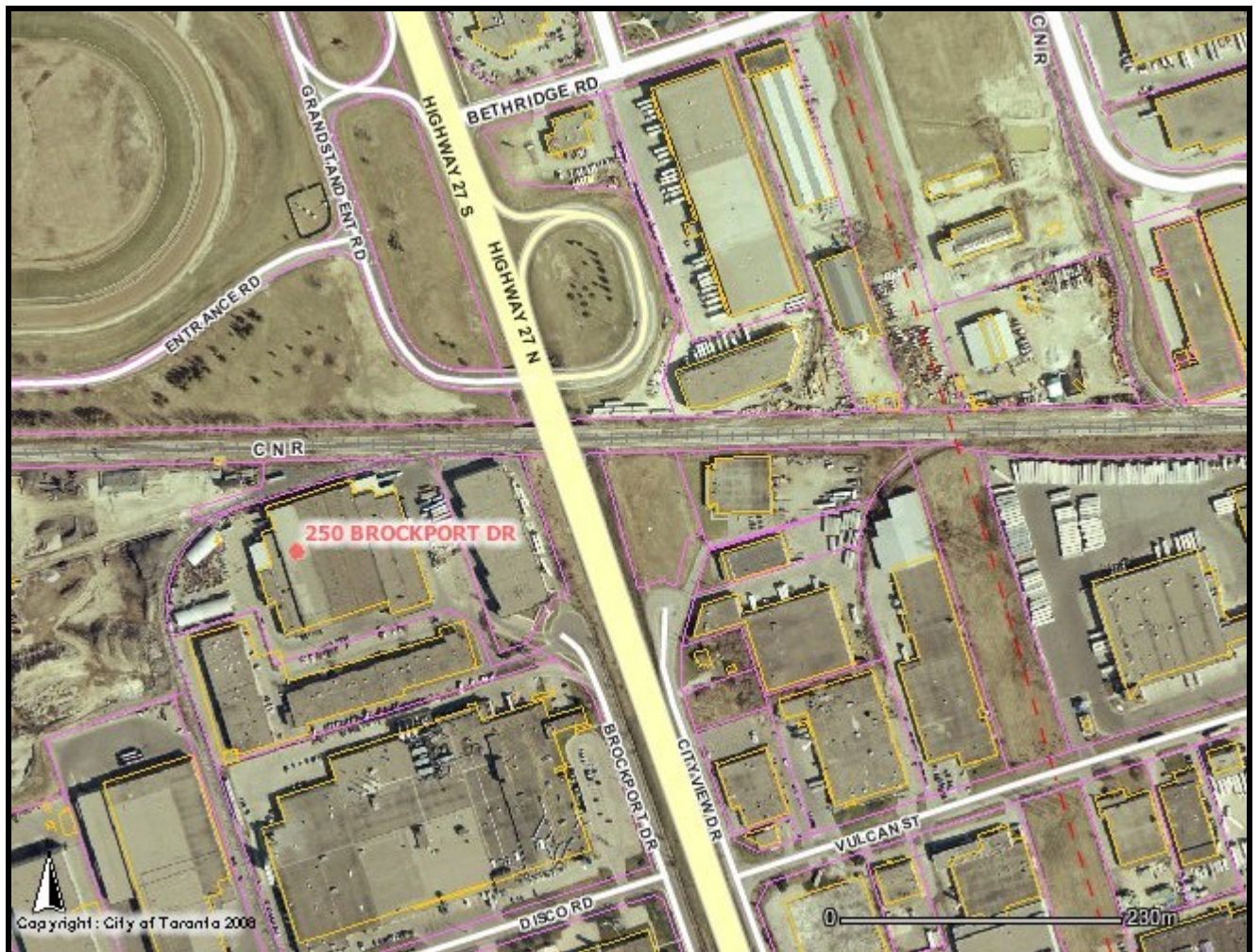
Attachment 4 – Proposed Sign Details

Attachment 5 – Proposed Sign Photos

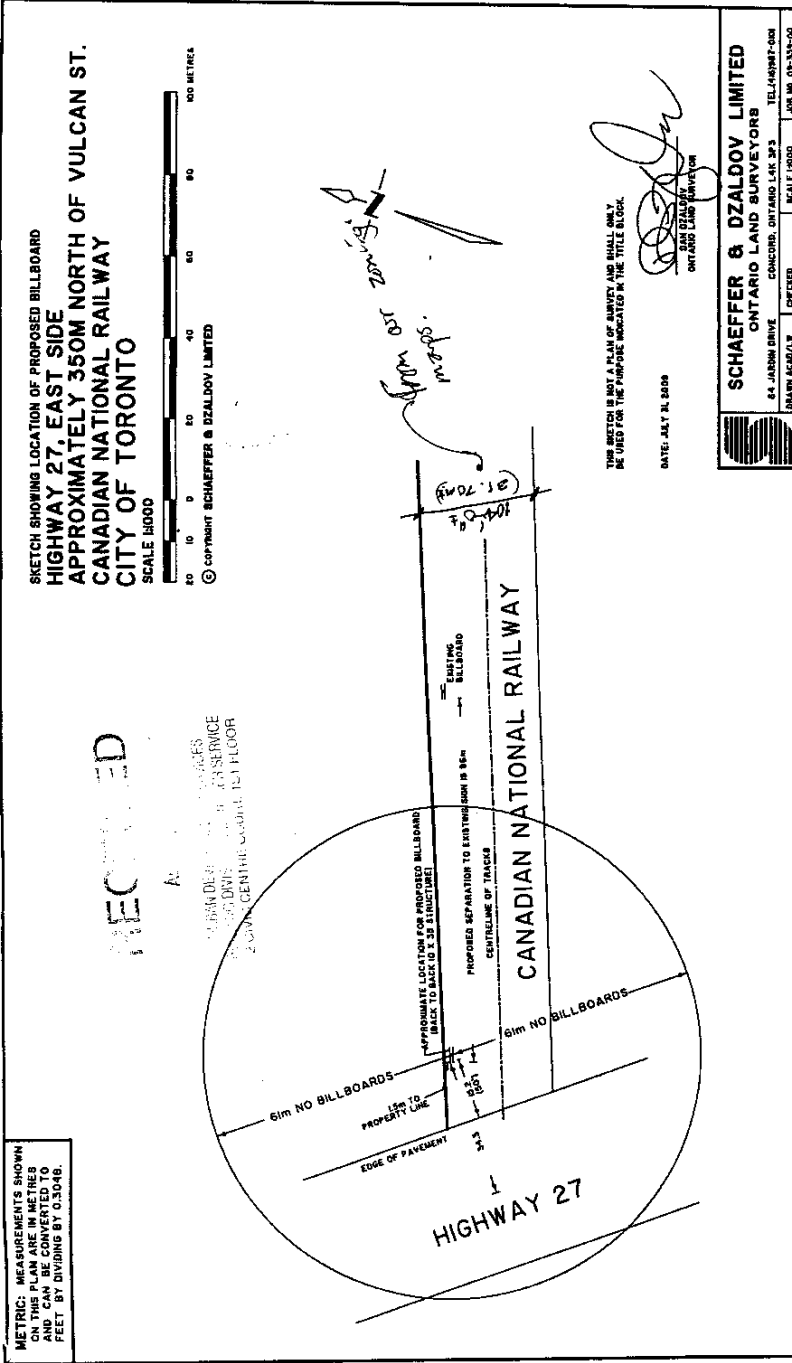
Attachment 1 – Zoning Map



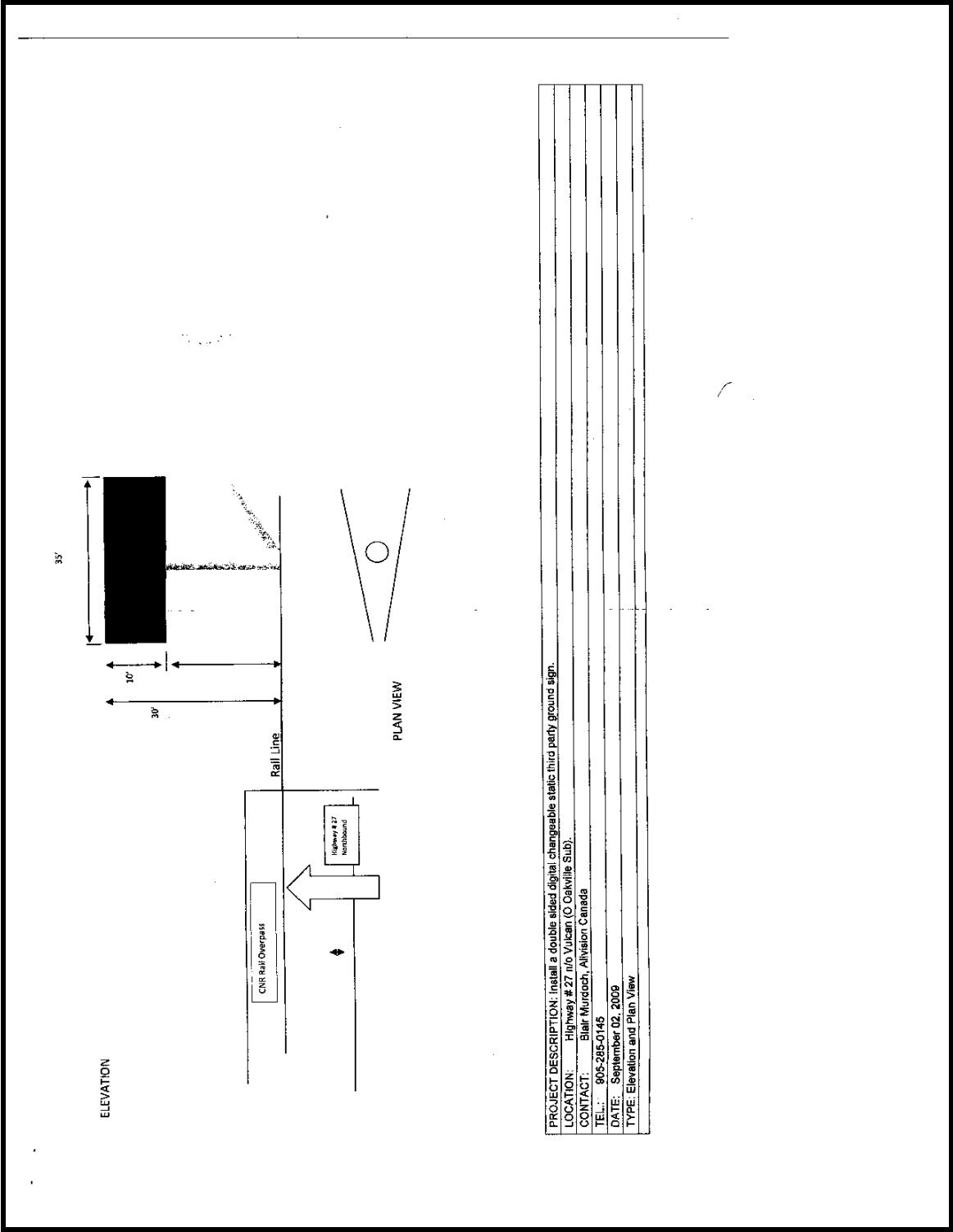
Attachment 2 – Aerial Map

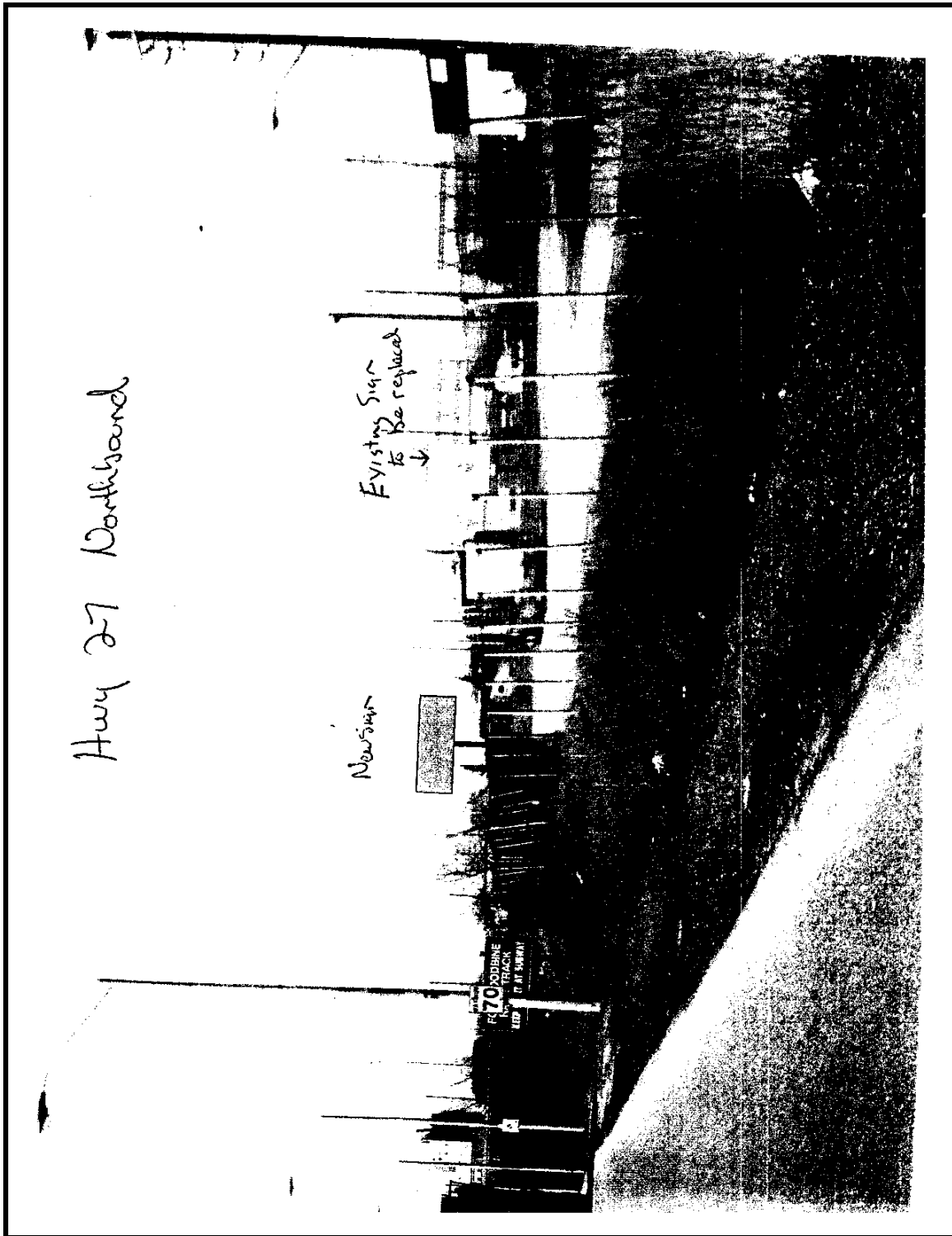


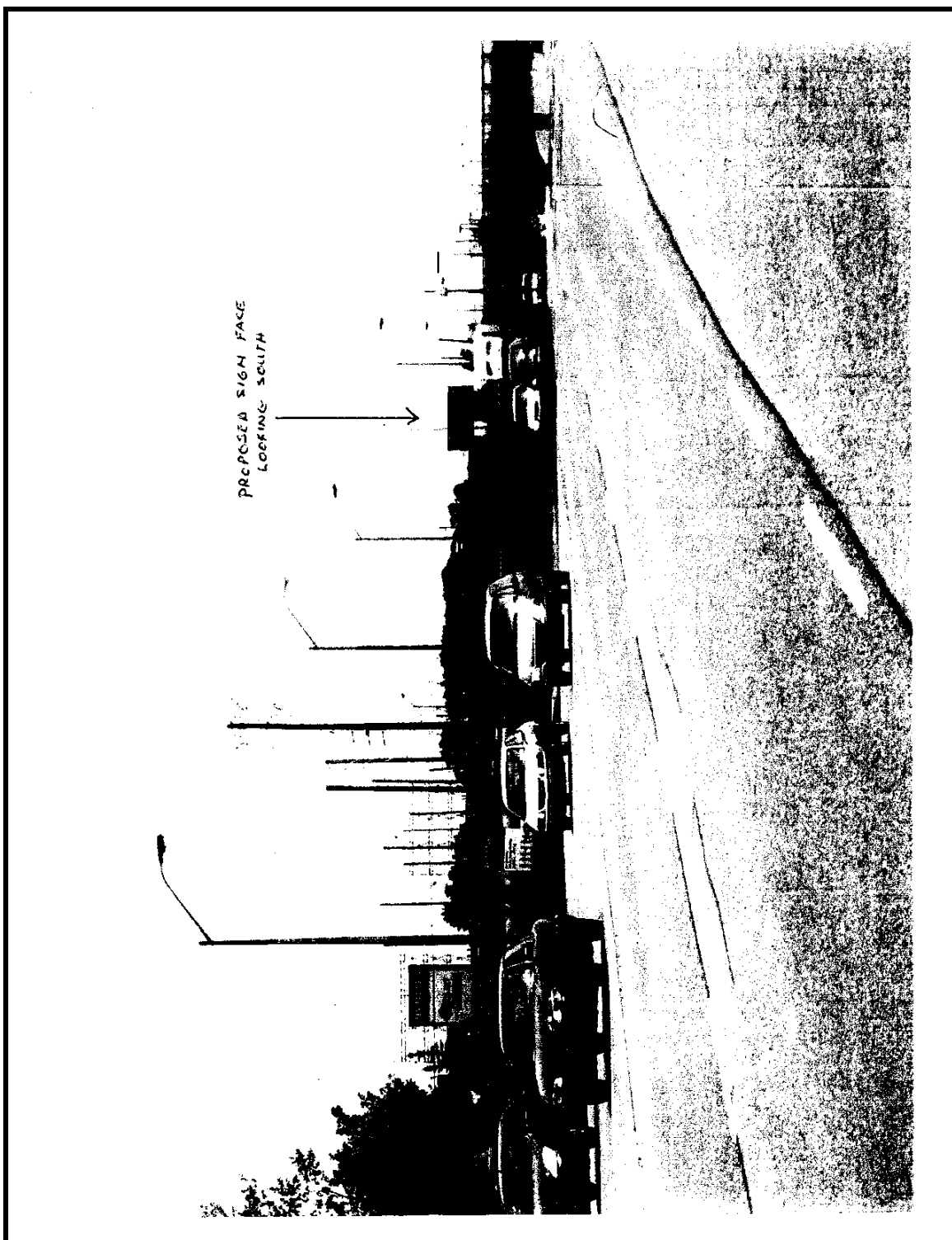
Attachment 3 – Site Plan



Attachment 4 – Proposed Sign Details







Applicant:

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