

Application to Consider – Appeal Concerning One First Party Wall Sign on the Third Storey South Elevation – 220 Sheppard Avenue West

Date:	August 10, 2016
To:	North York Community Council
From:	Director and Deputy Chief Building Official, Toronto Building
Wards:	Ward 23 – Willowdale
Reference Number:	2016NY009

SUMMARY

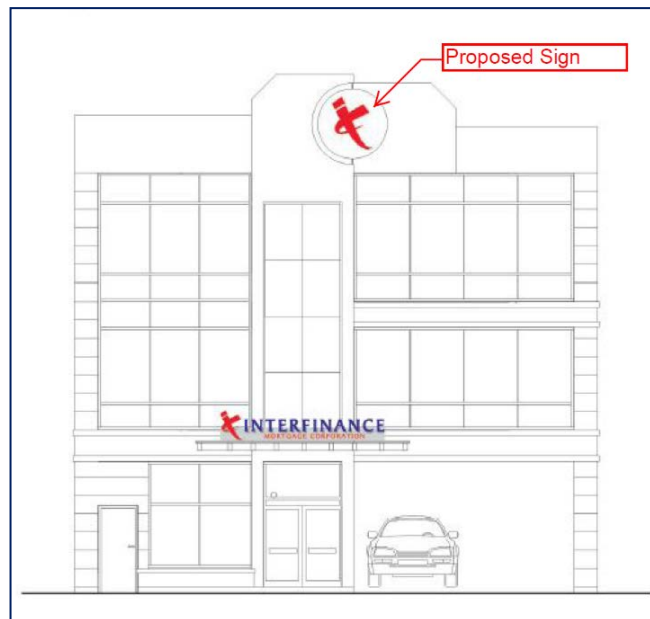
On March 22, 2016, the Sign Variance Committee heard Item SB8.3 and granted one variance from the Sign By-law required to allow one illuminated wall sign to be displayed at the uppermost portion of the third storey of the south elevation (the "Proposed Sign") of the building at 220 Sheppard Avenue West, as shown in Figure 1.

Staff informed the Sign Variance Committee that the variance being sought should be refused on the basis that the Proposed Sign failed to meet all of the criteria prescribed in §694-30 of the Sign By-law.

Councillor Filion filed an application to consider.

This report also includes, as attachments, the reports of staff, and all other materials which were submitted to the Sign Variance Committee for the March 22, 2016 meeting.

Figure 1: Proposed Sign– 220 Sheppard Avenue West



RECOMMENDATIONS

The Manager, Sign Bylaw Unit, Toronto Building, recommends that:

1. City Council refuse the requested variance to §694-21D(5)(a) of the Sign By-law, which provides that a sign shall not be erected above the second storey, required to allow one illuminated wall sign to be displayed at the uppermost portion of the third storey of the south elevation, at the premises municipally known as 220 Sheppard Avenue West, as described in Attachment 1 to this report.

Financial Impact

There are no financial impacts associated with this report.

DECISION HISTORY

Consideration of Sign Variance Applications by City Council

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE12.98>)

Sign Variance Process

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE32.42>)

Appeal Concerning One First Party Wall Sign on the Third Storey South Elevation - 220 Sheppard Avenue West

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.SB8.3>)

COMMENTS

A decision of the Sign Variance Committee to grant a variance or to grant a variance with conditions is final and binding 21 days after the date of the decision unless, pursuant to §694-30S, an application to consider is filed by the ward councillor. If an application to consider is made, the application for a variance is required to be considered in accordance with the established criteria by the respective Community Council for recommendation to City Council.

Councillor Filion, the ward councillor for the area, filed an application to consider pursuant to §694-30S on April 10, 2016.

The Applicant's appeal of the Chief Building Official's decision to grant the requested variance for the Proposed Sign at 220 Sheppard Avenue West was heard by the Sign Variance Committee at its meeting on March 22, 2016. Staff recommended that the variance be refused.

The Sign Variance Committee granted the variance requested to §694-21D(5)(a) required to allow the issuance of a permit for the erection and display of the Proposed Sign.

Sign Attributes

The Proposed Sign is a first party illuminated wall sign displaying static copy located at the uppermost portion of the third storey of the south elevation. The Proposed Sign is a corporate logo measuring at 0.99 metres by 1.27 metres.

Site Context and Sign District Designation

The Proposed Sign is located in Ward 23 (Willowdale), on the north side of Sheppard Avenue West, east of Senlac Road. The property is designated as a CR-Commercial Residential sign district and contains a recently built three-storey office.

As shown in the Key Map in Figure 2, the Sheppard Avenue West corridor is designated as CR-Commercial Residential sign district, generally consisting of one to three storey buildings, some of which are used for commercial purposes and others as residential dwellings. The area to the north is designated as R-Residential sign district consisting primarily of low-rise single-detached dwellings.

Figure 2: Key Map – 220 Sheppard Avenue West



Nine Established Criteria in §694-30A

The Sign By-law contains specific criteria to be used in evaluating an application for a variance. Specifically, §694-30A states that an application for a variance may only be granted where it is established that the Proposed Sign meets each of the nine established criteria.

Staff are of the opinion that while some of the criteria have been established, there is not a sufficient basis to determine that all nine of the mandatory criteria have been established. Specifically, staff believe that there is an insufficient basis to establish that the Proposed Sign will be compatible with the development of the premises and surrounding area as required by 694-30A(3) and that there is insufficient basis to conclude that the Proposed Sign does not alter the character of the premises or surrounding area as required by 694-30A(8). Additionally, staff are of the opinion that not only have certain criteria not been established, there is some information to support the conclusion that the Proposed Sign is actually *not compatible* with the development of the premises and surrounding area, and would *alter* the character of the premises and surrounding area.

A detailed overview of staff's opinion on whether each of the nine criteria have been established, and the rationale for this opinion follows below.

Section/Criteria Description	Has Criteria Been Established?
694-30A(1): The Proposed Sign belongs to a sign class permitted in the sign district.	YES, staff are of the opinion that this criteria has been established.
<p>Rationale: The Proposed Sign is classified as a first party sign class because it identifies a business on the premises. 220 Sheppard is designated as a CR-Commercial Residential sign district. As such, this criteria has been established because first party wall signs are permitted in a CR-Commercial Residential sign district.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(2): In the case of a third party sign, the Proposed Sign is of a sign type permitted in the sign district.	YES, staff are of the opinion that this criteria has been established.
<p>Rationale: Signs can only belong to one sign class – either a first party sign or a third party sign class. The Proposed Sign is classified as a first party sign because it identifies a business on the premises. As such, the Proposed Sign cannot be a third party sign and this criteria is not applicable.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(3): The Proposed Sign is compatible with the development of the premises and surrounding area.	NO, staff are of the opinion, that this criteria <u>has not</u> been established.
<p>Rationale: The Appellant has not provided sufficient information to establish that the Proposed Sign is compatible with the development of the premises and surrounding area. The Appellant has noted that the design of the building incorporates a parapet on the third storey to house a logo sign. However, the property is designated as a CR-Commercial Residential sign district, and there is a high volume of low-rise residential and commercial buildings in the surrounding area. As such, signage is intended to be only on the first and second storey to reduce the visual impact of signs on neighbouring properties. The Proposed Sign at the uppermost portion of the third storey will increase the sign's visual impact, and make the sign a focal point of the building's façade, as opposed to being complimentary to the building. This is incompatible with the surrounding area because signage on the neighbouring buildings are minimal and are located only on the first and/or second storey so that it does not detract attention away from the building.</p> <p>The Appellant has also stated in their rationale that signage cannot be installed on the first or second storey due to architectural elements. However, signage could be installed at the first/second storey as shown in Figure 1, above, which is sufficient to identify the business on the premises and allow the sign to be visible to pedestrians and vehicles passing by. The signage on the first/second storey is compatible with the development of the premises and surrounding area because it is minimal, comparable to the signage on neighbouring buildings. The Proposed Sign on the uppermost portion of the third storey is incompatible because amongst the high volume of low-rise residential and commercial buildings in the surrounding area, there are very few, if any, first party wall signs located above the second storey.</p> <p>As such, staff is concerned that Proposed Sign is not compatible with the development of the premises and surrounding area, and it is in the opinion of staff that the Appellant has not provided enough information to convince that this criteria has been established.</p>	

Section/Criteria Description	Has Criteria Been Established?
§694-30A(4): The Proposed Sign supports the Official Plan objectives for the subject premises and surrounding area.	YES, staff are of the opinion that this criteria has been established.
<p>Rationale: The Official Plan designates the subject premise as a <i>Mixed Use Area</i>. <i>Mixed Use Areas</i> incorporate commercial, residential, institutional and open space uses. The Proposed Sign is located on an office building and is intended to identify the financial business located there. It is the opinion of staff that the Appellant has established that the Proposed Sign is not contrary to the Official Plan objectives for the subject premise.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(5): The Proposed Sign does not adversely affect adjacent premises.	YES, staff are of the opinion that this criteria has been established.
<p>Rationale: There are no residential buildings located directly across from the Proposed Sign that would be affected by the illumination.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(6): The Proposed Sign does not adversely affect public safety.	YES, staff are of the opinion that this criteria has been established.
<p>Rationale: Staff does not foresee any issues pertaining to public safety, provided that the Proposed Sign would be professionally installed in accordance with the requirements of the Ontario Building Code.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(7): The Proposed Sign is not a sign prohibited by §694-15B	YES, Staff are of the opinion that this criteria has been established.
<p>Rationale: Prohibited signs are described in §694-15B, and the Proposed Sign does not constitute to be prohibited by this section.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(8): The Proposed Sign does not alter the character of the premises or surrounding area.	NO, Staff are of the opinion, that this criteria, <u>has not</u> been established.
<p>Rationale: The Appellant has not provided sufficient information to establish that the Proposed Sign does not alter the character of the premises or surrounding area. This portion of Sheppard Avenue West contains very few three storey buildings and only one building (further west), at 261 Sheppard Avenue West, contains signage at the uppermost portion of the third storey, which the Appellant has brought forth in their rationale. (See Item SB10.4 in Attachment 2 to this report).</p> <p>However, as noted in Figures 3a and 3b contained in Attachment 2 to this report, there is a distinction between the area further west (at 261 Sheppard Avenue West) and the subject premises, where there is more signage and more commercially developed properties further west, which may be suitable for such signage.</p> <p>The surrounding area of the subject premises contains mostly of one to two storey commercial and residential buildings with either minimal signage or no signage at all. As can be noted in Figures 4a and 4b (again, contained in Attachment 2 to this report), the Proposed Sign at the third storey appears to be inconsistent with the surrounding area.</p> <p>As such, staff is concerned that the Proposed Sign may alter the character of the premises or surrounding area and it is in the opinion of staff that the Appellant has not provided enough information to establish that the Proposed Sign satisfies this criteria.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30 A(9): The Proposed Sign is not contrary to the public interest	YES, Staff are of the opinion that this criteria has been established.
<p>Rationale: Staff has not received any correspondence from the public opposing the Proposed Sign. Therefore, it appears that the Proposed Sign is not contrary to the public interest.</p>	

CONCLUSION

Based on the rationale and materials submitted, it is staff's opinion that the Appellant has not provided enough information to establish that the Proposed Sign meets all nine of the established criteria for the variance to be granted. Although, information exists to support that some of the criteria have been established, staff are of the opinion that there is not a sufficient basis to establish the Proposed Sign is compatible with the current and future development of the subject premises and the surrounding area, and that it will also not alter the character of the premises and surrounding area. There is some information to support the conclusion that the Proposed Sign is, in fact, *not compatible* with the development of the premises and surrounding area, and *does alter* the character of the premises and surrounding area.

As such, the variances requested from Chapter 694, by the Appellant required for the Proposed Sign should be refused.

CONTACT

Cindy Long
Sign Building Code Examiner Inspector
Tel: (416) 392-4238
E-mail: clong6@toronto.ca

Robert Bader
Supervisor, Sign By-law Unit
Tel: (416) 392-4113
E-mail: rbader@toronto.ca

SIGNATURE

Ted Van Vliet
Manager, Sign By-law

ATTACHMENTS

1. Description of Sign and Required Variance
2. Additional Site Information
3. Staff Report – Appeal Concerning One First Party Wall Sign on the Third Storey South Elevation – 220 Sheppard Avenue West
4. Sign Variance Committee Decision – Item SB8.3