



STAFF REPORT ACTION REQUIRED

Sign Variance Report - Revised 29 Algie Avenue

Date:	January 11, 2010
To:	Chair and Members, The Etobicoke York Community Council
From:	Mark Sraga, Director and Deputy Chief Building Official
Wards:	Etobicoke-Lakeshore, Ward 5
Reference Number:	2010EY006

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. Solomon Misghina of OOH Vision Inc, on behalf of Mandeep Sandhu, 2159322 Ontario Inc., the property owners. The request is to permit installation of one third party V-shaped ground sign containing LED digital displays located at 29 Algie Avenue and within 400 meters of the limit of the F. G. Gardiner Expressway.

RECOMMENDATIONS

It is recommended that:

1. The request for variance at 29 Algie Avenue 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.

In May 2009 the applicant had submitted a request to permit installation of a third party V-shaped ground sign containing LED digital displays. Staff report dated June 8/2009 recommended a refusal of this variance. At the June 9, 2009 Community Council meeting this variance request was approved with restrictions that to be approved ground sign be only used for first party advertising and the removal of all LED digital displays as well as that the approved sign be same size, height and location as noted in the report.

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 proposed sign will be located west of Kipling Avenue at the junction of Algie Avenue and F. G. Gardener Expressway and is subject to By-law 280-1998.

The property at 29 Algie Avenue is occupied by “Sunny Auto Tech Inc”. The proposed standard advertising ground sign will be located on the south side of the property facing the east and west bound traffic along F. G. Gardener Expressway. The proposed ground

sign will be V-shaped sign consisting of Light Emitting Diodes (LED) with a display face area of 4.27 m x 14.63 m (14 ft x 48 ft) each, resulting in a total sign face area of 62.4 square metres (672 sq. ft). The overall height of the proposed sign is 18.3 m.

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 80 meters from the highway right-of-way.	Sign to be located 80 meters from the highway right-of-way in lieu of the 400 meters required.

Variance from requirements of MTO Commercial Sign Policy

The applicant is proposing to erect a ground sign with a display area of 62.4 square metres for each face of the sign, within 80 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.

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	Applicant's Proposal	Deviations from MTO Commercial Sign Policy
(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 total sign area of 62.4 square metres will be located within 400 metres of the highway right-of-way.	Sign to be located 80 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 62.4 square metres.	To install a billboard ground sign with a sign area size that is prohibited.
(3) No billboard sign shall exceed 8 meters in height above the ground	The proposed sign is 18.3 meters (60ft) in height.	The height of the sign will 10.3 meters higher than permitted under the MTO Commercial Sign Policy.
(4) No other sign to be placed within 305 metres of another billboard sign per direction, provided there are no left hand billboard signs facing the motorist	The proposed sign will be less than 305 metres from the billboard sign located at 64 Fordhouse Blvd.	Sign will be located within approximately 53 metres from the other sign.
(5) 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).

The applicant is requesting to permit installation of a third party V-shaped ground sign with electronic digital LED display within 80 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding size and distance separations from other signs 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.

The proposed ground sign with an electronic digital LED 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:

* 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 an “E- Employment Sign District”.

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
694-24 Site-specific area restrictions. 694-24.A. (1). 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 the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province of Ontario in Council 534/97.	Proposal is to permit a 3rd-party ground sign with an electronic digital LED display.	To permit a third party sign within approximately 80 metres of the F.G. Gardiner Expressway.

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.B. E-Employment Sign district 694-25.B.(1)(a) 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 62.4 square meters.	To permit a third party sign with a face area that exceed permitted are by 42.4 square meters.
694-25.B.(1)(b) The height shall not exceed 10.0 metres	Proposal is to permit a 3rd-party ground with a overall height of 18.3 metres	To permit a third party ground to exceed maximum permitted height by 8.3 meters.
694-25.B.(1)(c) The sign shall not be erected within any required setback of a building from street as regulated by the City's applicable Zoning By-law.	Proposal is to permit a 3rd-party ground sign to be erected 0.5 metres from the property line and within the limits of the required setback.	To permit a third party ground to be erected 0.5 metres from the property line.

* 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

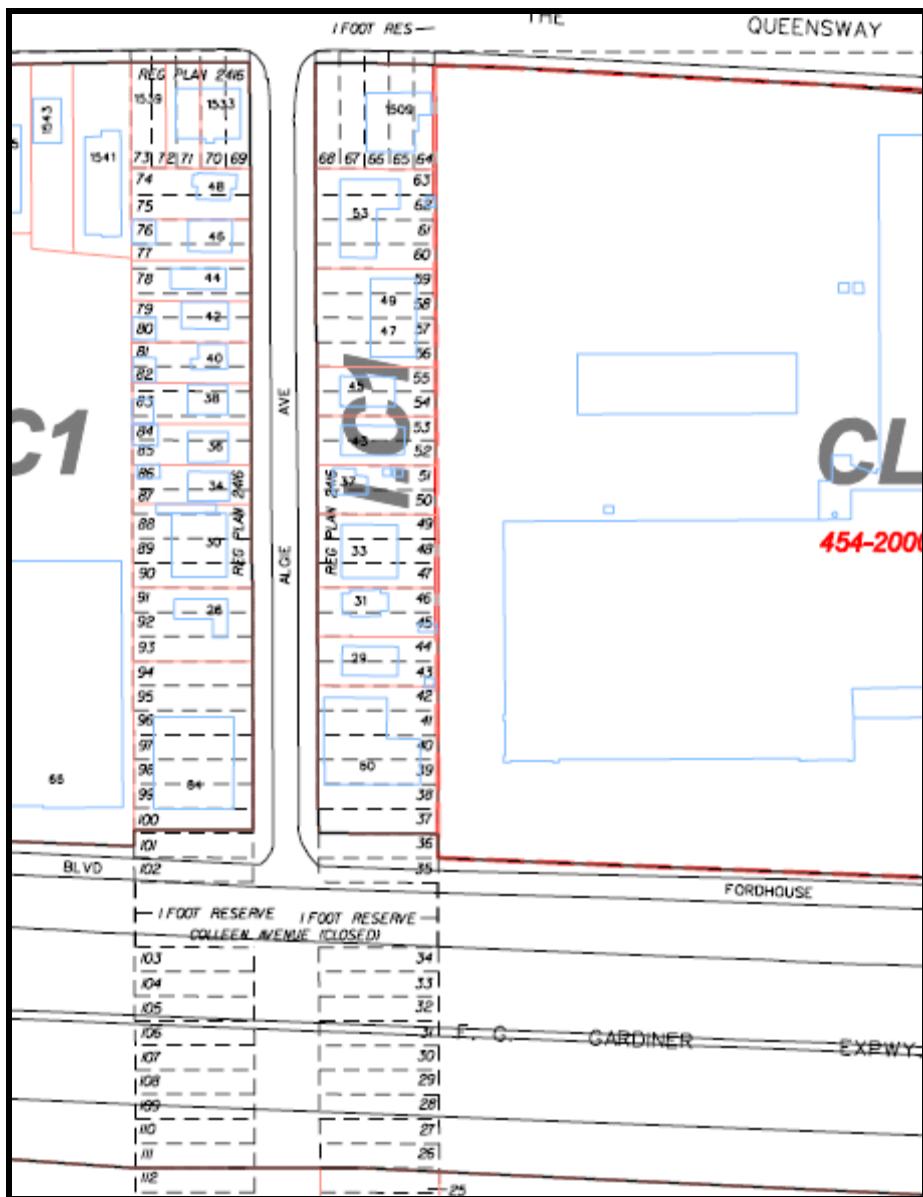
Attachment 3 – Site Plan

Attachment 2 – Aerial Map

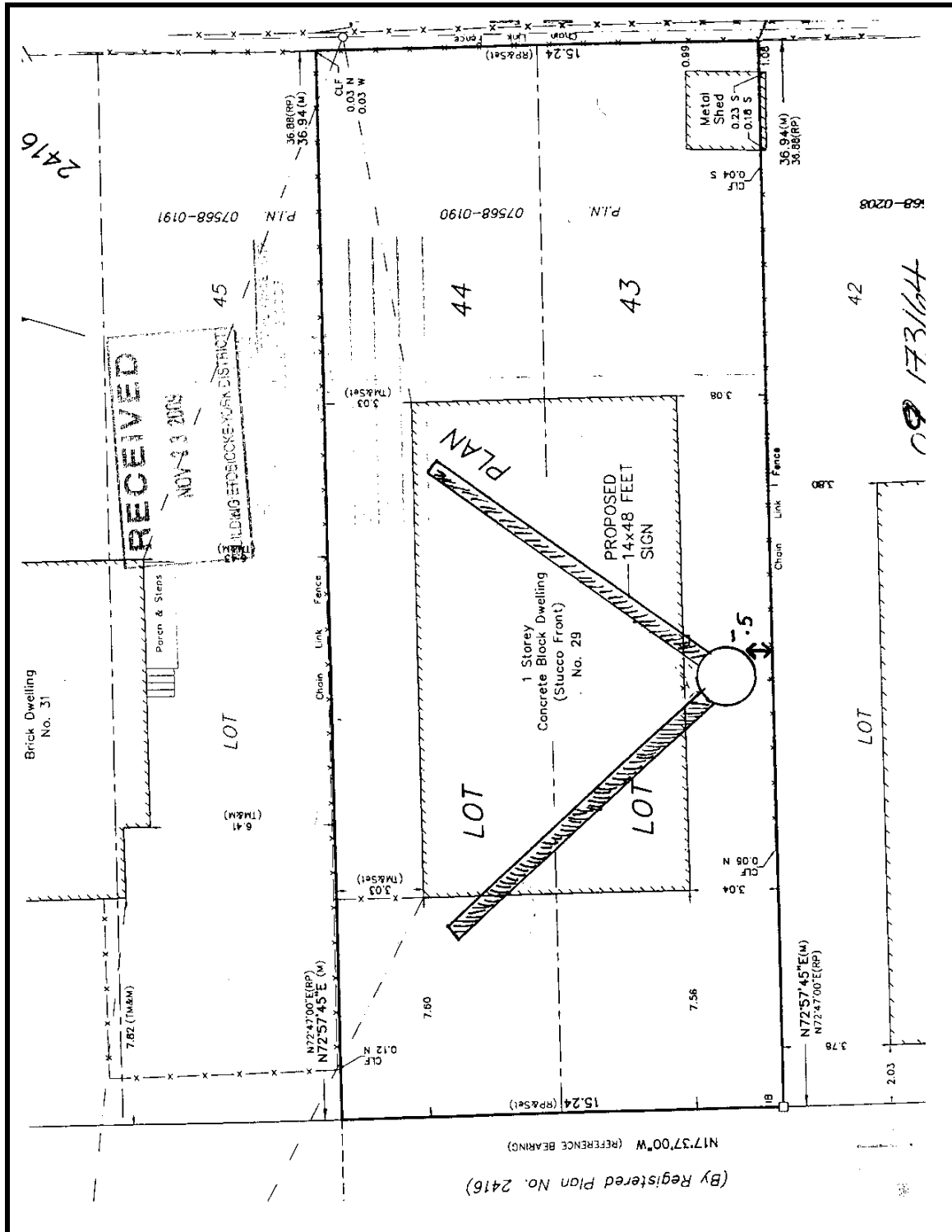
Attachment 4 – Property at 29 Algie Ave.

Attachment 5 - Proposed Sign

Attachment 1 – Zoning Map



ATTACHMENT -2 SITE PLAN



ATTACHMENT 3 – AERIAL MAP



Attachment 4 – Property at 29 Algie Ave.



Attachment 5 – Proposed Sign

