



STAFF REPORT ACTION REQUIRED

Sign Variance 0 Dufferin Street (West Side) also known as 4020 Dufferin Street

Date:	December 15, 2009
To:	Chairman and Members, North York Community Council
From:	Director and Deputy Chief Building Official, Toronto Building, North York District
Wards:	Ward 10 – York Centre
Reference Number:	File No. 2010NY006 Folder No. 09-158699 ZSV 00 ZR

SUMMARY

This staff report is about a matter that Community Council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

The purpose of this report is to review and make recommendations on a request by Jack Mastrodicasa, on behalf of Lan Investment Corporation to permit one double sided off-premise, tri-vision ground sign on vacant unzoned land located on the west side of Dufferin Street, west of Allen Road on land that does not have a municipal address (known as 4020 Dufferin Street).

RECOMMENDATIONS

Toronto Building, North York District recommends that:

1. The request for variance on land known as 4020 Dufferin Street be refused.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

The owner of the land known as 4020 Dufferin Street, located on the east side of Dufferin Street, west of Allen Road, north of Sheppard Avenue West and South of Finch Avenue, has submitted an application for a sign variance application to allow one off-premise, multi-prism ground sign. The land at the above address is vacant unzoned land, with a frontage and depth of 12.19 meters (40 feet) and an area of 37.16 square meters (1600 square feet). A sign is not permitted on the land.

Zoning:

The subject property is located on the west side of Dufferin Street east of Allen Road. The land was owned by North York Hydro and was purchased by the present owner in March 1987. The land is currently unzoned in the North York Zoning By-law 7265, however, at the time of purchase of the land and until approximately 1996, the zoning by-law would have permitted unzoned lands to take on the zoning of the adjacent zone. The subject lands were left unzoned when the by-law provision allowing unzoned lands to take on the zoning of the adjacent lands was removed from the by-law in approximately 1996.

Signs:

The current Sign By-law for North York, By-law 30788, as amended, is a by-law to prohibit or regulate signs and other advertising devices. The North York Sign By-law 30788, as amended, states a sign which does not comply with the provisions of the by-law is a prohibited sign. The North York Sign By-law 30788, as amended, sets out provisions to regulate signs, based on the zoning of the land. There is no zoning designation attached to this parcel of land and therefore no regulatory provisions contained within the current sign by-law. As there are no regulatory provisions for signs on unzoned lands, this sign is a prohibited sign under the current North York Sign by-law.

Properties abutting Dufferin Street to the east are generally residential dwellings. To the west, the land abuts Allen Road.

The proposed sign will not comply with the City of North York Sign By-law No. 30788, as amended, in the following way:

Sign By-law Section Requirements	Applicant's Proposal	Required Variance
S 2.9 Prohibited Signs Ss2.9.8 A sign which does not comply with the provisions of this by-law	To install one double sided tri-vision off premise ground sign with a sign area of 19 square meters and a sign height of 9.2 meters	To permit one double sided tri-vision off premise ground sign with a sign face area of 19 square meters and a sign height of 9.2 meters where a sign is prohibited.

COMMENTS

The owner, Mr. Mastrodicasa, in his letter dated November 30, 2009 has stated that since purchasing the lands from North York Hydro in 1987, he has attempted to develop the lands with the following proposals. Cantel was prepared to enter into a 20 year lease, however the proposal was not acceptable to the local councillor at that time. A similar attempt to lease the lands to TTC for storage also failed and the most recent attempt to rezone the lands to permit a commercial building was rejected by the City. The applicant indicates the proposed off premise sign is the best use for the land given all previous attempts to use the land have failed.

The North York Sign By-law 30788, as amended, which is still in full force and effect, states a sign which does not comply with the provisions of the by-law is a prohibited sign. As there is no zoning designation attached to this parcel of land and no regulatory provisions contained within the current sign by-law, the proposed sign is a prohibited sign under the current North York Sign By-law.

The Official Plan Designation for the property is Road Right of Way. The new Sign By-law which was adopted by Council on December 7, 2009, and which comes into effect on April 6, 2010 follows the Official Plan Designation and states in **Section 694.19. B. Sign districts**, the sign district designation applying to a property shall extend to the centre line of any streets which the property abuts. The abutting properties are designated Residential District and Third Party signs are not permitted within a Residential district.

If the North York Community Council approves this variance request the sign will not comply with the provisions of the City's new Sign By-law, as such it would become a legal non-conforming sign when the by-law comes into effect on April 6, 2010.

CONTACT

Diane Damiano, Manager, Plan Review.

Tel. (416) 395-7561, Fax. (416) 395-7589, e-mail damiano@toronto.ca

SIGNATURE

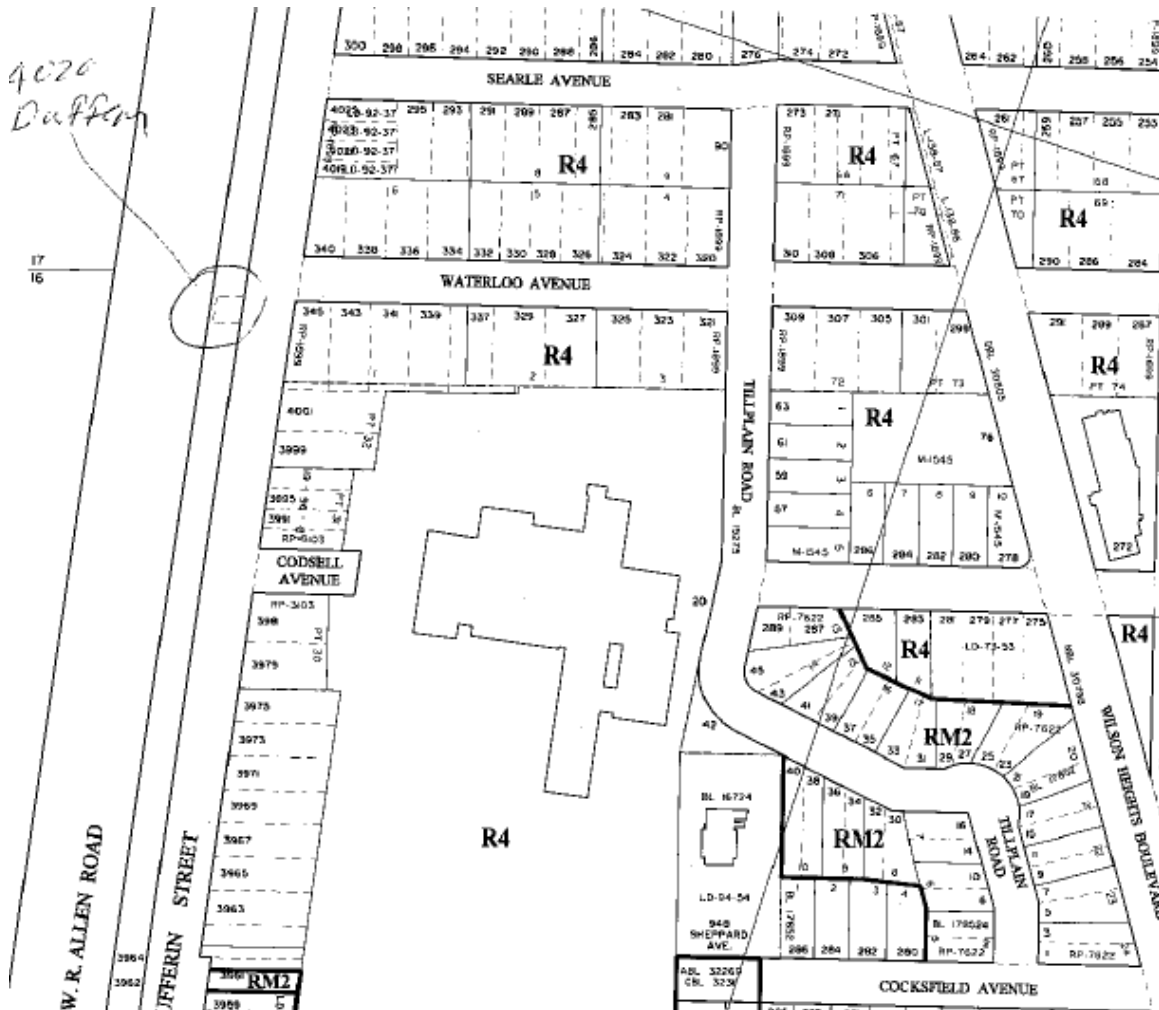
Edward Tipping, Deputy Chief Building Official and Director, Toronto Building,
North York District

ATTACHMENTS

1. Zoning Map
2. Site Plan
3. Sign Details
4. Applicant's letter

Attachment #1

Zoning map



PLAN 04R-7225
DATE: 5 Nov 1973
T.D. Coleman, DFR
LAND SUBMITTED FOR THE IMPROVED SURVEY
OF TORONTO CONDUITS AND VEHICULAR
(1964)

THIS PLAN
3103 REPLACES PLAN 64R-6913

REGISTERED PLAN No 31

1899

WATERLOO AVENUE

STREET AND 3 WEST OF YONGE STREET

DUFFERIN CONCESSIONS 2

PART 1

PART 2

PART 3

CONCESSION 3

LOT 16, WEST OF YONGE STREET

THE MUNICIPALITY OF METROPOLITAN TORONTO
DEPARTMENT OF ROADS AND TRAFFIC
SURVEY SECTION
1878
REFERENCE PLAN
OF PART OF

1899

WATERLOO AVENUE

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OF PART OF

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Attachment 4 Applicant's letter

November 30, 2009

Diane Damiano
Manager, Plan Review
North York District
City of Toronto Building Department
5100 Yonge Street,
Toronto, Ontario
M2N 5V7

Dear Mrs. Damiano:

Re: Sign Variance Application No. 09-158699
4020 Dufferin Street, Toronto

Please accept this brief letter detailing why we feel a variance to the Sign By-law (the "By-law") should be issued such that we may erect a third party sign on our small parcel of land municipally known as 4020 Dufferin Street, Toronto (the "Lands").

Zoning

The lands currently are without zoning and the **By-law does not prohibit sign on lands without zoning.**

Official Plan

The Official Plan designation of the Lands is the same as a roadway. **Signage is a complementary use to a roadway and therefore complies with the Official Plan.**

Highest & Best Use

Since purchasing the Lands from North York Hydro in 1987, we have tried to develop the lands as follows:

Cantel Cellular was prepared to enter into a 20 year lease. We did not proceed because Councillor Chapley did not want us to anger his constituents. We complied with Councillor Chapley's request.

TTC was prepared to lease the Lands for storage during construction of the Downsview Subway Station. We were not allowed to proceed with an agreement with the TTC because the Lands are without zoning.

We applied for a rezoning to permit a commercial building, which was rejected.

We feel that a third-party is the highest and best use of the Lands given that the previous attempts to develop the Lands have been rejected.

No impact to Residence

The sign would not impact on the residences because the sign will be v-shaped and the **sign faces would not be visible** from adjacent residences and **the sign is not a LCD screen**.

Positives to the Site

Currently, the site abuts a concrete board wall that is visible from the residences (see pictures below). The graffiti and wall are easily visible from the adjacent residences. **The current condition of the concrete wall is very unbecoming and not aesthetically pleasing** for the current residences.

If a variance is granted and a sign is erected, **we will incorporate landscaping so that the concrete wall and graffiti are not as visible from the residences**, which will be a benefit to the adjacent residences.

Mobile Phone Transmission Tower

A number of the mobile phone companies would like to lease the Lands to erect a mobile phone transmission tower on our site. We feel that a cellular transmission tower is detrimental to the health of the adjacent residences, as such we prefer to erect a third-party sign as opposed to a cell tower. However, if we are not permitted to erect a sign, we will enter into an agreement with a mobile phone company to erect a transmission tower on the Lands.

In conclusion, for improved site aesthetics and the health & safety of the adjacent residences, we prefer to erect a sign in lieu of a mobile telephone transmission tower; for which we require a variance to the sign by-law.

We thank you for review and consideration of our variance application.

Sincerely,

Jack Mastrodicasa