



**STAFF REPORT
ACTION REQUIRED**

**Sign Variance Report
0 Oakville Sub, CN Rail Lands W/N of HWY27 north of Vulcan St.**

Date:	February 17, 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:	2010EY029

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 Ken Neufeld 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 double sided third party ground sign having trivision displays with a face area of 18.60 sq. m (200 sq.ft) each and an overall height of 9.14 m (30ft).

Sign will be located on CN Rail Lands on the west side of HWY 27 and 420 metres north of Vulcan St. 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 HWY #27 and Vulcan St. 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 2 Industrial Zone (IC2).

The applicant is proposing to remove the existing illuminated ground sign at a different location and to replace it with a new V-shaped, illuminated third party ground sign, with trivision display faces located 10 metres from the Highway 27.

The sign will consist of two sign faces in a "V" configuration. Each sign face will be 3.0 m x 6.0m (10 ft x 20 ft) with a sign face area of 18.6 m² (200 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 west side of Highway 27 and the 420 metres north of Vulcan St. 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 10 meters from the highway right-of-way.	Sign to be located 10 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 trivision displays, within 10 metres of the Highway 27. This will result in the proposed sign exceeding height and distance 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 18.60 square metres for each face of the sign, within 10 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 11.90 square metres, but not over 18.60 square metres must be set back 30.0 m from the highway property line	The proposed sign with a sign area of 18.60 square metres will be located within 10 metres from the highway property line.	Sign to be located 10 metres from the highway right-of-way in lieu of the 30.0 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 18.60 square meters sign will be erected within 10 meters from the highways off ramp.	Sign to be located 10 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy.

** 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
<p>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.</p>	<p>Proposal is to permit a 3rd-party double sided ground sign.</p>	<p>To permit a third party sign within approximately 10 metres of the Highway 27.</p>

CONTACT

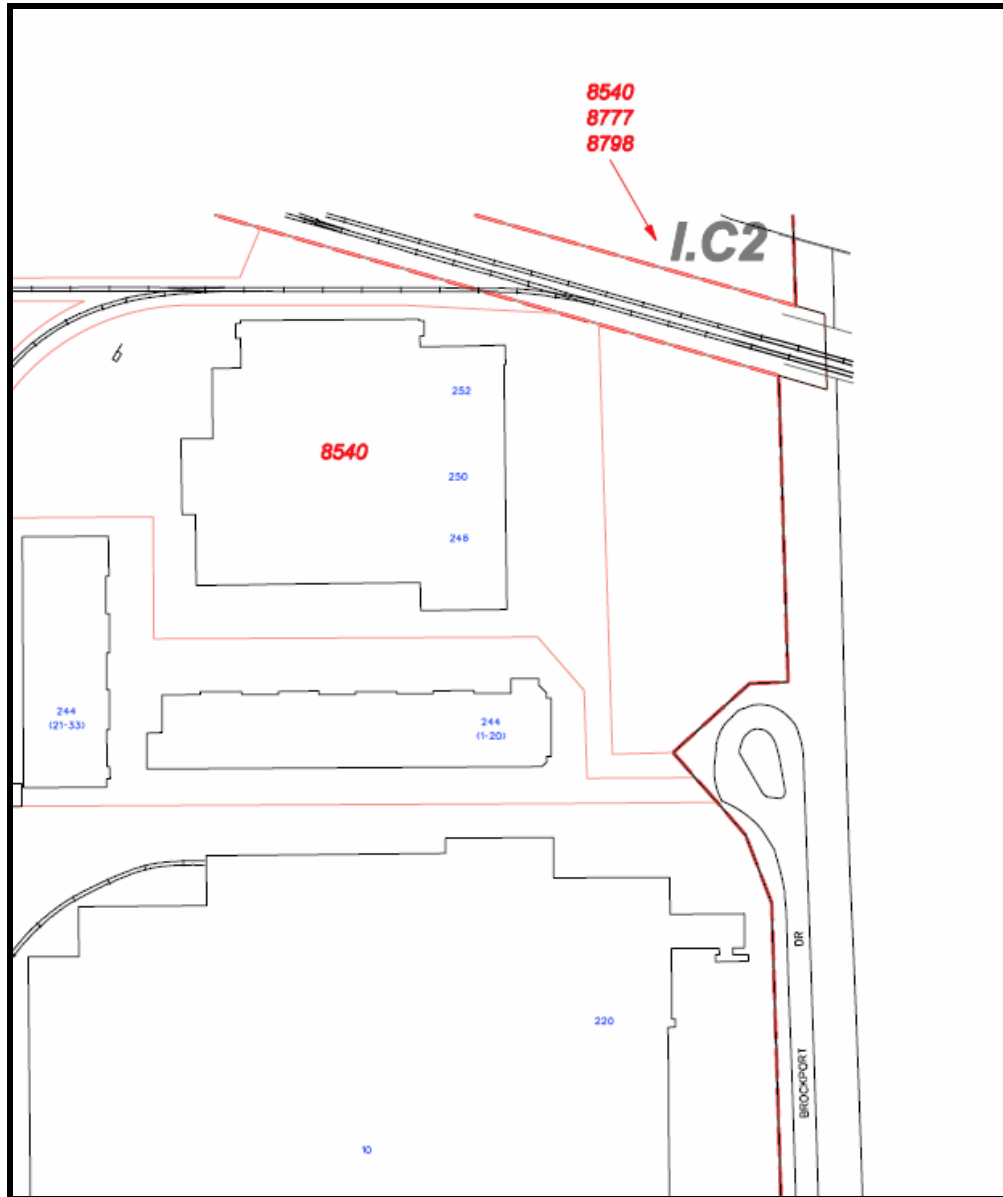
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Mark Sraga
Director of Building and
Deputy Chief Building Official
The Etobicoke York District

ATTACHMENTS:

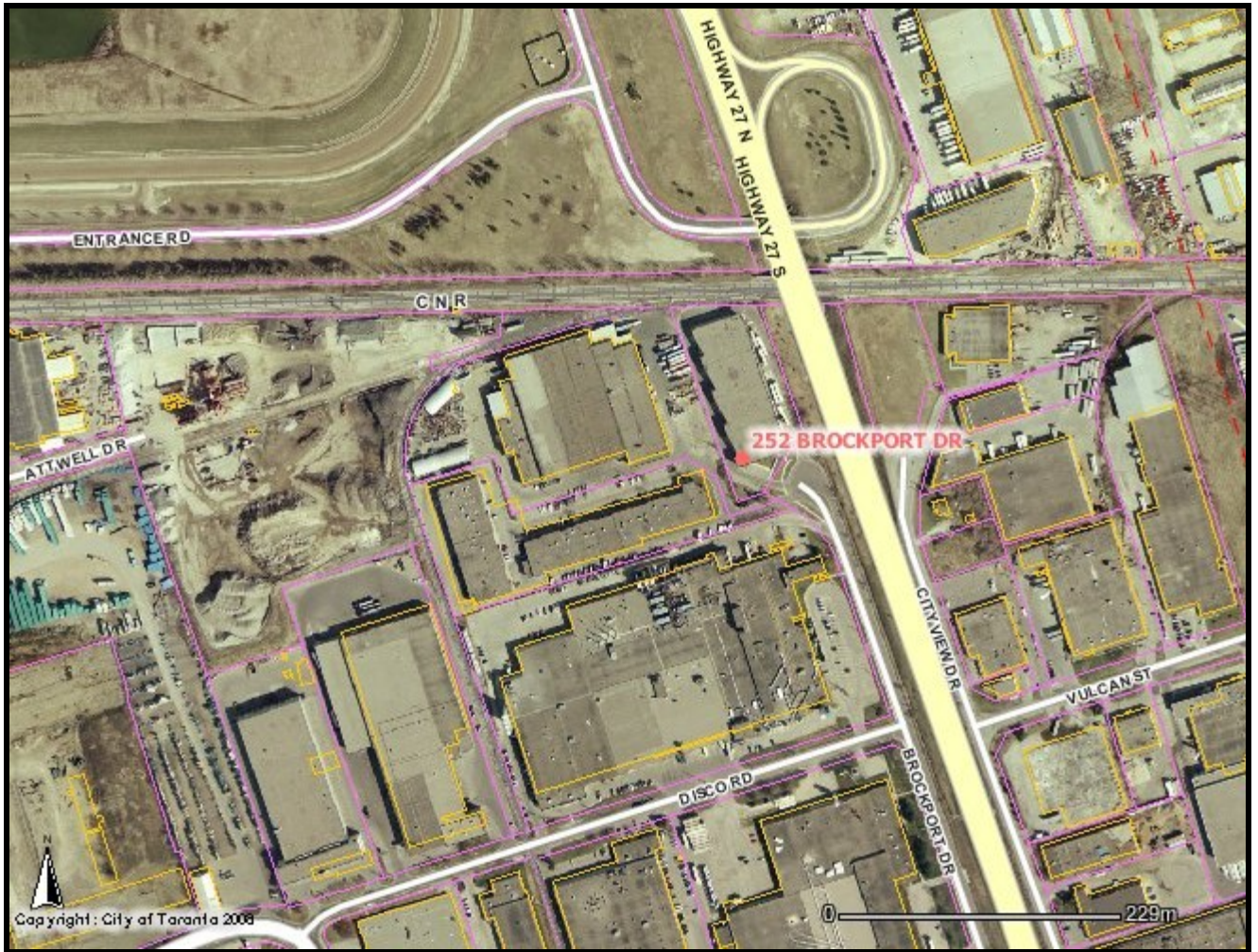
- Attachment 1 – Zoning Map
- Attachment 2 – Aerial Map
- Attachment 3 – Site Plan
- Attachment 4 – Proposed Sign Details

Attachment 1 – Zoning Map

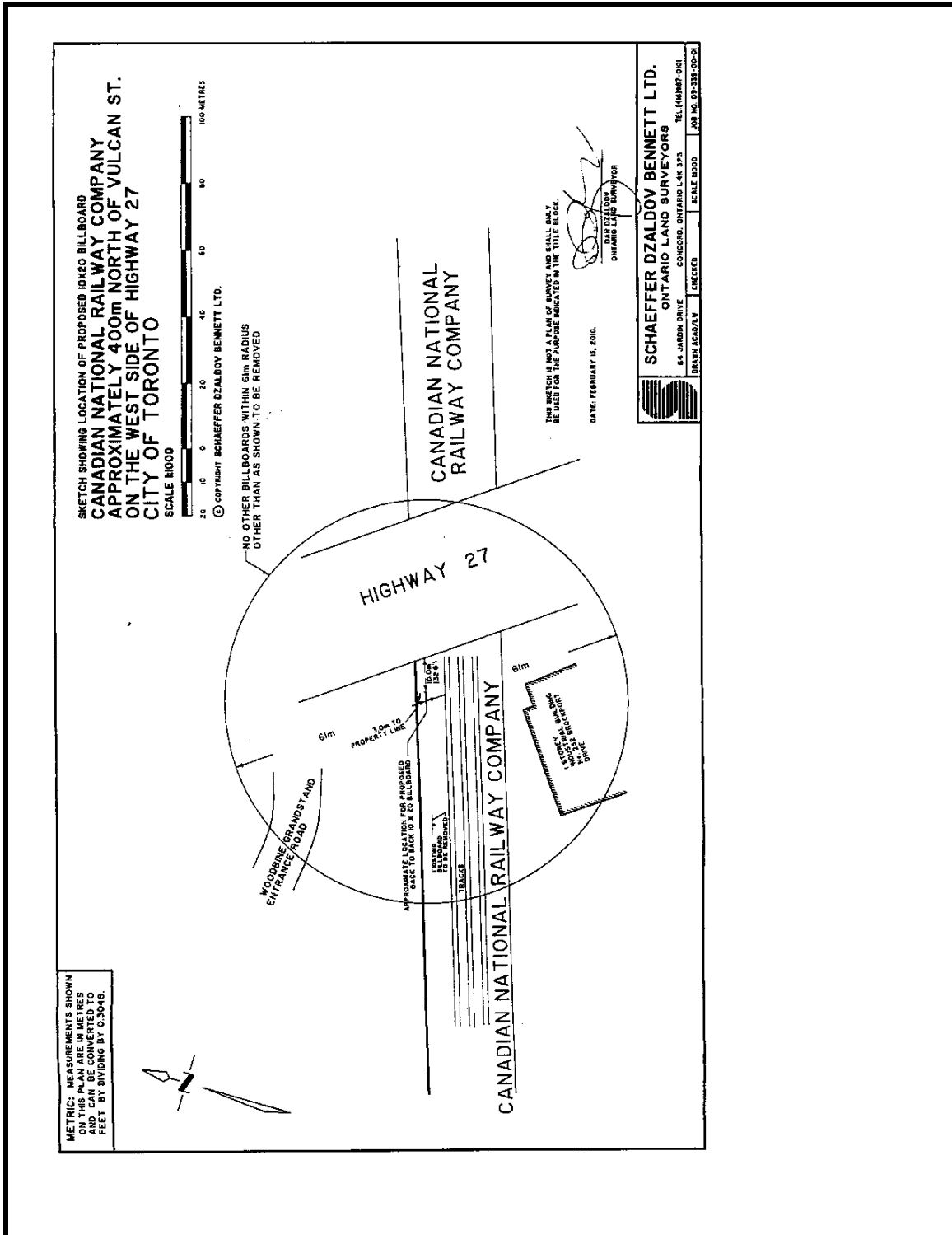


Attachment 2 – Aerial Map

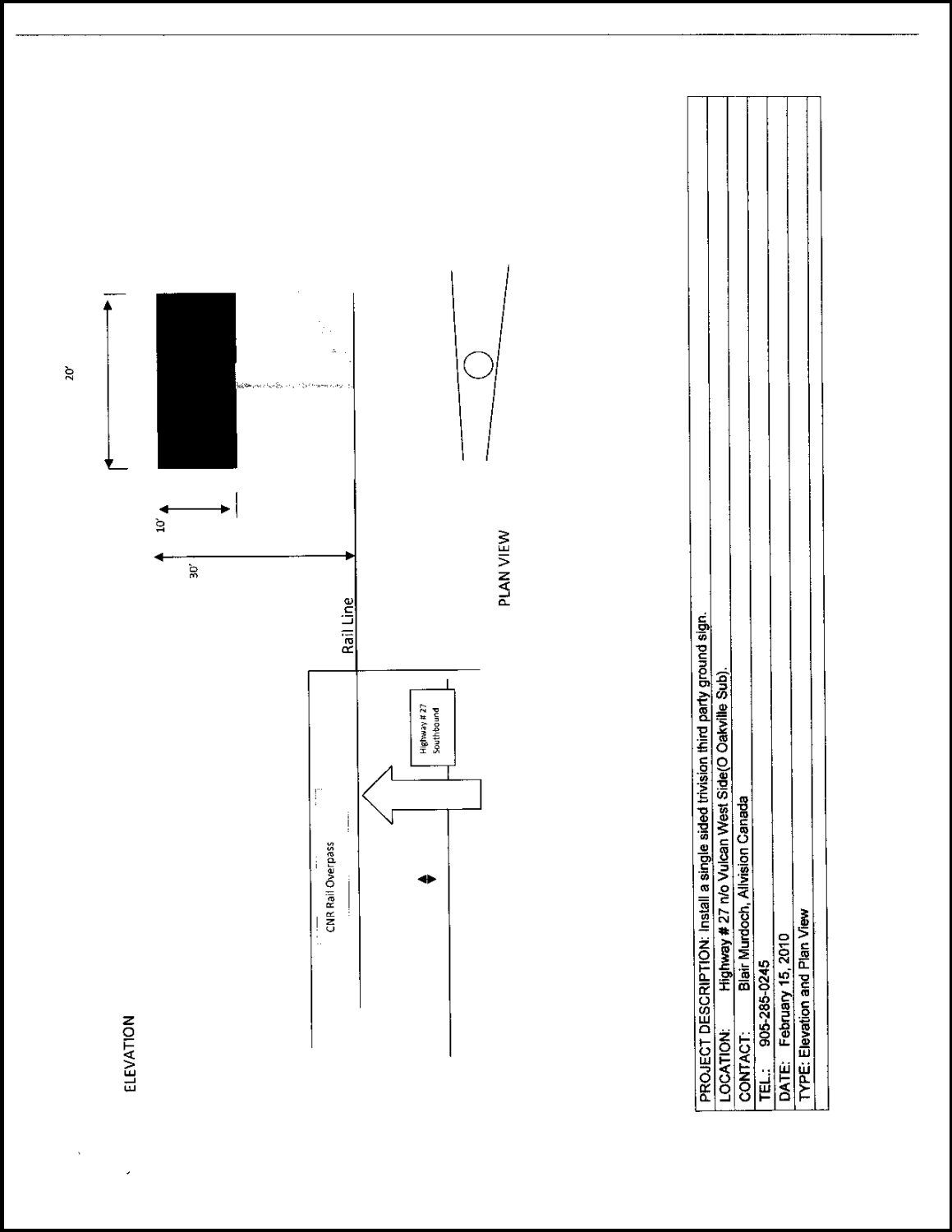




Attachment 3 – Site Plan



Attachment 4 – Proposed Sign Details



PROJECT DESCRIPTION:	Install a single sided trivision third party ground sign.
LOCATION:	Highway # 27 n/o Vulcan West Side(O Oakville Sub).
CONTACT:	Blair Murdoch, Allvision Canada
TEL.:	905-285-0245
DATE:	February 15, 2010
TYPE:	Elevation and Plan View

Applicant:

Allvision Canada
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