



**STAFF REPORT
ACTION REQUIRED**

**Sign Variance Report
833 The Queensway**

Date:	February 23, 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:	2010EY059

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 Steve Wolowich of Astral Media Outdoor, L.P., on behalf of Carl Matar of Gimplex Hide Society Canada, 1321238 Ontario Inc.

The request is to permit to replace an existing third party roof sign having static displays with a new V-shaped third party illuminated roof sign consisting of trivision displays with a total sign face area of 18.6 sq. m (200.0 sq. ft) located at 833 The Queensway and within 400 meters of the limit of the F. G. Gardiner Expressway.

RECOMMENDATIONS

It is recommended that:

1. The Etobicoke York Community Council refuse the requested variance at 833 The Queensway 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 AV Zone. The proposed roof sign will replace an existing roof sign that will be located approximately 315 meters north of F.G. Gardener Expressway on the south side of The Queensway and east of Islington Ave.

The property at 833 The Queensway is a two storey office building occupied by Gimplex Limited, Hide Society Canada. A sign permit for the existing third party illuminated roof sign with static displays having a face area of 18.58 square metres was issued in December of 2000. A recent visit to the site verified that one of the sign faces facing the eastbound traffic along The Queensway have already a trivision display face.

The proposed roof sign will be facing east and westbound traffic along The Queensway the existing roof sign is not visible from the F. G. Gardener Expressway.

The proposed third roof sign will be an illuminated V-shaped double face 3.0 m x 6.0 m (10 ft x 20ft) sign with trivision displays area of 18.62 square metres (200.0 sq. ft).

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 315 meters from the highway right-of-way.	Sign to be located 315 meters from the highway right-of-way in lieu of the 400 meters required.

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.

Variance from requirements of Chapter 215, Signs, of the former City of Etobicoke Municipal Code

The signs do not comply with Chapter 215, Signs, of the former City of Etobicoke Municipal Code in the following ways:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
215-15.Prohibitions. 215-15.F.Roof signs are not permitted in any zone.	To erect a third party roof sign.	To allow a roof sign to be erected whereas the by-law prohibits any roof signs.

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 “CR- Commercial-Residential Sign District”.

Sign By-law Section & Requirements	Applicant’s Proposal	Required Variance
694-15. Prohibited signs. 694-15.B.(2) a roof sign is expressly prohibited	Erect an illuminated double-sided tri-vision third party roof sign in a Commercial-Residential (CR) District.	A variance cannot be granted under the new Sign By-law. An amendment to the new Sign By-law would be required as per Section 694-31 due to the fact that the proposed sign is expressly prohibited.
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 roof sign.	To permit a third party sign within approximately 319 metres of the F.G. Gardiner Expressway.

CONTACT

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ATTACHMENTS:

Attachment 1 – Zoning Map

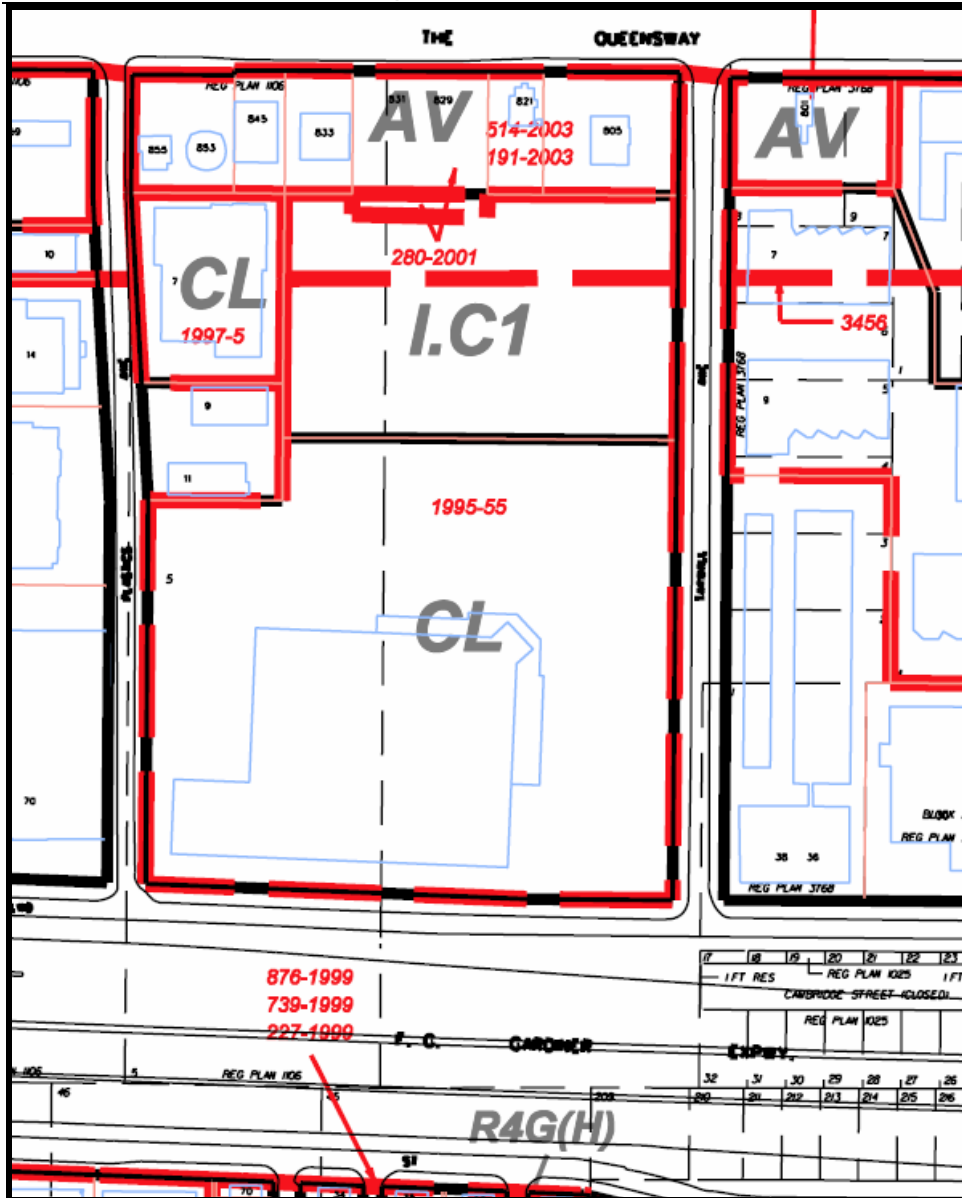
Attachment 1 – Site Plan

Attachment 1 – Aerial Map

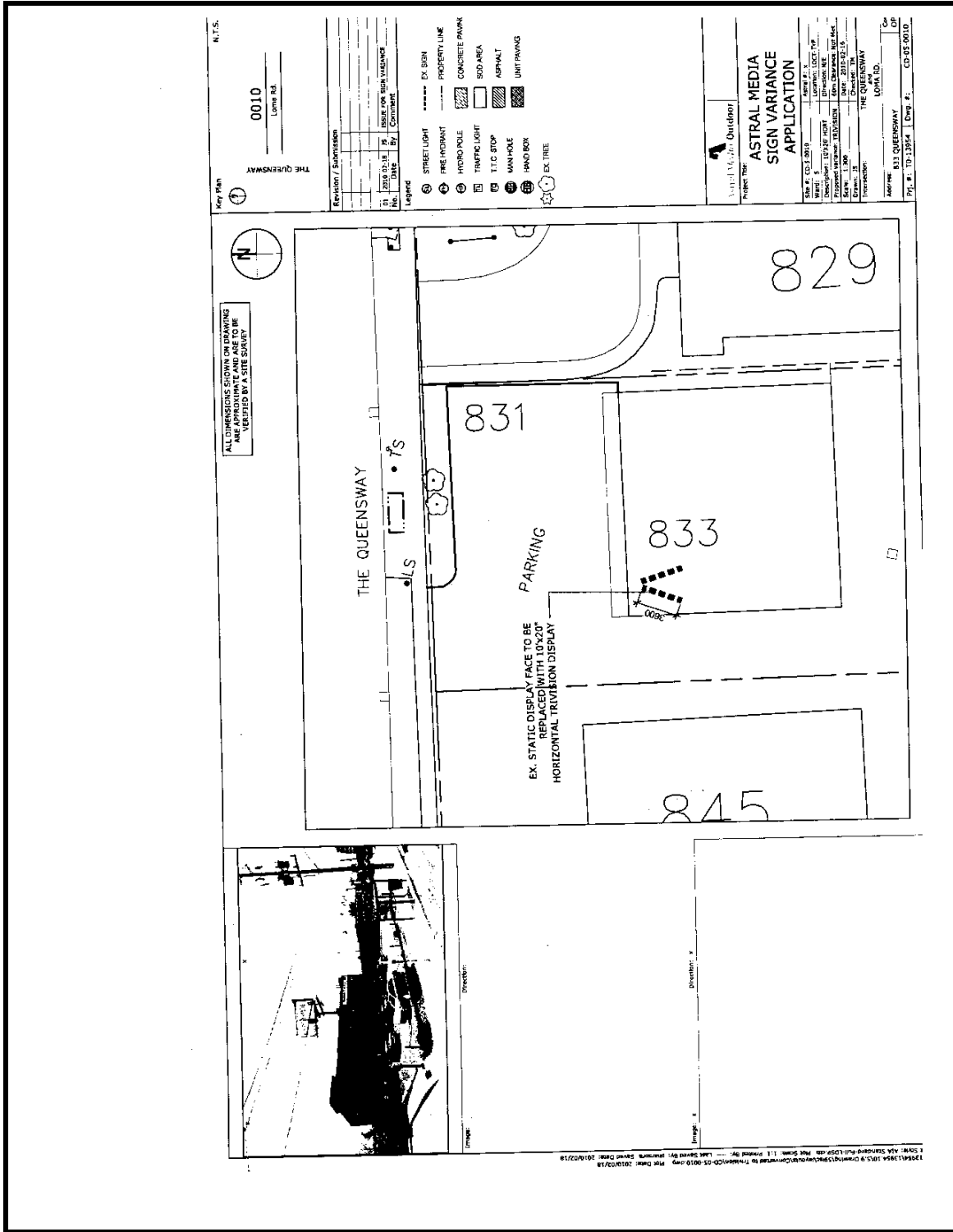
Attachment 1 – Property at 833 The Queensway

Attachment 1 – Proposed Sign

Attachment 1 – Zoning Map



ATTACHMENT -2 SITE PLAN



ATTACHMENT 3 – AERIAL MAP

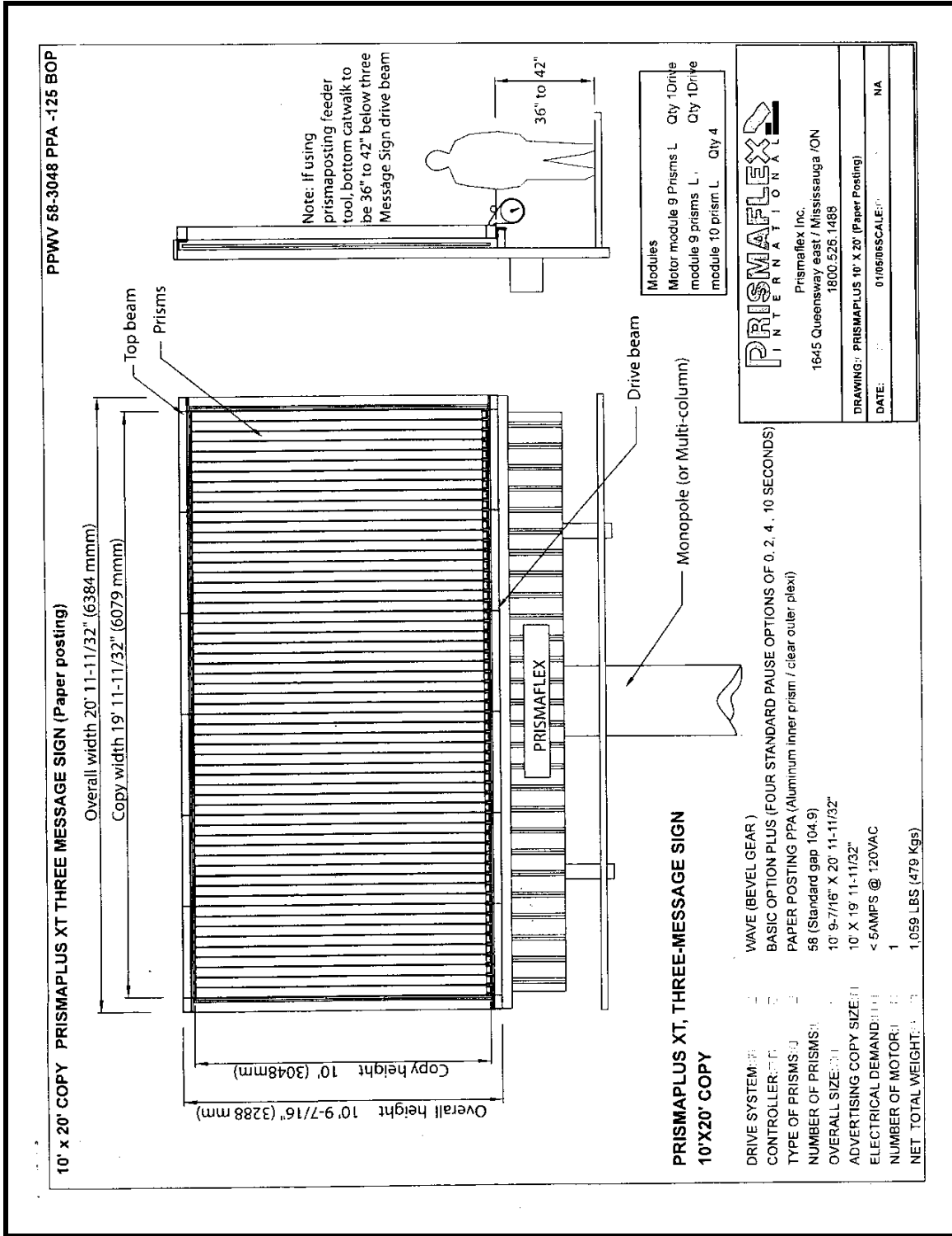


Attachment 4 – Property at 833 The Queensway





Attachment 5 – Proposed Sign



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