



STAFF REPORT ACTION REQUIRED

Sign Variance Report 542 Evans Ave

Date:	February 4, 2010
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:	2010EY021

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 Dominic Rotunda, on behalf of Chris Buman manager at Instorage LTD Partnership, property owners. The request is to permit installation of one third party V-shaped illuminated ground sign located at 542 Evans 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 542 Evans 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.

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 east of The East Mall on the south side of Evans Avenue. The applicant had also applied for two more third party ground signs to be erected in the rear yards of 476 and 450 Evans Ave. The two sign variance reports will be presented to the Etobicoke York Community Council at it’s March 9, 2010 meeting.

The property at 542 Evans Avenue is a two storey self storage building occupied by “Instorage LTD” The proposed standard advertising ground sign will be located in the rear yard of the property facing traffic along F. G. Gardener Expressway. The proposed ground sign will be V-shaped sign consisting of static display face illuminated by flood lights. The area of each face will be 4.27 m x 14.63 m (14 ft x 48 ft), resulting in a total sign face area of 62.4 square metres (672 sq. ft). The overall height of the proposed sign is 10.66m (35 ft). There are two existing first party ground signs erected at the front and rear of the property identifying “Instorage” business.

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 20 meters from the highway right-of-way.	Sign to be located 20 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 20 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 sq. m in sign	The proposed sign with a total sign area of 62.4 sq. m will be	Sign to be located 20 metres from the highway right-of-way

MTO Commercial Sign Policy	Applicant's Proposal	Deviations from MTO Commercial Sign Policy
area will be allowed within 400 metres of the highway right-of-way.	located within 400 metres of the highway right-of-way.	in lieu of the 400 metres required under the MTO Commercial Sign Policy.
(2) No signs are to be placed within 23 m (75 ft) of the highway property line.	The proposed sign will be erected 20 m of the highway property line	To install a billboard ground sign within 20 m of the highway.
(3) No billboard sign shall exceed 8 meters in height above the ground	The proposed sign is 10.66 meters (35ft) in height.	The height of the sign will 2.66 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 other billboard signs.	Sign will be located within approximately 232 and 301 metres from the other billboard signs.

The applicant is requesting to permit installation of a third party V-shaped illuminated ground sign with static display approximately 20 metres from the F. G. Gardiner Expressway right-of-way. 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 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:

****** 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 illuminated ground sign.	To permit a third party sign within approximately 20 metres of the F.G. Gardiner Expressway.
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 10.66 metres	To permit a third party ground to exceed maximum permitted height by 0.66 meters.

CONTACT

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Mark Sraga
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The Etobicoke York District

ATTACHMENTS

Attachment 1 – Zoning Map

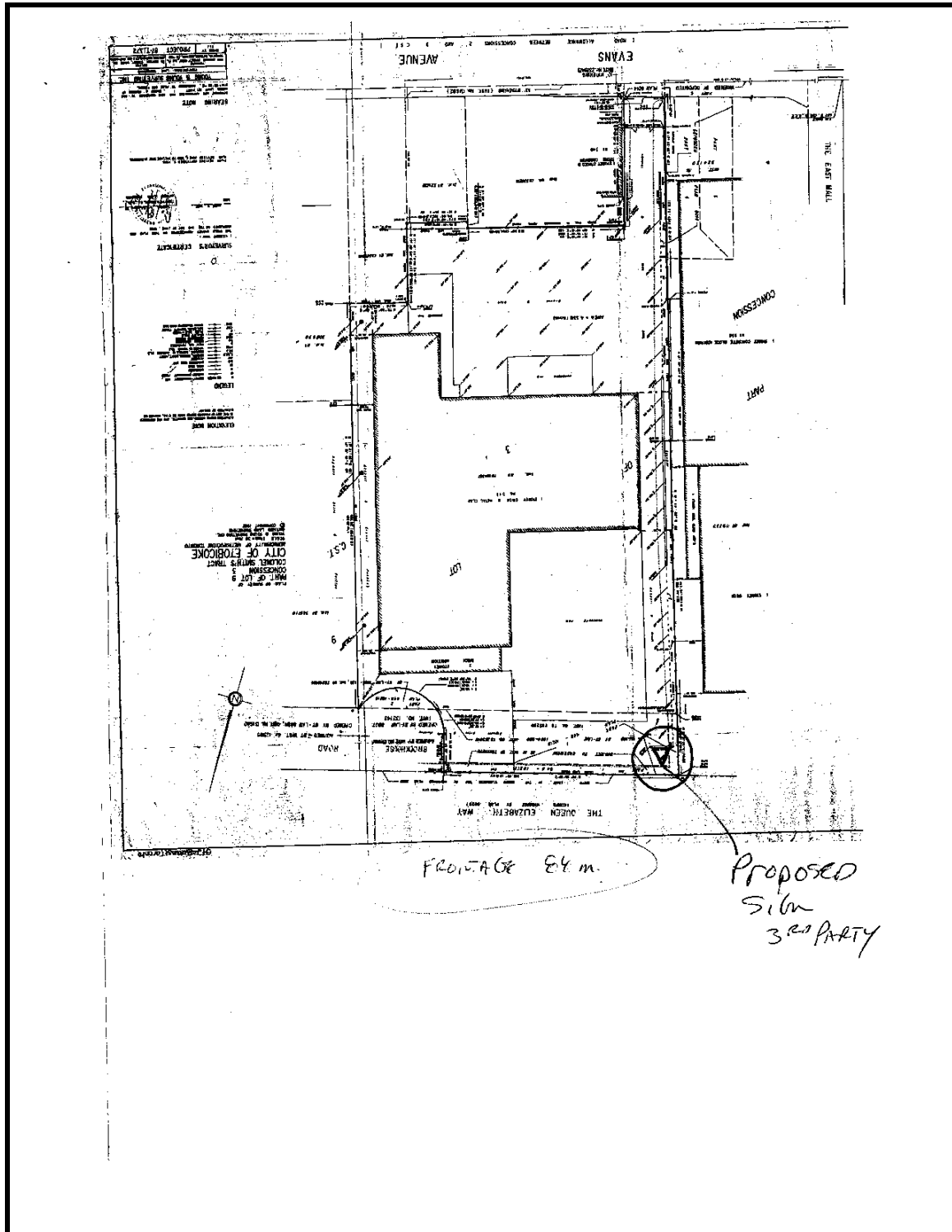
Attachment 3 – Site Plan

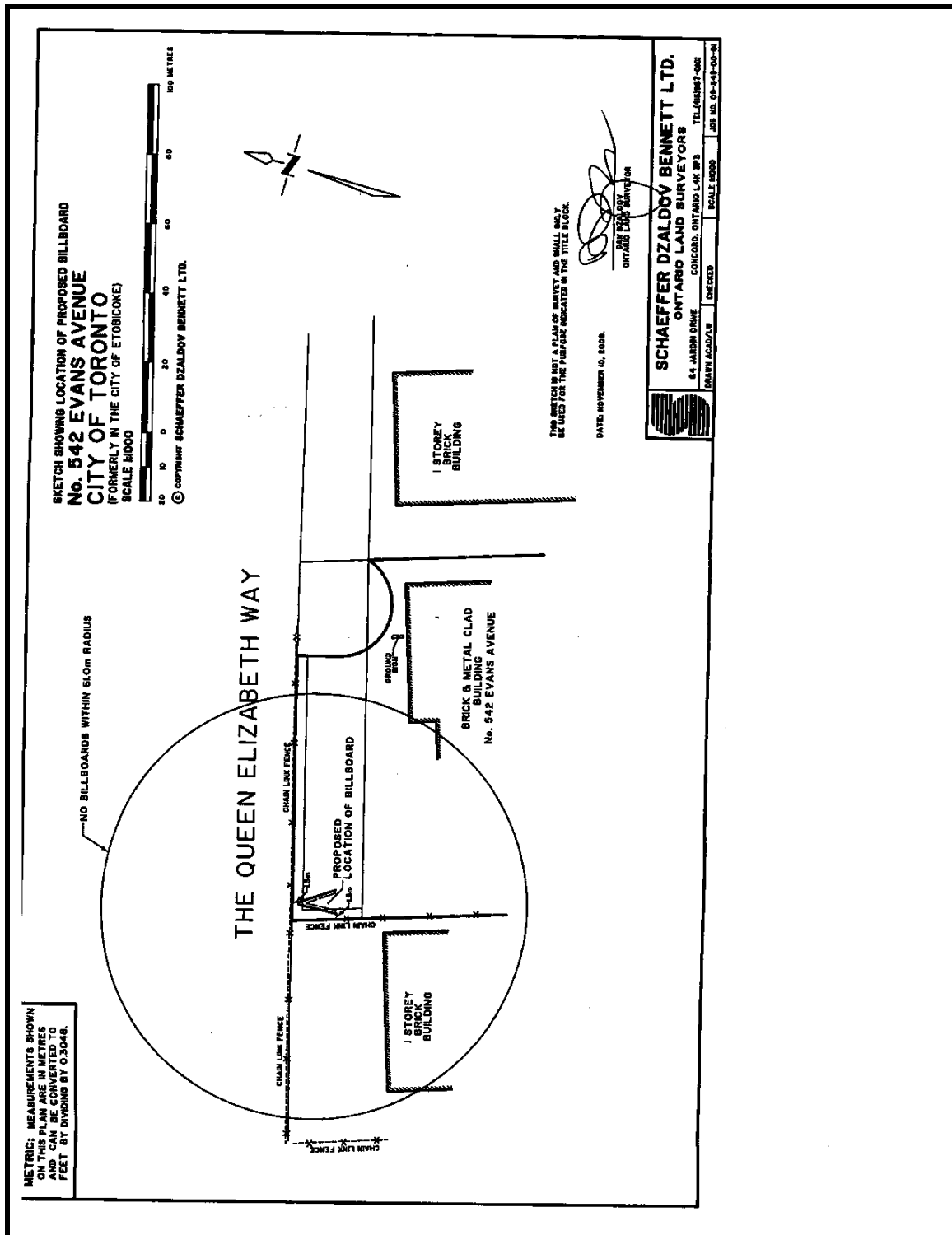
Attachment 2 – Aerial Map

Attachment 4 – Property at 542 Evans Ave.

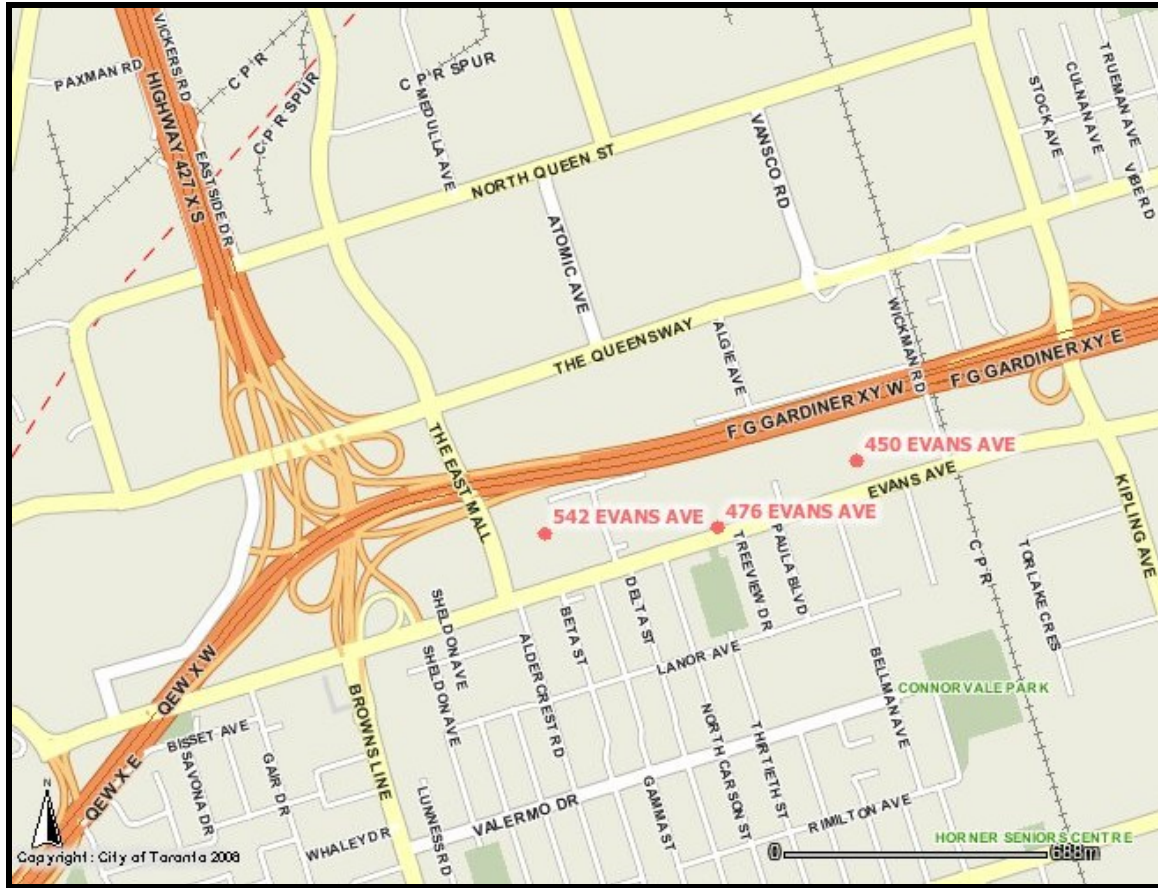
Attachment 5 - Proposed Ground Sign Detail

ATTACHMENT -2 SITE PLAN





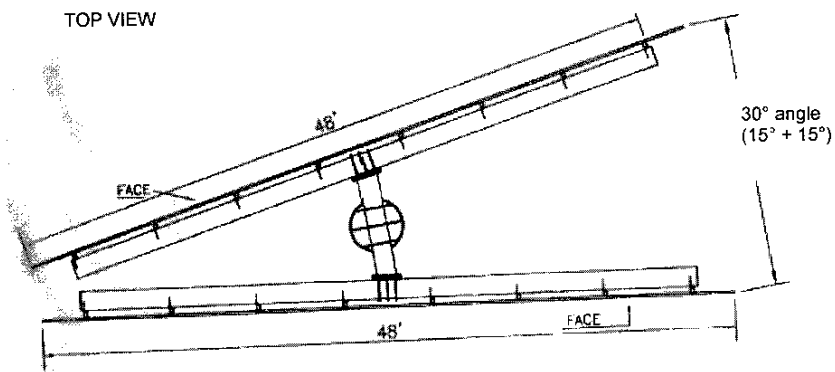
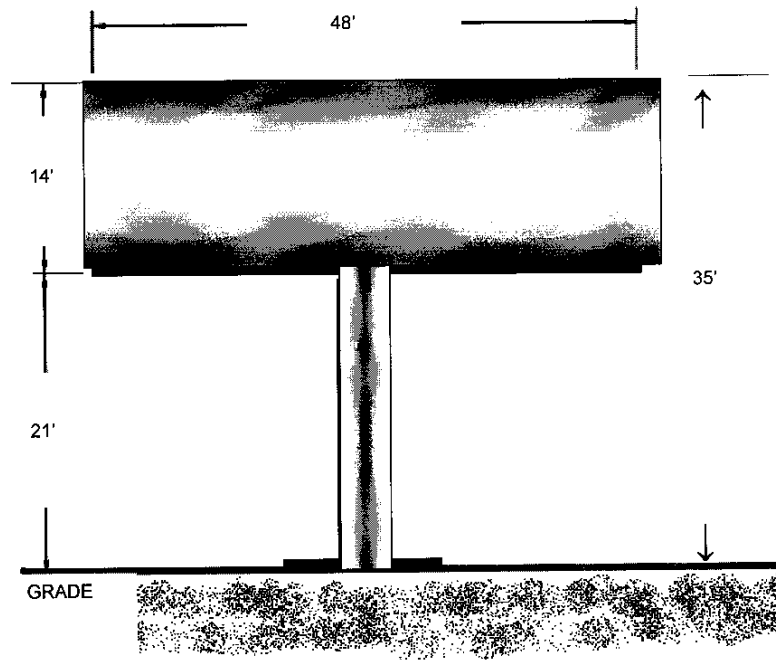
ATTACHMENT 3 – AERIAL MAP



Attachment 4 – Property at 542 Evans Ave.



ATTACHMENT 5 – PROPOSED GROUND SIGN DETAIL



Applicant:

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