



**STAFF REPORT
ACTION REQUIRED**

Application by Strategic Outdoor for Two Variances with Respect to a Third Party Sign on the Premises Municipally Known as 118 Peter Street - Application to Consider

Date:	December 16, 2011
To:	Toronto and East York Community Council
From:	Chief Building Official and Executive Director, Toronto Building
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	P:\2011\Cluster B\BLD\TE11024

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 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 two 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 southerly facing wall of an existing three storey mixed use commercial building), and all communications filed with the Sign Variance Committee.

RECOMMENDATIONS

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

1. City Council approve the variance requested from subsection 694-22D to allow the proposed third party wall sign to be erected and displayed within 100 metres of another third party sign; and
2. City Council approve the variance requested from subsection 694-25A(1)(a) to allow the proposed third party wall sign to have a sign face area exceeding 20 square metres.

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 Two Variances with Respect to a Third Party Wall Sign Proposal at the Southerly Facing Wall of the Building on the Premises at 118 Peter Street - TP-11-00009

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.SB6.6>)

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 two 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 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 Adam Vaughan 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 two 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 metres of any other third party sign.	There is a third party roof sign at 128 Peter Street, approximately 40 metres to the north. There is a third party roof sign at 134-138 Peter Street, approximately 65 metres to the north. There is a third party wall sign at 326 Adelaide Street West, approximately 97 metres to the southeast. There is a third party wall sign at 331-333 Adelaide Street West, approximately 92 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 44.65 square metres.

The proposed third party wall sign is to be 7.32 metres wide by 6.10 metres long and at a height of approximately 10.65 metres. The proposed third party wall sign is intended to replace a previously applied for and not yet issued permit for a non-illuminated painted mural sign for the purposes of advertising, having a sign face area of 41.6 square metres and at an overall height of 9.44 metres.

The Sign Variance Committee adopted the recommendations of staff and granted the two variances requested.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Sign Variance Committee Decision – Item SB6.6
2. Staff Report – Application by Strategic Outdoor for Two Variances with Respect to a Third Party Wall Sign Proposal at the Southerly Facing Wall of the Building on the Premises at 118 Peter Street - TP-11-00009
3. Communications – (October 23, 2011) E-mail from Ricky Ndreka, Ricki's Construction and Painting Inc. (SB.Main.SB6.6.1)