



**STAFF REPORT  
ACTION REQUIRED**

**Application by Strategic Outdoor for Three Variances with Respect to a Third Party Sign on the Premises Municipally Known as 185 Avenue Road - Application to Consider**

<b>Date:</b>	December 16, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Chief Building Official and Executive Director, Toronto Building
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2011\Cluster B\BLD\TE11039

**SUMMARY**

City Council, at its meeting of February 23, 2010 enacted Chapter 694, Signs, General, of the City of Toronto Municipal Code, which established the Sign Variance Committee and under the authority of Section 21(1) of the *City of Toronto Act, 2006*, delegated the authority to hear and decide on applications respecting variances for third party signs. The Sign Variance Committee sits as a quasi-judicial body and conducts fair and impartial hearings in accordance with its own adopted Rules of Procedure By-law and in accordance with the *Statutory Powers Procedure Act* and The Code of Conduct for Members of Adjudicative Boards, City of Toronto.

Subsection 694-30R(2), establishes that a decision of the the Sign Variance Committee to grant a variance or to grant a variance with conditions, will be final and binding 21 days after the date the decision is issued unless an application to reconsider is filed by the ward councillor in accordance with subsection 694-30S. If an application to consider is made by the local ward councillor, the application for a variance is required to be heard and considered by the respective Community Council for recommendation to City Council for final decision.

Under subsection 694-30T, upon receiving an application to consider from a ward councillor pursuant to subsection 694-30S, the Chief Building Official shall report as necessary to the next available meeting of the Community Council for the geographical area containing the premises where the sign is proposed to be erected or displayed which will hear and consider the application for variance and make recommendations to

Council for final decision. This report from the Chief Building Official provides the original third party sign variance application, made by the applicant, the subsequent decision made by the Sign Variance Committee, (granting three separate variances from Chapter 694, with respect to a proposal to erect and display one illuminated third party wall sign with static copy on the northerly facing wall of an existing two storey mixed-use building subject to a condition that the sign be non-illuminated), and all communications filed with the Sign Variance Committee.

## **RECOMMENDATIONS**

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**The Chief Building Official and Executive Director, Toronto Building recommends that:**

1. City Council approve the variance requested from §694-22D to allow the third party wall sign to be erected within 100.0 metres of other existing third party signs;
2. City Council approve the variance requested from §694-25A(1)(d) to allow the third party wall sign to be erected and displayed within 30 metres of the intersection of a major street with any other street; and
3. City Council approve the variance requested from §694-25A(1)(e) to allow the third party wall sign to be erected and displayed within 30 metres of a premise located within a R-Residential sign district

### **Financial Impact**

There are no financial impacts associated with this report.

## **DECISION HISTORY**

Proposed Amendments to Chapter 27 and Chapter 694 of the City of Toronto Municipal Code Arising From City Council's Amendments Respecting Appeals of Decisions by the Sign Variance Committee

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG34.1>

Application by Strategic Outdoor for Four Variances with Respect to a Third Party Wall Sign Proposal at 185 Avenue Road - TP-11-00027

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.SB6.24>

## **ISSUE BACKGROUND**

As provided for in subsection 694-30A of Chapter 694, an application for a variance from the provisions of Chapter 694 may only be granted where it is established that the proposed sign:

1. Is warranted based on physical circumstances applicable to the property or premises;
2. Is consistent with the architecture of the building or development of the property;
3. Is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign;
4. Will not alter the essential character of the area;
5. Will not adversely affect adjacent properties;
6. Will not adversely affect public safety;
7. Is, in the opinion of the decision maker, not contrary to the public interest;
8. Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and
9. Is not expressly prohibited by subsection 694-15B.

As previously mentioned, the Sign Variance Committee operates as a quasi-judicial body, through a delegated authority allowed by the *City of Toronto Act, 2006*. The Committee's decision-making powers are independent of Toronto City Council and are final except where an application to consider is made by the local Ward Councillor. What is before this Community Council is an application requesting three separate variances from Chapter 694, to be considered in accordance with the criteria established by subsection 694-30A.

Subsection 694-30S of Chapter 694 provides a local ward councillor with the ability, to within 20 days of the decision of the Sign Variance Committee to grant a variance or grant a variance with conditions elect to have an application to be considered by City Council in accordance with the the established criteria provided for in subsection 694-30A. If such an application to consider is filed, Chapter 694 requires City Council to consider the third party sign variance application in accordance with the criteria established for in subsection 694-30A and may: 1) grant a variance; 2) grant a variance with conditions; or, 3) refuse to grant a variance. If Council grants a variance or variances, the proposal must satisfy all of the established criteria provided for in subsection 694-30A. Any decision of City Council is final and binding.

## **COMMENTS**

This report is in response to an application to consider made and filed by Councillor Kristyn Wong-Tam on December 12, 2011, pursuant to subsection 694-30S.

The sign variance application was heard by the Sign Variance Committee at its meeting on November 22, 2011. Staff supported the application and recommended that the Sign Variance Committee grant the four variances that would be required to allow the proposed sign to be erected and displayed.

The requested variances are described in the following table:

SECTION	REQUIREMENT	PROPOSAL
694-22D	A third party sign shall not be erected within 100.0 metres of any other third party sign.	There is a third party wall sign at 165 Avenue Road, approximately 95 metres to the south. There is a third party wall sign at 148 Avenue Road, approximately 60 metres to the southwest.
694-25A(1)(a)	A third party wall sign is permitted provided the sign face area shall not exceed 20.0 square metres.	The sign face area of the proposed third party wall sign will be 39.03 square metres.
694-25A(1)(d)	A third party wall sign is permitted provided the sign shall not be erected within 30.0 metres of the intersection of a major street with any other street.	The proposed third party wall sign will be located approximately 20.0 metres from the intersection of Avenue Road and Pears Avenue.
694-25A(1)(e)	A third party wall sign is permitted provided the sign shall not be erected within 30.0 metres of any premises located within an R, RA, or OS sign district.	The proposed third party wall sign will be located approximately 26.0 metres from an R-Residential sign district, to the east.

As proposed the third party wall sign is to be 9.14 metres wide by 4.27 metres long and at a height of approximately 7.47 metres

The Sign Variance Committee adopted all but one of the recommendations of staff and granted three of the four variances requested on condition that the sign be non-illuminated despite the provision of subsection 694-18 respecting illumination. The requested variance seeking a sign face area of 65.09 square metres was refused.

## CONTACT

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## SIGNATURE

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V. Ann Boroah,  
Chief Building Official and Executive Director, Toronto Building

## ATTACHMENTS

1. Sign Variance Committee Decision – Item SB6.24
2. Staff Report – Application by Strategic Outdoor for Four Variances with Respect to a Third Party Wall Sign Proposal at 185 Avenue Road - TP-11-00027
3. Communications –
  - (October 25, 2011) E-mail from Xenia Mitchell (SB.Main.SB6.24.1)
  - (October 24, 2011) Fax from Harriet Altman (SB.New.SB6.24.2)
  - (November 10, 2011) E-mail from Bill Peers (SB.New.SB6.24.3)
  - (November 16, 2011) E-mail from Nora Pratt (SB.New.SB6.24.4)
  - (November 20, 2011) E-mail from Munaza Chaudhry and Reza Meh (SB.New.SB6.24.5)
  - (November 20, 2011) E-mail from Joan Boggs (SB.New.SB6.24.6)
  - (November 21, 2011) E-mail from Tristan Michela and Jonathan Hicks (SB.New.SB6.24.7)
  - (November 21, 2011) E-mail from Jennifer Armstrong (SB.New.SB6.24.8)
  - (November 21, 2011) E-mail from Howard Alter (SB.New.SB6.24.9)
  - (November 21, 2011) E-mail from Munaza Chaudhry and Reza Meh (SB.New.SB6.24.10)
  - (November 21, 2011) Letter from Councillor Kristyn Wong-Tam (SB.New.SB6.24.11)
  - (November 21, 2011) E-mail from Dr. Ali Adibfar (SB.New.SB6.24.12)
  - (November 21, 2011) E-mail from Rachel Rafelman (SB.New.SB6.24.13)
  - (November 22, 2011) E-mail from Tim Dersjardins (SB.New.SB6.24.14)