

**Sign Variance - 401 Parliament St**

<b>Date:</b>	February 18, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Toronto Building, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	2010TE046 10 120045 ZSV 00 ZR

**SUMMARY**

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision.

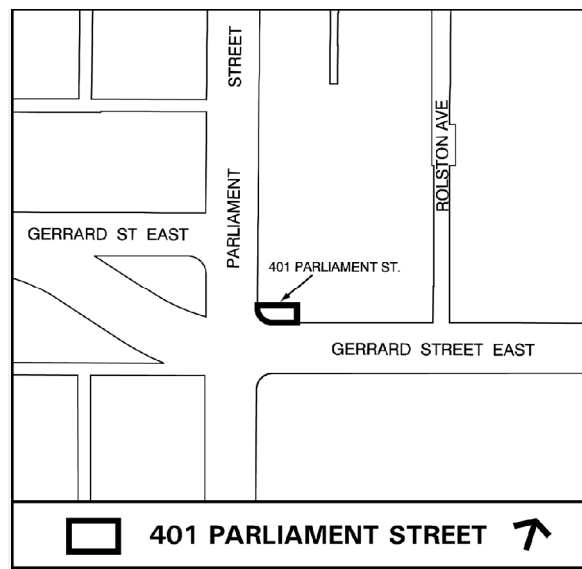
This report reviews and makes recommendations on a request by Timothy May of CBS Outdoor Canada, on behalf of Shannon Bardell for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code to permit, for third party advertising purposes, replacement of an existing legal non-conforming illuminated roof sign with a newly designed illuminated tri-vision roof sign on top of a one-storey building at 401 Parliament Street.

Staff recommends refusal of this application. The variances are major and not within the general intent and purpose of the Municipal Code.

**RECOMMENDATIONS**

**The Toronto Building Division recommends that:**

Toronto and East York Community Council refuse the request for variances permit, for third party advertising purposes, replacement of an existing legal non-conforming illuminated roof sign with a newly designed illuminated roof sign at 401



Parliament Street.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **ISSUE BACKGROUND**

The property is located on the northeast corner of Parliament Street and Gerrard Street East in an MCR zone. The property contains a one-storey building which is occupied by a convenience store. The applicant is seeking permission to replace, for third party advertising purposes, an existing legal non-conforming illuminated roof sign with a newly designed illuminated tri-vision roof sign on top of a one-storey building at 401 Parliament Street. The proposed tri-vision sign is 6.38m wide and 3.29m high with an area of 20.99m<sup>2</sup>.

The sign does not comply with Chapter 297, Signs, of the former City of Toronto Municipal Code in the following ways:

<b>Sign By-law Section and Requirements</b>	<b>Applicant's Proposal</b>	<b>Required Variance</b>
1. Chapter 297-10D (16)	To install, for third party advertising purposes, an illuminated tri-vision roof sign on a one-storey building located in an MCR zone.	A third party roof sign located on a building in an MCR zone is not permitted.
2. Chapter 297-10.B.(2)	To install, for third party advertising purposes, an illuminated tri-vision roof sign on top of two storey building.	Unless specifically permitted by other provisions of this chapter, signs that rotate or which contain tri-vision panels, animated copy, changeable copy or electronic message display copy are not permitted.
3. Chapter 297-10F (1)	The sign may be located less than 60.0m from other third party signs located in the vicinity.	A third party sign is required to have a separation distance of minimum 60.0m from other third party sign in the vicinity.

### **COMMENTS**

At its meeting of April 24, 1995, City Council passed By-law 1995-0229 to amend Chapter 297 of the Municipal Code to prohibit roof signs in all mixed-use CR, MCR and RA zone districts in the former City of Toronto. The prohibition resulted from a study of

signage along the City's "Main Streets" which detailed the unattractive appearance of roof signs within the mixed-use zone districts and from adjacent residential districts as well as the negative effect on skyline views. The By-law does not permit the replacement of a sign's attributes, so as not to prolong the life span of the sign. In this instance, the proposal to replace the existing illuminated roof sign with a newly designed illuminated tri-vision roof sign on top of a one-storey building at 401 Parliament Street, which is not permitted under the current by-law.

The variances are required because the proposed replacement third party tri-vision roof sign is not permitted in an MCR zone. A variance is also required because the replacement of particular attribute such as tri-vision panel in the current sign by-law is not permitted. The sign would not meet the 60.0m separation distance requirement from other third party signs located in the vicinity.

Staff can advise that roof signs under the new sign by-law recently approved by Council are a specifically prohibited sign type and accordingly any approval under the new sign by-law would require a site specific amendment and could not be approved under the variance process.

This application clearly contradicts the City's prohibition of roof signs and its clear objective to prohibit this type of signage under the current by-law. It is staff's opinion that permitting an illuminated, tri-vision roof sign, for third party advertising purposes, by way of a minor variance application would undercut the clear intent of City policy and would undermine the integrity and the spirit of the Municipal Code.

Staff recommends refusal of this application. The variance is major and not within the general intent and purpose of the Municipal Code.

## **CONTACT**

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## **SIGNATURE**

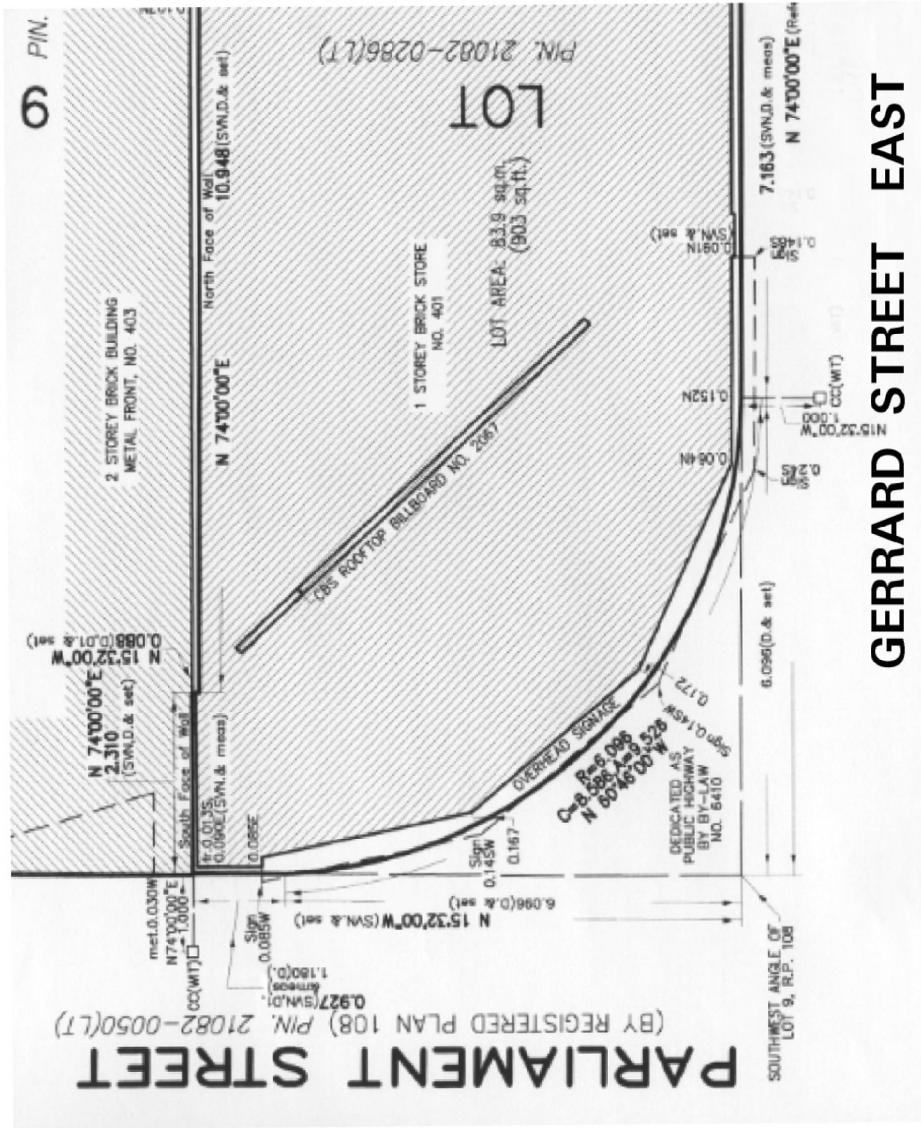
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Jim Laughlin, Deputy Chief Building Official and Director, Toronto Building  
Toronto and East York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Sign Details  
Attachment 3: Elevation

Attachment 1: Site Plan



Site Plan Details

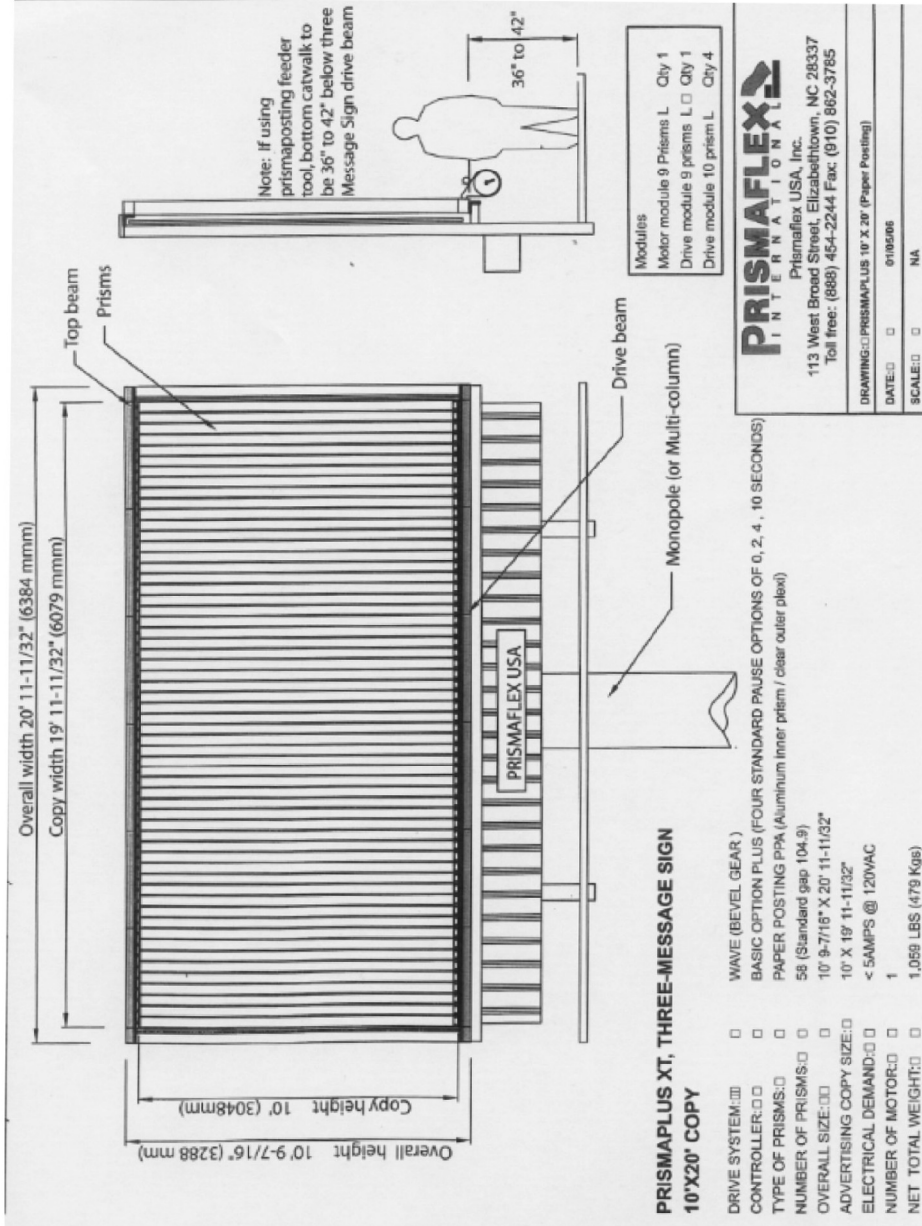
401 Parliament Street

Applicant's Submitted Drawing

Not to Scale  
02/19/2010

File # 10\_120045

Attachment 2: Sign Details



401 Parliament Street

Sign Details

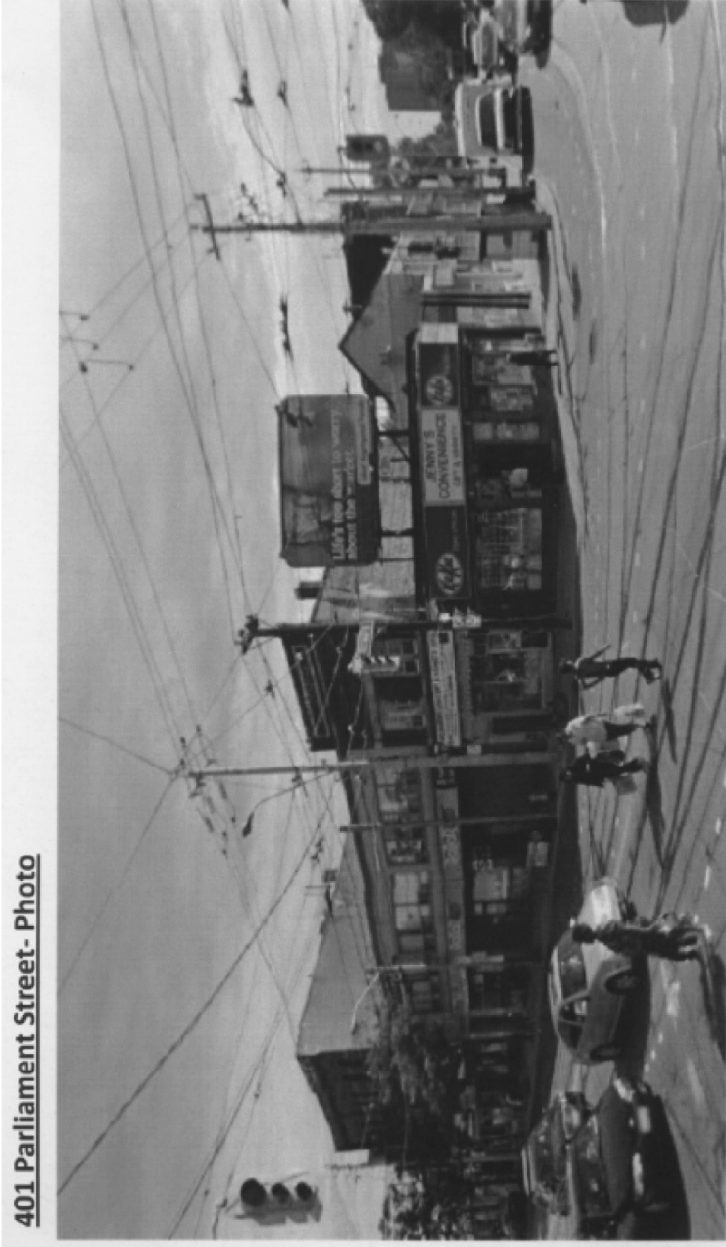
Applicant's Submitted Drawing

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### Attachment 3: Elevation

**401 Parliament Street - Photo**



**Existing 3<sup>rd</sup> Party Roof Sign:**

- Existing 10'x20' single face 3<sup>rd</sup> Party Roof Sign, upward illuminated, static paper copy display
- Sign face facing south-west
- Sign/Building on East Side of Parliament Street, North side of Gerrard Street East

**Proposal:**

- Conversion of existing 3<sup>rd</sup> party roof sign, from a static paper copy display to trivision display format
- Size, illumination and configuration will remain unchanged

### Elevation

Applicant's Submitted Drawing

Not to Scale  
02/19/2010

### 401 Parliament Street

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