

**788 Marlee Avenue
Sign Variance Request**

Date:	February 25, 2010
To:	North York Community Council
From:	Director of Building and Deputy Chief Building Official
Ward:	Ward 15 – Eglinton - Lawrence
Reference Number:	File No. 2010NY029 Folder No. 09-187622 ZSV 00 ZR

SUMMARY

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 Steve Wolowich of Astral Media Outdoor, for a variance from the Sign By-law 30788, as amended, to replace an existing off premise roof sign containing a static display face of 10 ft. by 40 ft, with a 10ft.x 20.ft single face, animated, off-premise roof sign, having a vertical backlit mechanical change (scroll) display on an existing three storey Place of Worship/Cultural Centre Building, located in a Residential zone at 788 Marlee Avenue.

RECOMMENDATIONS

Toronto Building North York Division recommends that:

1. North York Community Council refuse the request for sign variance at 788 Marlee Avenue, and
2. if the North York Community approves the request for sign variance, the applicant be notified of the requirement to obtain a sign permit from the Chief Building Official and to file the sign permit application related to this approval with Toronto Building prior to April 6, 2010.

Financial Impact

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

COMMENTS

The property is located along the west side of Marlee Avenue in the area south of Lawrence Avenue West and west of the W.R. Allen Road. The zoning of the property is R5(7)(Exception to One Family Detached Dwellings Zone) which permits only a place of worship and a religious and cultural centre. The property is developed with a three storey building for a place of worship and religious and cultural centre.

The properties surrounding the site are:

North: Gasoline Station and Lawrence Avenue West

South: One Family Detached Dwellings

East: One Family Detached Dwellings

West: One Family Detached Dwellings

The applicant obtained a sign variance to erect a sign in a residential zone on a commercial building and sign permit 04-146275 was issued in January 2004, for one 10ft. x 35 ft. illuminated, off-premise, static billboard roof sign, with a sign face area of 350sq.ft., and a second 10ft.x 20ft. sign face, with a sign face area of 200 sq.ft. facing Marlee Avenue. The second sign face was also approved, with a decorative cover and without illumination or advertising, in accordance with the amended recommendation of the North York Community Council.

The applicant wishes to replace the existing static copy, off premise roof sign with single face 10ft. x 20ft. animated, off-premise roof sign, having a vertical backlit mechanical change (scroll) display. The mechanism would allow for the rotation of three separate off-premise advertisements on the sign face.

The proposed sign will not comply with the North York Sign By-Law 30788, as amended in the following way:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variances
Section 5.1.4 One identification ground sign not exceeding 2.4m ² (25.8 sq. ft.) in sign area and one wall sign not exceeding 4.7m ² (50.6 sq. ft.) is permitted on the property of a place of worship is permitted in a residential zone.	To erect an animated, off-premise roof sign, having a vertical backlit mechanical change (scroll) display having a sign area of 18.6m ² on a building in a residential zone	To allow a 10ft.x20ft. off premise animated, roof sign, having a vertical backlit mechanical change (scroll) display having a sign area of 18.6m ² on a building in a residential zone where only a wall sign and a ground sign are permitted, and where animated display is prohibited.

Requirements of the new Sign By-law:

The new Harmonized Sign By-law was enacted by Council on December 6, 2009 and will come into full force and effect on April 6, 2010. The by-law sets out the following provisions for the proposed sign based on sign district, sign class and sign type.

Sign Districts:

The by-law establishes Sign Districts. The proposed sign would be located in R-Residential District. Subject to § 694-21.of the by-law an R-Residential Sign District may contain a ground sign identifying a home occupation permitted by the City's applicable Zoning By-law.

Sign Class and Sign Type:

The by-law establishes sign classes and sign types. The proposed sign would be classified as a third party roof sign.

We have been informed by the Applicant that the display face of the proposed sign will be illuminated with full internal lighting system that will meet the Bird friendly Guidelines as adopted by the City of Toronto. The sign will be utilizing Bull Frog Power, a renewable energy source from low-impact wind farms and hydro facilities. A copy of the Applicant's letters in support of this application is attached. Refer to Attachments #8 and #9.

Sign permits issued by the Chief Building Official for the erection of a third party sign shall expire five years from the date of issuance and are null and void on its expiry date. Prior to the expiry of a sign permit for a third party sign, an application may be submitted to the Chief Building Official to renew the sign permit for a further period of five years provided no modifications or restorations are proposed to the sign.

A third party sign permit will only be renewed if the sign continues to comply in all respects with this chapter. Where an application is made to renew a permit for a third party sign which no longer complies with Subsection 694-22D because a variance or by-law amendment was granted by the City permitting the erection of another third party sign, the sign permit shall be renewed.

The proposed sign does not comply with the new City of Toronto Sign By-law adopted by Council on December 6, 2009 in the following way:

Sign By-law Requirements	Applicant's Proposal	Required Variance(s)
§ 694-15 – A roof sign is prohibited R-Residential Sign District § 694-21. A R-Residential sign district may contain the following: (1) A wall sign..... (2) A ground sign identifying a	To install a third party mechanical copy roof sign on the building having a sign face area of 18.6m ² (200 sq.ft.).	To allow a third party mechanical copy roof sign on the building having a sign area of 18.6m ² (200 sq.ft.) whereas a roof sign is prohibited.

Sign By-law Requirements	Applicant's Proposal	Required Variance(s)
home occupation permitted by the applicable zoning by-law provided, the sign face area does not exceed 0.3 m ² , the height does not exceed 1.0 meters and shall not be illuminated.		

Approval of this application for the sign variance request would result in North York Community Council permitting a sign which is prohibited in the new Sign By-law.

CONTACT

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SIGNATURE

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

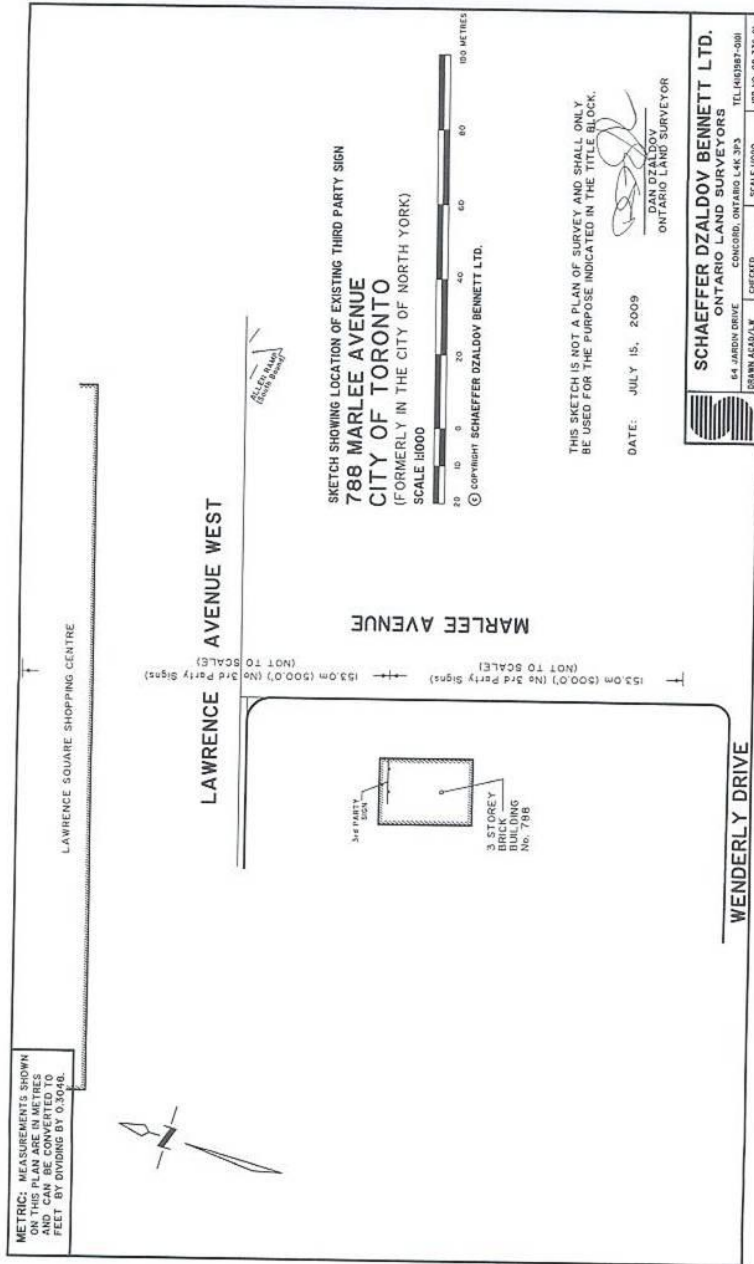
ATTACHMENTS

- 1.Zoning Map
- 2.Showing Location of Existing Sign
- 3.South Elevation
- 4.Structural Drawing
- 5.Letter from Applicant
- 6.Zoning Map
7. Sign District Map – New Sign By-law



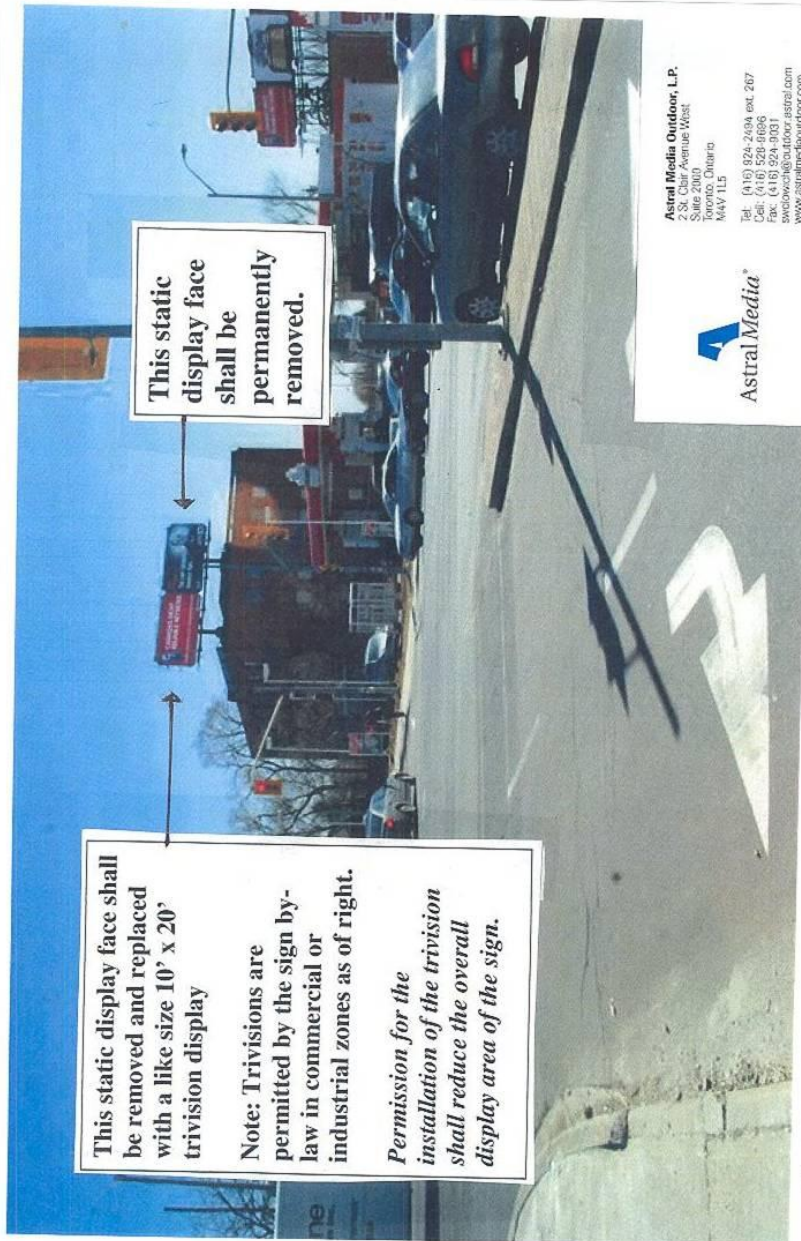
ATTACHMENT #1

ZONING MAP



ATTACHMENT #2

SIGN DISTANCE SEPARATION SURVEY



This static display face shall be removed and replaced with a like size 10' x 20' trivision display

Note: Trivisions are permitted by the sign by-law in commercial or industrial zones as of right.

Permission for the installation of the trivision shall reduce the overall display area of the sign.

This static display face shall be permanently removed.

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Steve Majewich
 Director of Licensing, Ontario

POV South.

ATTACHMENT #3

PHOTO OF SIGN LOCATION



Legend:

- Residential District
- Residential Apartment District
- Commercial District
- Commercial Residential District
- Employment Industrial District
- Employment Industrial Office District
- Institutional District
- Open Space District

ATTACHMENT #5

**NEW SIGN DISTRICT MAP - WARD 16
R – RESIDENTIAL DISTRICT**

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November 12 2009

North District Community Council

Proposal:

Reduce overall permitted display area from 350 square feet to 200 square feet and convert the display face from a static display to that of a trivision display.

Reason for Variance:

Original sign permit was granted via a sign variance as it does not meet the required zoning as the property has a residential zoning which does not permit such signage. As result any change proposed to the sign must be treated as a new sign variance even though the proposed alteration meets the sign by-law criteria.

Merit:

Less overall signage will occur as result of this proposed alteration to the existing display. Trivision display faces are legal under this current by-law and they will be legal under the new by-law. Under the new by-law and new tax the proposed alteration will also allow the city to apply a higher tax fee and the city will generate more money!

Steve Wolowich
Director of Leasing, Ontario

ATTACHMENT #6

APPLICANT/OWNER LETTER