



## STAFF REPORT ACTION REQUIRED

### 135 Fenelon Drive Sign Variance Request

<b>Date:</b>	December 11, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	Director of Building and Deputy Chief Building Official
<b>Ward:</b>	Don Valley East – Ward 34
<b>Reference Number:</b>	File No. 2010 NY 003 Folder No. 09-174070 ZSV 00 ZR

### SUMMARY

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This staff report is about a matter that Community Council has been 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 Pamela Coburn on behalf of Roy Birnboim, President of Beaux Properties, for a variance from the Sign By-law 30788, as amended, for a third party sign to be maintained on the north side of an apartment building at the above noted address.

### RECOMMENDATIONS

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#### **Toronto Building North York Division recommends that:**

1. The request for the variance listed for 135 Fenelon Drive in the third column of the table included in page 3 of this report be refused.

### Financial Impact

There are no financial implications resulting from the adoption of this report.

## COMMENTS

The property is located along the east side of Fenelon Drive in the area south of Highway 401 and west of the Don Valley Parkway.

The zoning of the property is RM6 (Multiple Family Dwellings Zone). The property is developed with a high rise apartment building. Refer to Attachment #1.

A survey prepared by H. Mitsche, Ontario land Surveyor, is included showing no other wall signs in a 60m radius. Refer to Attachment #2.

The properties surrounding the site are:

North: Parkland and ramp from Highway 401 to Don Valley Parkway south

South: Semi-detached dwellings

East: Don Valley Parkway

West: Semi-detached dwellings

The applicant proposes to erect a third party sign on the north elevation of the high rise apartment building extending from the 12<sup>th</sup> floor to the top of the building. The proposed sign will have a size of 12m wide x 18.21m high (39ft - 6" x 59ft - 9") for a sign area of 219.3 m<sup>2</sup> (2360 ft<sup>2</sup>).

For sign elevation and photo of existing illegal sign refer to Attachments #4, #5 & #6.

Since 2005, several orders were issued for the illegal erection of third party roof signs and third party wall signs. An application for a sign variance was submitted on February 20, 2007 (application # 2007 110432 ZSV 00 ZR) for a third party sign which was refused by North York Community Council.

Municipal Licensing and Standards staff have made arrangement to have the sign successfully removed.

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

<b>Sign By-law Section &amp; Requirements</b>	<b>Applicant's Proposal</b>	<b>Required Variances</b>
<p><b>Section 5.1.7</b></p> <p>One identification wall sign not exceeding 9.3 m<sup>2</sup> (100.1 ft<sup>2</sup>) in sign area for an apartment building.</p>	<p>To erect a third party wall sign for advertising purposes having a sign area of 219.3 m<sup>2</sup> (2,360 ft<sup>2</sup>).</p>	<ol style="list-style-type: none"> <li>1. To permit a third party wall sign for advertising purposes while the sign by-law only permits identification sign.</li> <li>2. To permit a sign having an area of approximately 219.3 m<sup>2</sup> (2,360 ft<sup>2</sup>) whereas the sign by-law permits a wall sign with a maximum area of 9.3m<sup>2</sup> (100.1 ft<sup>2</sup>).</li> </ol>

In addition, the proposed signage does not comply with the former Municipality of Metropolitan Toronto, Sign By-law No. 211-79 as amended in the following way:

<b>Sign By-law Section &amp; Requirements</b>	<b>Applicant's Proposal</b>	<b>Required Variances</b>
<p><b>Section 1</b></p> <p>No person shall use any land within any of the areas hereinafter defined for the erection or the display of any sign, billboard or advertising devices other than signs advertising the property on which they are erected for sale or signs identifying or advertising ownership or the products of the owners or occupants of such land or directional signs at each point of ingress or egress from such land.</p> <p><b>Section 2</b></p> <p>The area referred to in section 1 include the Don Valley Parkway.</p>	<p>To erect a third party wall sign for advertising purposes.</p>	<p>To permit a third party wall sign for advertising purposes while this type of signs is not permitted.</p>

The proposed sign will not be illuminated and will not include any electronic component.

Roy Birnboim, President of Beaux Properties, submitted a letter dated October 8, 2009 in support of this application in which he describes the reasons for which this sign is required. Mr. Birnboim's reasons are geared to financial profit which will enable him to fund proposed improvements to the building by implementing new energy conservation initiatives. The owners' position is that revenue from the proposed third party sign will contribute to the project's viability and facilitate its implementation. Refer to Attachment #7.

A new harmonized sign by-law was adopted by Council in December 2009 and comes into effect in April 2010. The above noted property is located in a RA sign district (Residential Apartment District). In that zone, third party signs will not be permitted. Furthermore, subsection (14) of the new sign by-law prohibits a third party sign within 400 metres of any limit of any portion of Highway 401 and subsection (18) prohibits a third party sign within 400 metres of any limit of the Don Valley Parkway. In summary the new sign by-law prohibits this type of signage in this location.

If North York Community Council approves the sign variance application, the applicant should be notified of:

1. the requirement to obtain a sign permit from the Chief Building Official,
2. the requirement to obtain clearance from the City of Toronto, Transportation Services due to the proximity of the sign to the Don Valley Parkway , and
3. the requirement to obtain clearance from the Ministry of Transportation of Ontario due to the proximity of the sign to highway 401.

## **CONTACT**

Magda Ishak, P. Eng., Manager, Plan Review; Tel.: 416-395-7555; Fax: 416-395-7589;

e-mail: [mishak@toronto.ca](mailto:mishak@toronto.ca)

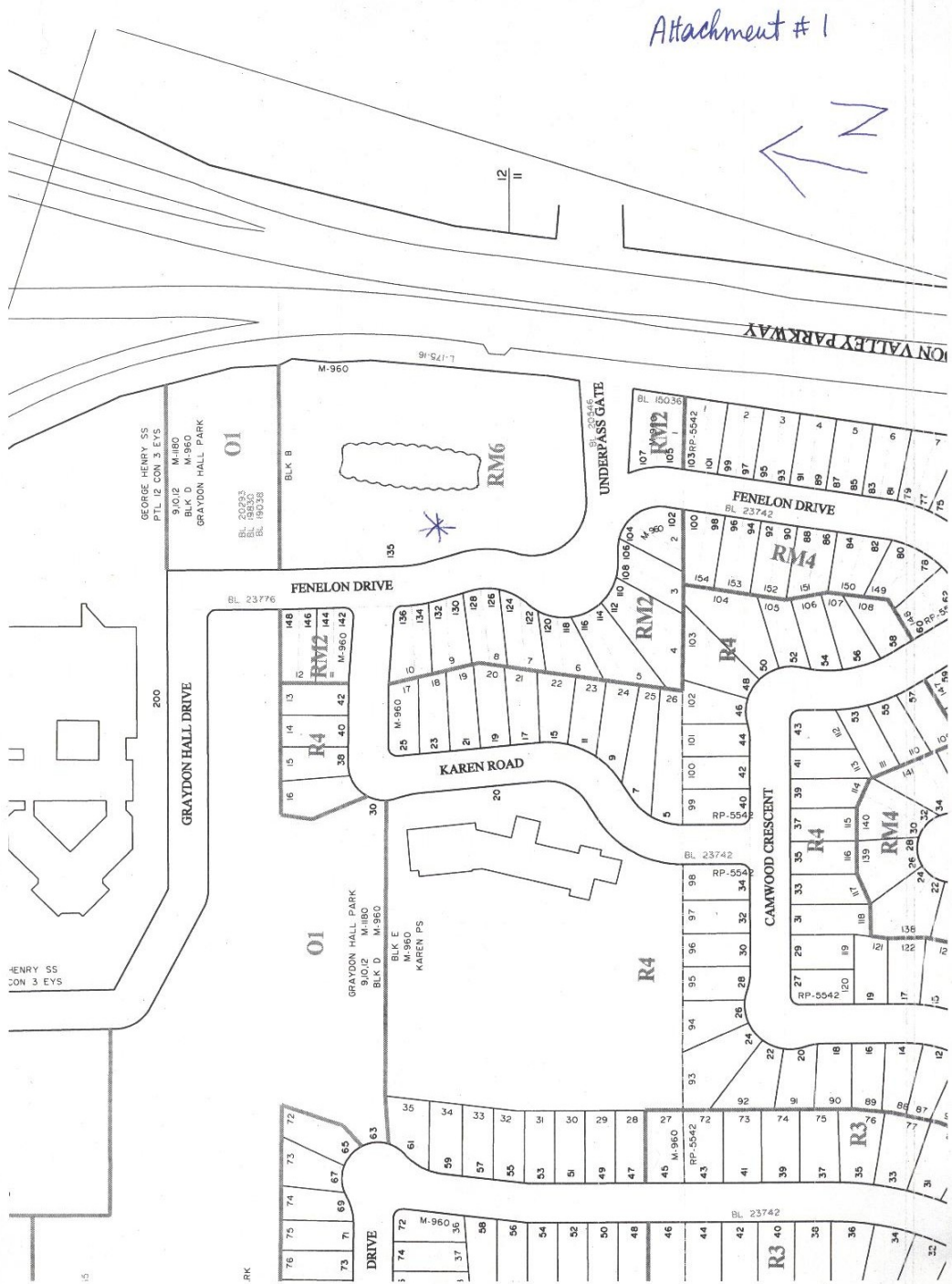
## **SIGNATURE**

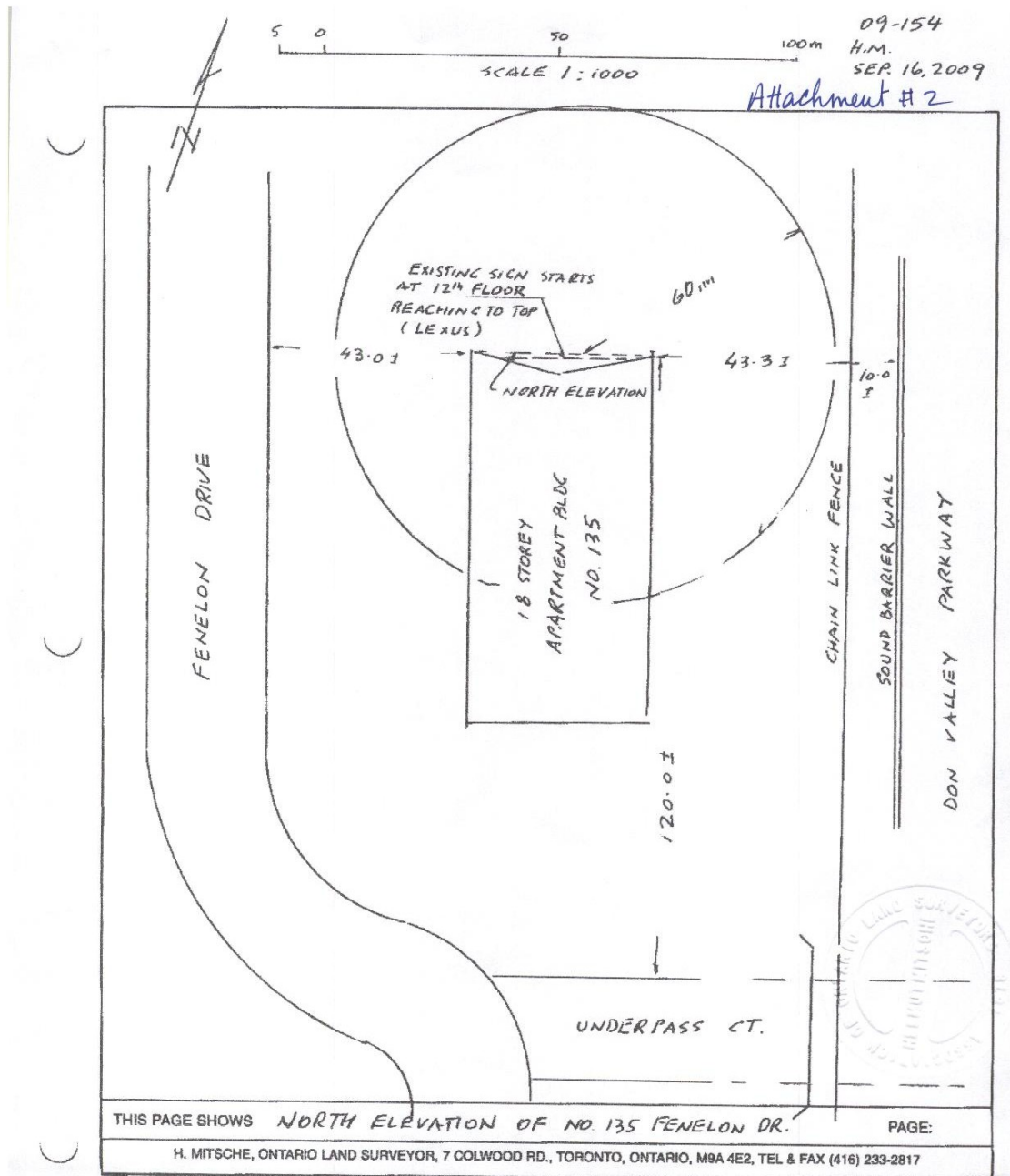
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Edward Tipping, P. Eng.  
Director and Deputy Chief Building Official  
North York District

## **ATTACHMENTS**

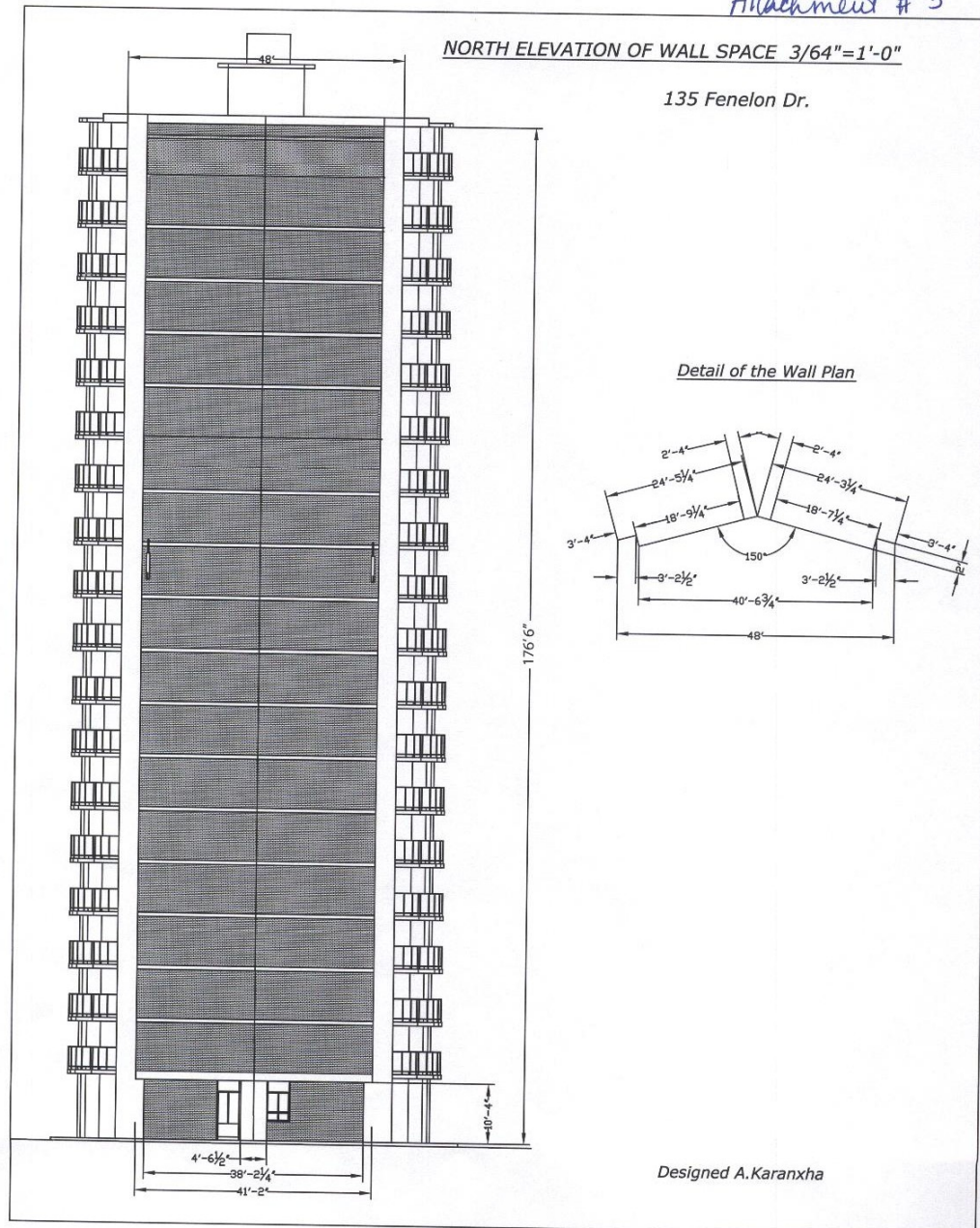
Attachment #1	Zoning Map
Attachment #2	Partial survey
Attachment #3	North Elevation Drawing
Attachment #4	North Elevation Drawing showing wall sign
Attachment #5	Photo of Existing Sign
Attachment #6	Structural Details
Attachment #7	Letter from Applicant



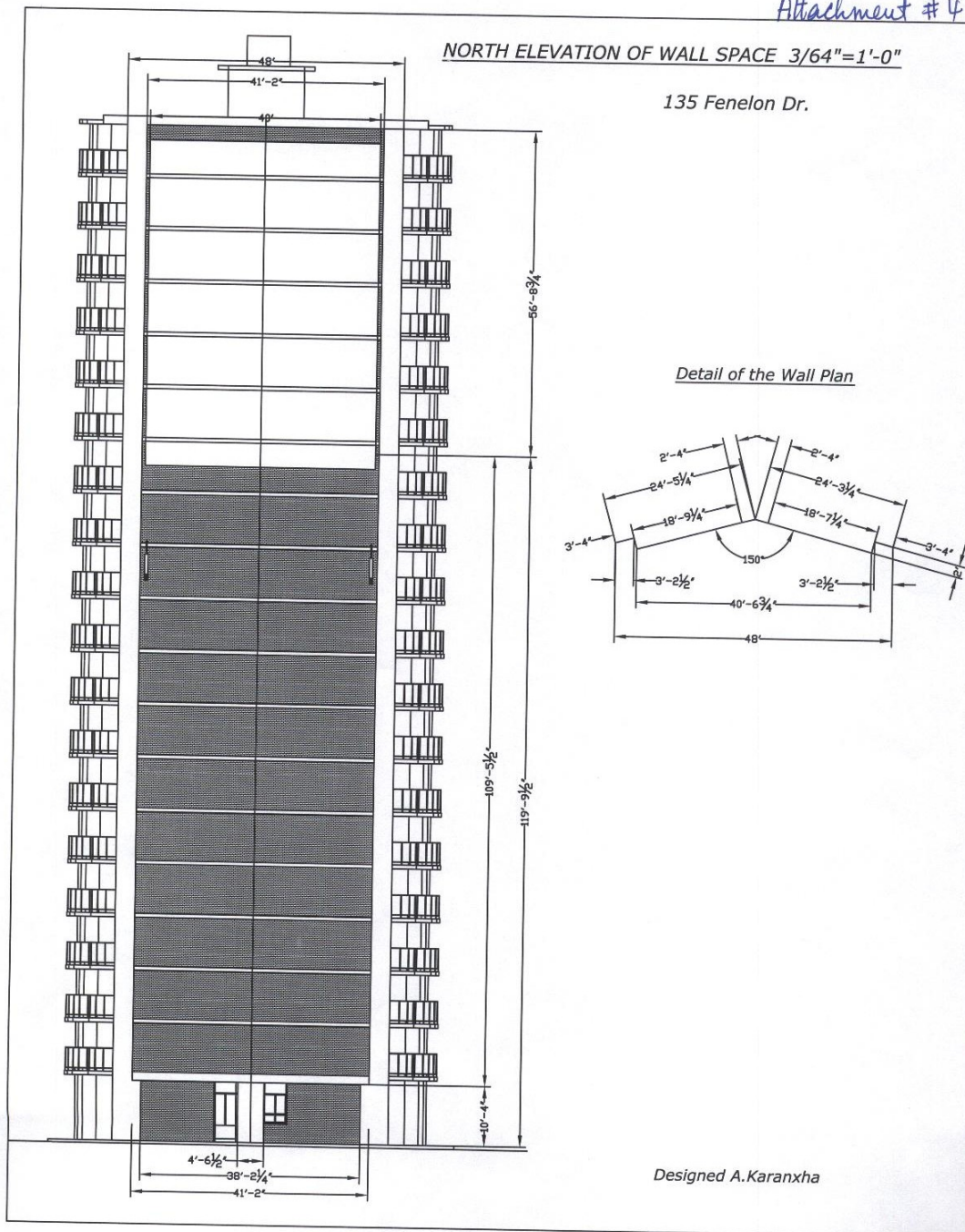




Attachment # 3







Attachment # 5









Beaux Properties

Attachment #7

October 14, 2009

Toronto Buildings  
North York Civic Centre  
City of Toronto

**Re: Request for Sign Variance – 135 Fenelon Drive**

I am providing this letter in support of the application for a variance to the sign by-law at 135 Fenelon Drive.

Beaux Properties would like to make substantial and very progressive energy savings upgrades on this building and to this end, we are looking for new and creative ways to finance this initiative. Energy conservancy and efficiency is a wonderful way to minimize our operating costs and also to do our part to lessen our environmental impact in the City. BEAUX HAS ENGAGED A VERY REPUTABLE CONSULTING ENGINEERING FIRM, HALSALL & ASSOCIATES WHO ARE WORKING IN CONCERT WITH THE TORONTO ATMOSPHERIC FUND (TAF) AND HAVE NOW PRODUCED A PRELIMINARY REPORT OUTLINING THE NEW ENERGY CONSERVATION INITIATIVES. GIVEN THE EXTENT OF THE PROPOSED IMPROVEMENTS TO THE BUILDING, HOWEVER, IT APPEARS UNLIKELY THAT THESE CHANGES CAN BE IMPLEMENTED WITHOUT AN ALTERNATIVE REVENUE STREAM TO FUND THEM.

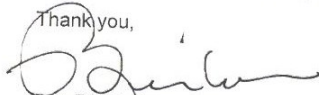
The revenue from the proposed third party sign will contribute to THE PROJECT'S VIABILITY AND FACILITATE ITS IMPLEMENTATION.

This is not a sophisticated, electronic sign, nor is it illuminated. As a result, a larger sign is necessary to ensure that the content is clear and visible.

We have consulted with our local Councilor who supports our initiative.

We sincerely hope you will support our request.

Thank you,

  
Roy Birnboim  
President

**RECEIVED**

NOV 27 2009

Toronto Building  
North York District

Madison Centre  
4950 Yonge St., Suite 512 Toronto, ON M2N 6K1 t. 416.222.7882 f. 416.222.9253  
[www.beauxproperties.com](http://www.beauxproperties.com)