



**STAFF REPORT
ACTION REQUIRED**

**Sign Variance Report
44 Zorra Street**

Date:	February 18, 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:	2010EY043

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. Rick Taddeo of Supersign Lambda Inc., on behalf of Stanley Colliny of 1127792 Ontario Ltd., the property owners. The request is to allow to replace an existing double face illuminated first-party ground at 44 Zorra Street with a new third party ground sign containing LED digital displays and within 400 meters of the limit of the F. G. Gardiner Expressway.

RECOMMENDATIONS

It is recommended that:

1. The request for variance at 44 Zorra 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 I.C1 Zone. The existing sign was erected without the benefit of a building permit and is located east of Kipling Avenue at the junction of Zorra Street and F. G. Gardener Expressway and is subject to By-law 280-1998. A sign variance report was submitted to the Etobicoke York Community Council for consideration. At its September 15, 2009 Etobicoke York Community Council meeting the request was refused. Shortly after this decision the third party ground sign was converted into a first party ground sign identifying the Roto Rooter business. A sign permit for this ground sign was never obtained.

The property at 44 Zorra St. is a one storey industrial building occupied by Roto – Rooter Plumbers. The existing ground sign is erected at the west-south corner of property and is facing the westbound traffic along F. G. Gardener Expressway. The west elevation of this sign is also visible to the vehicle traffic traveling eastbound along F. G. Gardener

Expressway. The applicant is proposing to remove the existing ground sign and replace it with a new 4.26 m x 14.63 m (14ft x 48ft) third party ground sign containing LED digital displays with a total face area of 62.43sq. m (672 sq. ft) each. The overall height of the proposed ground sign is 14.94 meters (49 ft). The proposed ground sign will encroach onto the south side road allowance and will require an encroachment agreement with Toronto Water Right of Way management.

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 encroaching into the highway right-of-way.	To allow the sign to encroach into be the highway right-of-way in lieu of the 400 meters set back required.

Deviations from the MTO 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 the limits of the F. G. Gardiner Expressway. This will result in the sign exceeding size, height and location 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 (where posted speed more than 50 km/hr)	Applicant’s Proposal	Deviations from Guidelines
(1) 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.
(2) 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 within the right- of- way of the F.G. Gardiner Expressway in lieu of the 400 metres set back required under the MTO Commercial Sign Policy.
(3) No billboard sign shall exceed 8 meters in height above the ground	The proposed sign is 14.94 meters in height.	The height of the sign will 6.94 meters higher than permitted 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).

The applicant is requesting to permit installation of a third party double sided ground sign with electronic digital LED display within the right-of way of the F. G. Gardiner Expressway. This will result in the sign exceeding size and distance separations 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 right-of-way 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 14.94 metres	To permit a third party ground to exceed maximum permitted height by 4.94 meters.

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

CONTACT

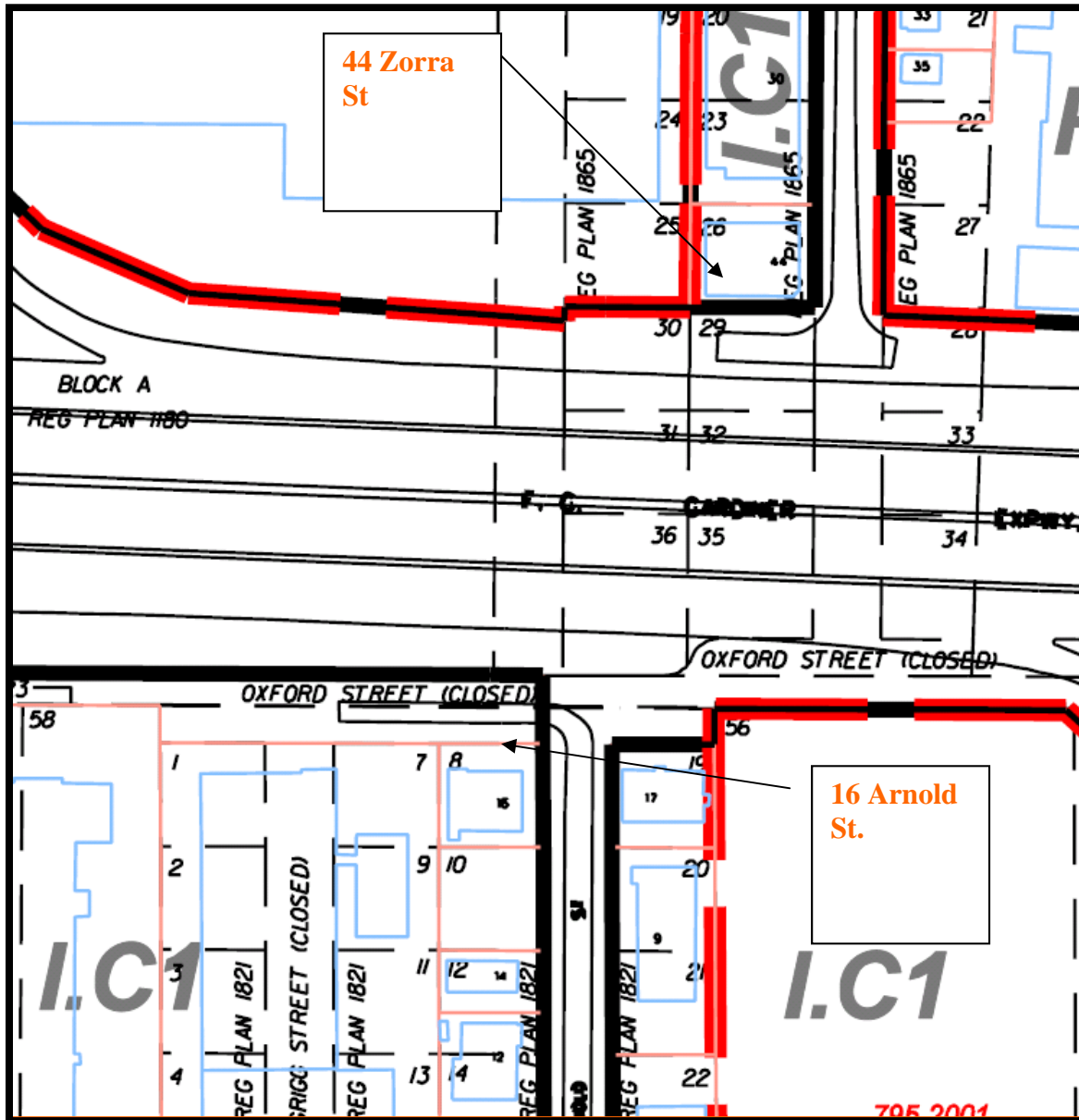
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Mark Sraga
 Director of Building and
 Deputy Chief Building Official
 The Etobicoke York District

ATTACHMENTS:

Attachment 1 – Zoning Map
 Attachment 2 – Aerial Map
 Attachment 3 – Site Plan
 Attachment 4 – Sign Details
 Attachment 5 – Photo of the Existing Ground Sign

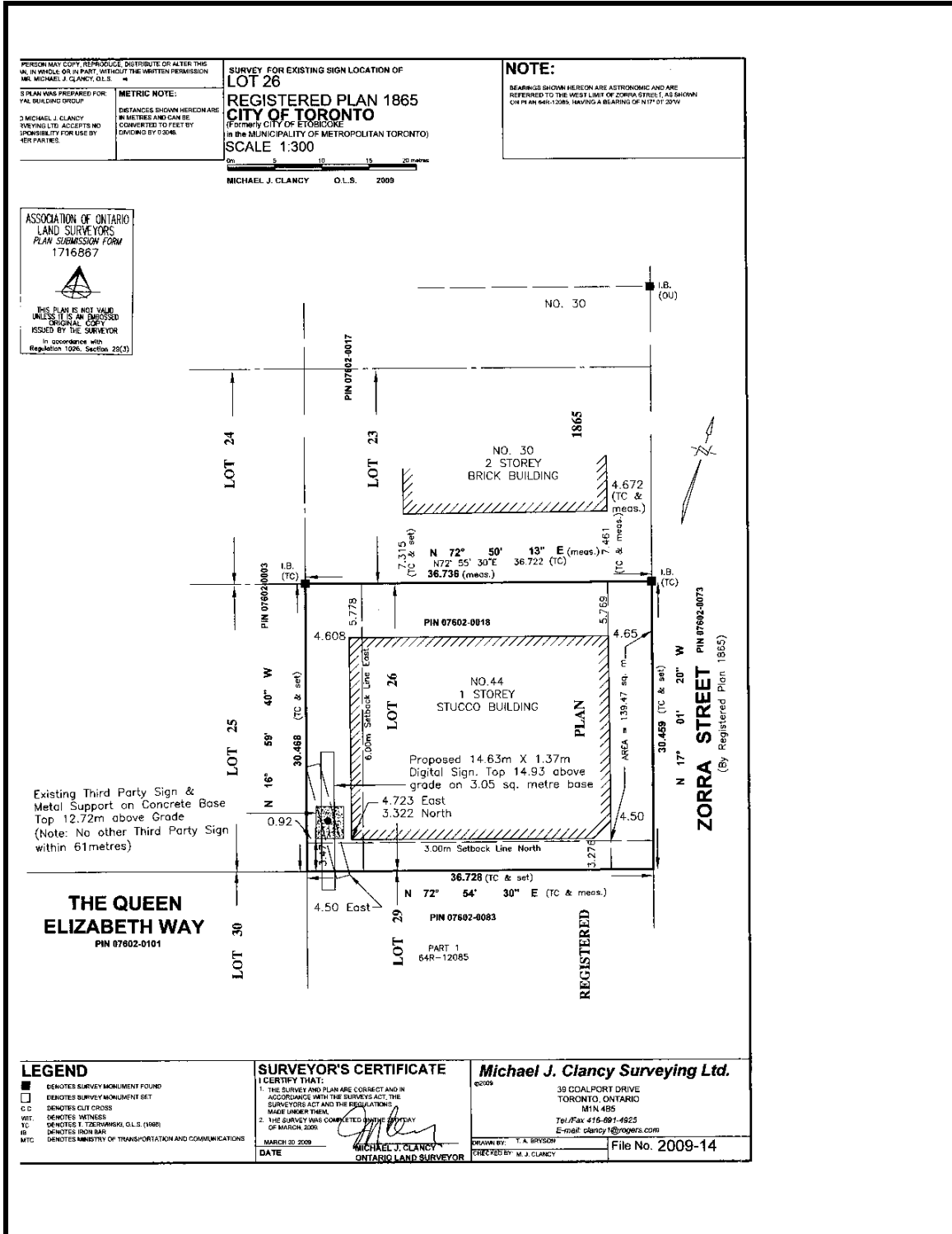
Attachment 1 – Zoning Map



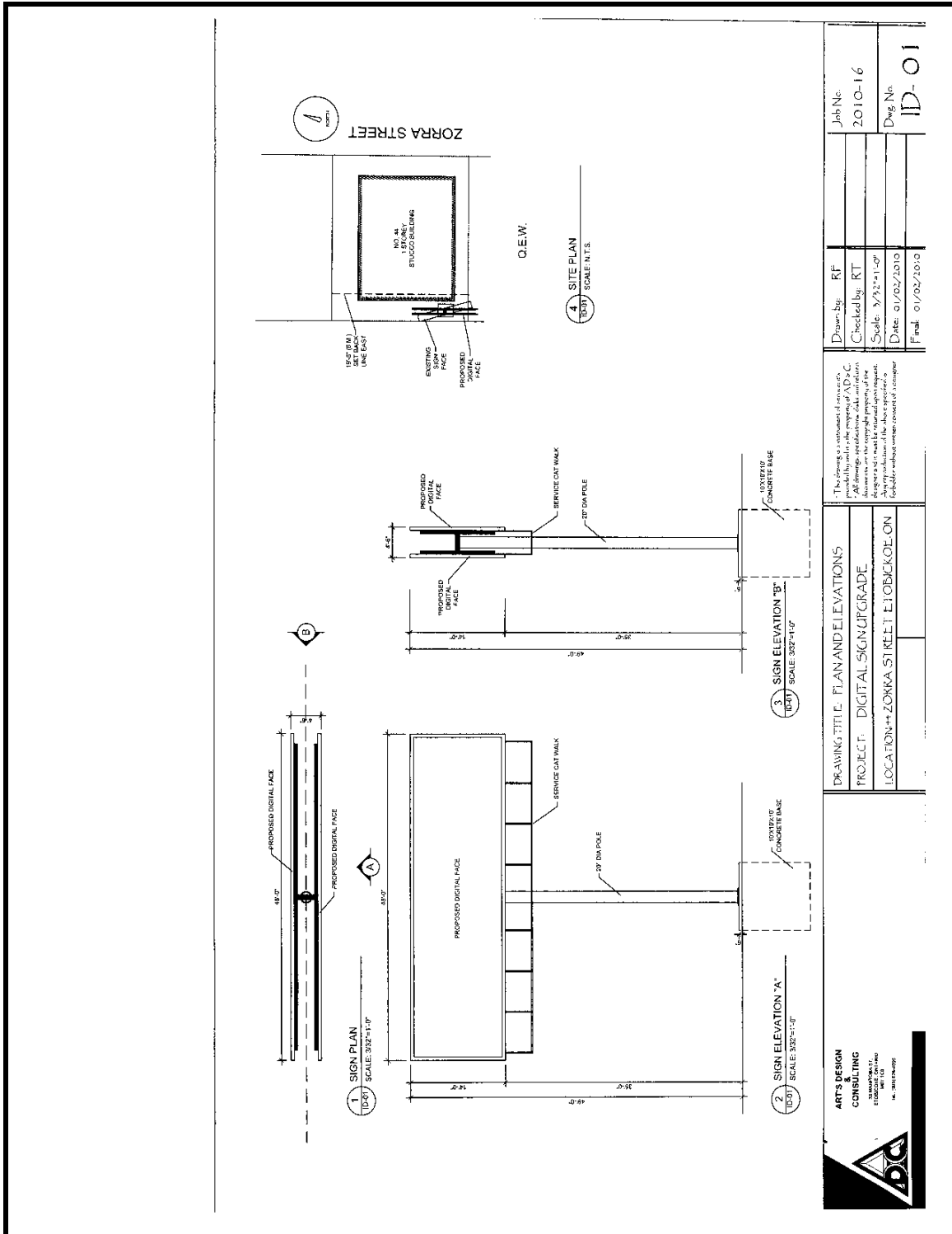
Attachment 2 – Aerial Map



Attachment 3 – Site Plan



Attachment 4 – Sign Details



ART'S DESIGN CONSULTING 11300 W. 11TH AVE. SUITE 100 DENVER, CO 80233	DRAWING TITLE: FLAN AND ELEVATIONS		Job No.
	PROJECT: DIGITAL SIGN UPGRADE		2010-16
	LOCATION: ZORRA STREET / BOCKFELON		Dwg. No.
			ID-01
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		Checked by: RT	
		Scale: 3/8" = 1'-0"	
		Date: 01/02/2010	
		Final: 01/02/2010	

Attachment 5 – Existing Ground Sign at 44 Zorra St.



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