

STAFF REPORT ACTION REQUIRED

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

Date:	March 7, 2016
Ward:	Willowdale (23)
File No.:	FP-15-00111
IBMS File No.:	15-187449

SUMMARY

Pride Signs (the "Appellant") is appealing the Chief Building Official's decision to refuse to grant 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") at 220 Sheppard Avenue West (the "Premises") as shown in Figure 1.

It is the opinion of the Chief Building Official ("CBO") that the Appellant has not provided enough information that the Proposed Sign meets all of the nine established criteria in Chapter 694-30A. Specifically, the CBO believes that it has not been established that the Proposed Sign will not alter the character of the premises and surrounding area, nor is the Proposed Sign compatible with the development of the premises and surrounding area. Furthermore, there is information that supports that these two criteria have not been met.

Proposed Sign

FINTERFINANCE

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Figure 1: Proposed Sign- 220 Sheppard Avenue West

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the requested variance for the Proposed Sign at the premises municipally known as 220 Sheppard Avenue West, as described in Attachment 1 to this report.

REQUIRED VARIANCES

Table 1: Summary of Requested Variances			
Sign By-law Section	Proposal		
694-21D(5)(a)	A CR-Commercial Residential sign district may contain a wall sign, provided the sign shall not be erected above the second storey.	The proposed sign is to be erected at the third storey of the south elevation.	

BACKGROUND

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, as shown in Figure 1. 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 newly developed 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.

224 219 217 Residential houses

Residential houses

200 CR 000 000 204 000 2002

234A-24 234

235 241 233 229

CR 0ne to two storey buildings

227 225 223 221 241 255

Figure 2: Key Map – 220 Sheppard Avenue West

COMMENTS

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.

The CBO is 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, the CBO believes 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, the CBO is 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 the CBO'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.	

Rationale:

The Proposed Sign is classified as a first party sign class because it identifies a business on the premises. The Premises is designated in a CR-Commercial Residential Sign District. As such, the criteria has been established because first party wall signs are permitted in a CR-Commercial Residential Sign District.

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.	

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.

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.		

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 Premises are 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.

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, 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.

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.

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.		

Rationale:

The Official Plan designates the subject premise as a *Mixed Use Area. Mixed Use Areas* 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.

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.	

Rationale:

There are no residential buildings located directly across from the Proposed Sign that would be affected by the illumination.

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.	

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.

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.	

Rationale:

Prohibited signs are described in §694-15B, and the Proposed Sign does not constitute to be prohibited by this section.

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.		

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).

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.

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 is inconsistent with the surrounding area.

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.

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.	

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.

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, it is recommended that the Sign Variance Committee refuse to grant the variance from the Sign By-law required for the Proposed Sign.

CONTACT

Cindy Long Sign Building Code Examiner Inspector

Tel: (416) 392-4238

E-mail: clong6@toronto.ca

Robert Bader Supervisor, Sign By-law Unit

E-mail: rbader@toronto.ca

Tel: (416) 392-4113

SIGNATURE

Ted Van Vliet

Manager, Sign By-law Unit

ATTACHMENTS

- 1. Description of Sign and Required Variance
- 2. Additional Site Information
- 3. Applicant's Submission Package

ATTACHMENT 1: DESCRIPTION OF SIGN AND REQUIRED VARIANCE

SIGN DESCRIPTION:

A first party wall sign to be located at the premises municipally known as 220 Sheppard Avenue West, described as follows:

- a) The sign shall be erected on the third storey of the building currently located on the premises;
- b) The sign shall be illuminated;
- c) The sign shall have a maximum total sign face area that does not exceed 2.26 square metres;
- d) The sign shall only display sign copy consisting of only a logo or corporate symbol of a business located on the premises;
- e) The sign shall only display static copy; and
- f) The Sign shall have only one sign face, described as follows:
 - 1. The maximum horizontal measurement shall not exceed 0.99 metres;
 - 2. The maximum vertical measurement shall not exceed 1.27 metres; and,
 - 3. Oriented to be in a southerly direction.

REQUIRED VARIANCES:

1. The requirement contained at §694-21D(5)(a) states, "A CR-Commercial Residential sign district may contain the following: a wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(4), provided the sign shall not be erected above the second storey" be varied, to permit a first party wall sign to be erected on the third storey of the building currently located on the premises municipally known as 220 Sheppard Avenue West.

ATTACHMENT 2: ADDITIONAL SITE INFORMATION

Figure 3a: Screenshot of the surrounding area west of 261 Sheppard Avenue West, which contains the wall sign at the third storey (further west of 220 Sheppard Avenue West). Staff refused to grant the variance required to display the sign at the third storey and the decision of staff was appealed to this Committee. The surrounding area west of 261 Sheppard Avenue West contains minimal signage and wall signs are displayed only at the first and second storey.



Figure 3b: Screenshot of the surrounding area east of 261 Sheppard Avenue West (further west of the 220 Sheppard Avenue West). This area contains a small strip of commercial businesses with more



Figure 4a: Screenshot of the surrounding area east of the subject premises. Minimal signage is present and wall signs, if any are only on the first and second storey.



Figure 4b: Screenshot of the surrounding area west of the subject premises. Minimal signage is



ATTACHMENT 3: APPLICANT'S SUBMISSION PACKAGE

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Appellant	Information				
First Name			Last Na	me	
ISABELLA			CEREL	LF	
Company Na	me(if applicable)				Telephone No.
PRIDE SIGN	IS LTD.				(877) 551-5529
Street No.	Street Name			Suite/Unit No.	Mobile No.
255	PINEBUSH ROAD				(416) 518-3556
City/Town	1	Province		Postal Code	Fax No.
CAMBRIDGE		ON		N1T 1B9	(519) 622-4031
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Attachme	nt Required				

- A copy of the original decision on the variance application; and
- Copies of any supporting documents

Continue on next page

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14-0044 2013-10

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Application

Sign Variance Appeal

Appellant Info	ormation and De	claration		
First Name			Last Name	
I, ISABELLA			CERELLI	
Company Name(if applicable)				Telephone No.
PRIDE SIGNS LTD.				(877) 551-5529
Street No.	Street Name		Suite/Unit No.	Mobile No.
of, 255	PINEBUSH ROAD			(416) 518-3556
City/Town		Province	Postal Code	Fax No.
CAMBRIDGE		ON	N1T 1B9	(519) 622-4031
E-mail Address ICERELLI@PRID	DESIGNS.COM			
	clare the following:	n this application are tr	ue and made with fu	II knowledge of relevant matters
 that any s 	supporting documents	ected with this applicati submitted are prepared th copyright law; and,		ce(s) appeal described above and
that the in	nformation included in	this application and in	the documents filed	with this application is correct.
		ISABELLA CE	RELLI	2015-10-26
Signature		Print Name	Da	ate (yyyy-mm-dd)

The personal information on this form is collected under the City of Toronto Act, 2006, S. 136 (b) & (c) and Chapter 694, Signs, General, of the City of Toronto Municipal Code. The information collected will be used for processing applications and creating aggregate statistical reports, for enforcement of the City of Toronto Municipal Code Chapter 694 Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and for contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the manager, sign By-law Unit, Toronto Building, 100 Queen Street West, Ground Floor, East Tower, Toronto, M5H 2N2 416-392-4235.

14-0044 2013-10

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July 7, 2015

Mr. Robert Bader City of Toronto Sign ByLaw Unit 100 Queen Street West Toronto, ON M5H 2N2

Dear Robert:

RE: Interfinance Mortgage Corporation - 220 Sheppard Avenue West, Toronto - Sign Variance Request

Please accept this letter on behalf of our client Interfinance Mortgage Corporation regarding a variance request for the following:

PROPOSAL:

To permit a wall sign on the uppermost storey of a three storey building where the bylaw only allows signs on the uppermost storey of buildings ten storeys or higher.

<u>Sign #1</u>: Drawing reference: IMC_-CLM2N1N1.120B1 – new logo to be installed on the uppermost storey of a three-storey building. Total Sign Area – 1.26m2

RATIONALE:

- BELONG TO A SIGN CLASS PERMITTED IN THE SIGN DISTRICT WHERE THE PREMISES ARE LOCATED:
 The proposed sign is a permitted sign in a Commercial Residential District.
- IN THE CASE OF A THIRD PARTY SIGN, BE A SIGN TYPE THAT IS PERMITTED IN THE SIGN DISTRICT, WHERE THE PREMISES IS LOCATED: The proposed sign is a first party sign.
- BE COMPATIBLE WITH THE DEVELOPMENT OF THE PREMISES AND SURROUNDING AREA: The area surrounding this new office development is comprised of various retail and office uses. Signage is consistent with other office buildings and is similar in location to signage installed at 261 Sheppard Avenue, which is also a three storey building. The design of the building incorporates a parapet at the uppermost storey to house the logo and would look incomplete without it. Signage cannot be installed directly on the first or second storey due to the architectural elements incorporated in the design.
- SUPPORT THE OFFICIAL PLAN OBJECTIVES FOR THE SUBJECT PREMISES AND SURROUNDING AREA:
 Chapter 4 of the Official Plan, section 4.5 (Mixed-Use Areas) refers to creating a balance of high quality
 commercial, residential, institutional and open space uses that meet the needs of the local community.
 Interfinance Mortgage Corporation is of the same mindset and is contributing to achieving this goal by
 investing a significant amount of money to revitalising this property which in turn will create a more

Interfinance Mortgage Corporation – Sign Variance 220 Sheppard Avenue West, Toronto, ON Page 2

vibrant community that will attract investment in the neighborhood and provide job opportunities as well.

- NOT ADVERSELY AFFECT ADJACENT PREMISES: The property is located along Sheppard Avenue West
 and is surrounded by Commercial/Residential Districts with a multitude of retail and office around. The
 site is subject to a widening plan and almost 5.0m is being taken along their frontage, leaving them
 with only 1.5m from the building location and the new property line. There is no room to
 accommodate a freestanding sign as it would not meet the 2.0m setback requirement. Furthermore,
- NOT ADVERSELY AFFECT PUBLIC SAFETY: Signage will be securely fastened and a sign permit will be
 obtained. The sign is proposed at the uppermost storey of a 3 storey building and will not impede
 pedestrian or vehicular traffic.
- NOT BE A SIGN PROHIBITED BY TORONTO MUNICIPAL CODE CHAPTER 694-15B The proposed sign is not prohibited in Chapter 694-15B.
- NOT ALTER THE CHARACTER OF THE PREMISES OR SURROUNDING AREA: The sign proposal is conservative in its design and is intended to complement the new building and revitalization of this
- NOT BE, IN THE OPINION OF THE DECISION MAKER, CONTRARY TO THE PUBLIC INTEREST: The signage will identify the businesses located on the premises. The area is dated and run down and our signage proposal along with the new office building will help in refreshing the area.

Thank you for your consideration of our request and should you have any further questions or comments, please do not hesitate to contact me.

Regards,

Isabella Cerelli Permitting Supervisor



Ann Borooah Chief Ruilding Official and Evecutive Director Sign Bylaw Unit

Toronto City Hall, Ground Floor, East Tower 100 Queen Street West Toronto, Ontario MSH 2N2 Tel: (416) 392-8000 Fax: (416) 696-3676 E-mail: signbylawunit@toronto.ca

PRIDE SIGNS LTD. C/O ISABELLA CERELLI 255 PINEBUSH ROAD CAMBRIDGE, ON NIT 1B9

Mailed on: Thursday October 15, 2015

NOTICE OF DECISION SIGN VARIANCE APPLICATION FIRST PARTY SIGN PROPOSAL

(Chapter 694 - Signs, General, ARTICLE V, City of Toronto Municipal Code)

File No.: FP-15-00111 Sign District: CR - Commercial Residential

IBMS File No.: 15-187449 Ward: Willowdale (23)

Property Owner(s): 2221002 Ontario Inc.

Applicant: Pride Signs c/o Isabella Cerelli Property Address: 220 Sheppard Avenue West

Legal Description: PLAN M389 LOT 51

Notice was given and consideration of an application was made by the Chief Building Official on Thursday October 15, 2015 as required by Chapter 694, Signs, General, of the City of Toronto Municipal Code.

PURPOSE OF THE APPLICATION:

In conjunction with a three-storey office building on the premises, proposal to permit the erection and display of one illuminated wall sign displaying static copy at the third storey of the southerly elevation. The proposed sign is to measure 0.99 metres horizontally by 1.27 metres vertically at a height of 12.74 metres.

REQUESTED VARIANCE(S):

SECTION	REQUIREMENT	PROPOSAL	
694-21D(5)(a)	A wall sign is permitted provided the sign is not erected above the second storey.	The proposed sign is to be erected at the third storey.	

IT WAS THE DECISION OF THE CHIEF BUILDING OFFICIAL THAT:

The Sign Variance Application is REFUSED

It is the decision of the Chief Building Official to refuse this first party sign variance application for the following reasons:

The proposal:

- · Belongs to a sign class permitted in the sign district where the premises is located;
- · Is not a third party sign;
- · Is not compatible with the development of the premises and surrounding area;
- · Supports the Official Plan objectives for the subject premises and surrounding area;
- Will not adversely affect adjacent premises;
- · Will not adversely affect public safety;
- Is not a sign expressly prohibited by §694-15B of Chapter 694;
- · Does alter the character of the premises or surrounding area; and
- . Is, in the opinion of the Chief Building Official, not contrary to the public interest

(Original signed)

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

DATE DECISION MAILED ON: Thursday October 15, 2015

LAST DAY TO APPEAL THE DECISION OF THE CHIEF BUILDING OFFICIAL TO THE SIGN VARIANCE COMMITTEE: Monday November 9, 2015

APPEALING THE CHIEF BUILDING OFFICIAL'S DECISION:

Any person who receives notice of the Chief Building Official's decision may appeal the decision of the Chief Building Official to the Sign Variance Committee, by filing the notice of appeal in the form and manner approved by the Chief Building Official and paying the non-refundable fee prescribed in Chapter 441, Fees and Charges, within 20 days of service of the notice of decision.

Please note that a decision of the Sign Variance Committee, in the case of a decision to refuse to grant a variance, is final and binding on the date the decision was issued; and in the case of a decision to grant a variance or to grant a variance with conditions, the decision is final and binding 21 days after the date the decision was issued unless an application to consider is filed by the ward councillor in accordance with Subsection 694-30S of the City of Toronto Municipal Code.

Appeal forms and other information are available at the address described above.

For more information, please telephone or fax our office, send us an e-mail or visit our website: www.toronto.ca/signbylawunit.com





