Appeal Concerning Two Illuminated First Party Wall Signs at 1273 Broadview Avenue

Date: June 20, 2016
Ward: Toronto-Danforth (29)
File No.: FP-15-00082
IBMS File No.: 15-156250

SUMMARY

Dr. Sezer (the "Appellant") is appealing the decision of the Chief Building Official ("CBO") which refused to grant the three variances from the Sign By-law required to allow for each of two illuminated wall signs displaying static copy, located along the west facing first storey building wall (the "Proposed Signs") at 1273 Broadview Avenue (the "Premises"), as shown in Figure 1.

It is the CBO's opinion that the Appellant has not provided enough information that the Proposed Signs meet all of the nine established criteria as contained at §694-30A of the Sign By-law. Specifically the CBO believes that the Appellant has not established that the Proposed Signs: are compatible with the development of the premises and surrounding area; do not adversely affect adjacent premises; do not alter the character of the premises and surrounding area; and, are not contrary to the public interest.

Figure 1: Proposed Wall Signs – 1273 Broadview Avenue
RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the six requested variances for the Proposed Signs at the premises municipally known as 1273 Broadview Avenue, as described in Attachment 1 to this report.

REQUIRED VARIANCES

Table 1: Summary of Requested Variances

<table>
<thead>
<tr>
<th>Sign By-law Section</th>
<th>Requirement</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>694-21A(1)(a)</td>
<td>R-Residential sign district may contain a wall sign identifying a home occupation provided the sign face area shall not exceed 0.3 square metres.</td>
<td>Each of the wall signs are 0.675 square metres.</td>
</tr>
<tr>
<td>694-21A(1)(d)</td>
<td>R-Residential sign district may contain a wall sign identifying a home occupation provided there shall be no more than one sign for each home occupation.</td>
<td>The proposal includes two wall signs.</td>
</tr>
<tr>
<td>694-21A(1)(e)</td>
<td>R-Residential sign district may contain a wall sign identifying a home occupation provided the sign shall not be illuminated.</td>
<td>The two wall signs are illuminated.</td>
</tr>
</tbody>
</table>

BACKGROUND

Sign Description

The Proposed Signs are illuminated wall signs displaying static copy and located along the west facing first storey building wall, as shown in the image provided in Figure 2, below. They are situated symmetrically on the building façade, within bays one and three of a three bay façade.

Proposed Sign #1 – First party wall sign identifying a home occupation which is:

a) Illuminated;
b) Displays static copy only;
c) Has a height of 3.9 metres
d) Contains one sign face rectangular in shape, with a horizontal measurement of 1.5 metres and a vertical measurement of 0.45 metres; and
e) Is located on west facing first storey building wall in between the most northern and second most northern column of the building currently located on the premises.

Proposed Sign #2 – First party wall sign identifying a home occupation which is:

a) Illuminated;
b) Displays static copy only;
c) Has a height of 3.9 metres;
d) Contains one sign face rectangular in shape, with a horizontal measurement of 1.5 metres and a vertical measurement of 0.45 metres; and
e) Is located on west facing first storey building wall in between the most southern and second most southern column of the building currently located on the premises.
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 Signs meet 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 Signs will be compatible with the development of the premises and surrounding area as required by 694-30A(3); the Proposed Signs will not adversely affect adjacent premises as required by 694-30A(5); the Proposed Signs do not alter the character of the premises or surrounding area as required by 694-30A(8); and, that there is insufficient basis to conclude that the Proposed Signs are not contrary to the public interest as required by 694-30(9).

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.

<table>
<thead>
<tr>
<th>Section/Criteria Description</th>
<th>Has Criteria Been Established?</th>
</tr>
</thead>
<tbody>
<tr>
<td>694-30A(1): The Proposed Signs belongs to a sign class permitted in the sign district.</td>
<td>YES, staff are of the opinion that this criteria has been established.</td>
</tr>
</tbody>
</table>

**Rationale:**
The Proposed Signs are classified as a first party sign class because they identify a use located on the premises on which they are erected and displayed. The Premises is designated as an R-Residential sign district. As such, this criteria has been established because first party signs are permitted in an R-Residential sign district.

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<td>694-30A(2): In the case of a third party sign, the Proposed Signs are of a sign type permitted in the sign district.</td>
<td>YES, staff are of the opinion that this criteria has been established.</td>
</tr>
</tbody>
</table>

**Rationale:**
Signs can only belong to one sign class – either a first party sign class or a third party sign class. The Appellant's materials establish that both of the Proposed Signs are to be restricted to sign copy which identifies a use occurring on the Premises. As such, the CBO is of the opinion that the Proposed Signs classified as first party signs, and are not third party signs and this criteria is not applicable.
Section/Criteria Description | Has Criteria Been Established?
--- | ---
694-30A(3): The Proposed Signs are compatible with the development of the Premises and surrounding area. | NO, staff are of the opinion that this criteria has not been established.

Rationale:
The Appellant has not provided sufficient information to establish that the Proposed Signs are compatible with the development of the premises and surrounding area. In the application materials submitted to support the request for variances, it is stated that the Proposed Signs "by virtue of their size, location and intensity of illumination, do not alter the character of the subject premises or the character of the adjacent residential premises." Also, these materials do not provide a reason as to why there must be multiple signs and why they must be illuminated.

The Proposed Signs are to be erected and displayed on a house, within an R-Residential sign district. The signs are displayed in conjunction with a home occupation operating out of the house, a dental office. The Sign By-law restricts signage in this sensitive sign district to not more than one non-illuminated wall sign that does not exceed 0.3 square metres in area and does not exceed 3.0 metres in height. The Proposed Signs are unable to meet any one of the provisions pertaining to such signs. The area surrounding the Premises is also designated R-Residential. Within this area there are currently no signs that are erected and displayed on houses.

It is the CBO's position that any such sign proposed in conjunction with the home occupation operating at the Premises should be wholly consistent with the Sign By-law provisions. Any departure from the provisions respecting home occupation wall signs in the R-Residential sign district would negatively impact the sensitive nature of the sign district and the surrounding residential land uses.

Section/Criteria Description | Has Criteria Been Established?
--- | ---
§694-30A(4): The Proposed Signs 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 Premises as a Neighbourhood Area. Neighbourhood Areas incorporate residential as well as small scale retail, service and office use. The Proposed Signs are located on premises containing a home occupation and is intended to identify the home occupation located there. It is the opinion of staff that it has been established that the Proposed Signs are not contrary to the Official Plan objectives for the Premises.
### Section/Criteria Description

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<td><strong>694-30A(5):</strong> The Proposed Signs do not adversely affect adjacent premises.</td>
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**Rationale:**
There are residential properties located directly across the street from the Premises. Staff have concerns that the illumination of the Proposed Signs will adversely affect these residential properties. To the very best of staff's knowledge, none of these residential properties operate home occupations.

The Appellant has noted that the Proposed Signs will be "softly illuminated" in order to reduce any impacts on neighbouring properties. It is unclear what "softly illuminated" means as the Appellant has not provided an explanation of what "softly illuminated" signage will be.

As such, it is the CBO's position that the Appellant has not established that the Proposed Signs will not adversely affect adjacent premises.

| **694-30A(6):** The Proposed Signs do not adversely affect public safety. | YES, staff are of the opinion that this criteria has been established. |

**Rationale:**
It would appear that the Proposed Signs do not adversely affect public safety. The Premises is located in a residential area and the Proposed Signs are positioned perpendicular to the street. The Premises is not located near a signalized intersection and does not appear to be a distraction to vehicles passing by.

| **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:**
The Appellant's materials establish, and the CBO agrees that, the two Proposed Signs are first party wall signs and do not contain any attribute which would result in the Proposed Signs being a sign prohibited by §694-15B. Prohibited signs are described in §694-15B of the Sign By-law, and include signs on fences. Although, originally the Appellant requested a variance for a third sign, which was a sign located on a fence, and therefore a prohibited sign, that sign was removed from the application.
CONCLUSION

Based on the rationale and materials submitted, along with staff’s assessment of the Proposed Signs, as measured against the nine established criteria, the six variances being sought for the two Proposed Signs (three variances for each sign) should not be granted. The CBO is of the
opinion that the Appellant has not established at least four of the nine criteria. The CBO is of the opinion that the Appellant has not established that:

- The Proposed Signs **ARE** compatible with the development of the Premises and surrounding area;
- The Proposed Signs **DO NOT** adversely affect adjacent premises;
- The Proposed Signs **DO NOT** alter the character of the Premises or surrounding area; and,
- The Proposed Signs **ARE NOT** contrary to the public interest.

Staff however, would be supportive of a sign that complied in all respects with the Sign By-law provisions as it pertains to a wall sign identifying a home occupation, within an R-Residential sign district.

**CONTACT**

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Sign Building Code Examiner Inspector  
Tel: (416) 392-4229  
E-mail: rmcleod@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 Unit

**ATTACHMENTS**

1. Description of Sign and Required Variance
2. Applicant's Submission Package
ATTACHMENT 1: DESCRIPTION OF SIGN AND REQUIRED VARIANCE

SIGN DESCRIPTION:

Proposed Sign #1 – First party wall sign which:
   a) Is illuminated;
   b) Only contains sign copy which identifies the home occupation use of a ground floor dental office;
   c) Displays static copy only;
   d) Has a height of 3.9 metres;
   e) Contains one sign face rectangular in shape, with a horizontal measurement of 1.5 metres and a vertical measurement of 0.45 metres; and
   f) Is located on west facing first storey building wall in between the most northern and second most northern column of the building currently located on the premises.

Proposed Sign #2 – First party wall sign which:
   a) Is illuminated;
   b) Only contains sign copy which identifies the home occupation use of a ground floor dental office;
   c) Displays static copy only;
   d) Has a height of 3.9 metres;
   e) Contains one sign face rectangular in shape, with a horizontal measurement of 1.5 metres and a vertical measurement of 0.45 metres; and
   f) Is located on west facing first storey building wall in between the most southern and second most southern column of the building currently located on the premises.

REQUIRED VARIANCES:

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<td>The requirement in 694-21A(1)(a) be varied to allow Proposed Sign #1, which is a wall sign identifying a home occupation with a sign face area of 0.675 square metres.</td>
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<td>694-21A(1)(d)</td>
<td>R-Residential sign district may contain a wall sign identifying a home occupation provided there shall be no more than one sign for each home occupation.</td>
<td>The requirement in 694-21A(1)(d) for a R-Residential sign district to contain no more than one wall sign identifying the same home occupation be varied to allow Proposed Sign #1 to be displayed in addition to a second wall sign for the same home occupation.</td>
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<td>694-21A(1)(e)</td>
<td>R-Residential sign district may contain a wall sign identifying a home occupation provided the sign shall not be illuminated.</td>
<td>The requirement for 694-21A(1)(e) for a wall sign identifying a home occupation not to be illuminated, be varied to permit a Proposed Sign #1 to be illuminated.</td>
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### PROPOSED SIGN #2

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<tr>
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<td>R-Residential sign district may contain a wall sign identifying a home occupation provided the sign face area shall not exceed 0.3 square metres.</td>
<td>The requirement in 694-21A(1)(a) be varied to allow Proposed Sign #2, which is a wall sign identifying a home occupation with a sign face area of 0.675 square metres.</td>
</tr>
<tr>
<td>694-21A(1)(d)</td>
<td>R-Residential sign district may contain a wall sign identifying a home occupation provided there shall be no more than one sign for each home occupation.</td>
<td>The requirement in 694-21A(1)(d) for a R-Residential sign district to contain no more than one wall sign identifying the same home occupation be varied to allow Proposed Sign #2 to be displayed in addition to a second wall sign for the same home occupation.</td>
</tr>
<tr>
<td>694-21A(1)(e)</td>
<td>R-Residential sign district may contain a wall sign identifying a home occupation provided the sign shall not be illuminated.</td>
<td>The requirement for 694-21A(1)(e) for a wall sign identifying a home occupation not to be illuminated, be varied to permit a Proposed Sign #2 to be illuminated.</td>
</tr>
</tbody>
</table>
ATTACHMENT 2: APPELLANT’S SUBMISSION PACKAGE
Application

Sign Variance

Applicant Information and Declaration

First Name: George
Last Name: Vrachas

Company Name:

Telephone No.: 416-510-3314

Street No. of: 38
Street Name: Page Ave
Suite/Unit No.:

City/Town: Toronto
Province: ON
Postal Code: M2K 2B4
Fax No.:

E-mail Address: vrachas@gmail.com

Do hereby declare the following:

☐ That I am □ the Property Owner as stated above
☐ an officer's authorized agent.
☐ an officer/employee of __________, which is an authorized agent of the owner.
☐ an officer/employee of __________, which is the Property Owner's authorized agent.

☐ That statements contained in this application are true and made with full knowledge of all relevant matters and of
the circumstances connected with this application.

☐ That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in
compliance with copyright law.

☐ That the information included in this application and in the documents filed with this application is correct.

GEORGE VRACHAS 2015-05-12
Print Name Date (yyyy-mm-dd)

Continue on next page

The personal information on this form is collected under the City of Toronto Act, 2006, s. 131(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 416-392-4233.
This data sheet forms part of an application for a Variance from Chapter 694 of the Toronto Municipal Code, Signs.

### Project Information
- **Street No.:** 1273
- **Street Name:** BROADVIEW AVE.
- **Lot No.:** 14
- **Plan No.:** CONCE. II FROM BAY

### Site and Building Data
- **Lot Area:** 4,742 m²
- **Lot Frontage:** 27.56 m
- **Lot Depth:** 52.50 m
- **No. of Building(s) on the lot:** 1
- **Date of Construction of Building(s) if known (yyyy-mm-dd):** Nov. 1982
- **Building Height(s):** 9.0 m
- **No. of Stories:** 2
- **Building(s) Gross Floor Area:** 443 m²

### Site Context
- **Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary):**
  - **North:** SINGLE-FAMILY DWELLING
  - **South:** SINGLE-FAMILY DWELLING
  - **East:** SINGLE-FAMILY DWELLING
  - **West:** BROADVIEW AVENUE

### Proposal
- **Please describe in detail what is being proposed (use additional pages if necessary):**
  - **3 NEW SIGNS (SIGN #1, #2 AND #3):**
    - **SIGN #1:** A 0.6 m x 2.44 m (1.46 m²) NON-ILLUMINATED SIGN ATTACHED TO THE EXISTING IRON FENCE. IT IS LOCATED 1.0 m ABOVE THE SIDEWALK LEVEL IN FRONT OF THE PREMISES.
    - **SIGN #2:** A SOFTLY INTERNALLY ILLUMINATED WALL SIGN 0.76 m x 1.52 m (1.16 m²) ON THE EASTERN PART OF THE FRONT ELEVATION OF THE DENTAL OFFICE. IT IS 2.44 m ABOVE THE PORCH FLOOR AND 3.0 m ABOVE GRADE.
    - **SIGN #3:** A SOFTLY INTERNALLY ILLUMINATED WALL SIGN 0.76 m x 1.52 m (1.16 m²) ON THE WESTERN PART OF THE FRONT ELEVATION OF THE DENTAL OFFICE. IT IS 2.44 m ABOVE THE PORCH FLOOR LEVEL AND 3.0 m ABOVE GRADE.

Continue on next page.
Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-0 A. A Variance may be granted where it is demonstrated that the proposal sign(s):

- Belong to a sign class permitted in the sign district where the premises is located
- In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located
- Be compatible with the development of the premises and surrounding area
- Support the Official Plan objectives for the subject premises and surrounding area
- Not adversely affect adjacent premises
- Not adversely affect public safety
- Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B
- Not alter the character of the premises or surrounding area
- Not be, in the opinion of the decision maker, contrary to the public interest

Please describe in detail how the proposal satisfies each of the criteria listed above (use additional pages if necessary)

- The 3 new signs are compatible with the introduction of the ground floor dental office in the subject premises.
- The 3 new signs do not adversely affect the adjacent residential premises. Signs #2 and #3 are softly illuminated to preserve the residential character of the area.
- By virtue of their sizes and location, the 3 new signs do not adversely affect public safety.
- The 3 new signs are not signs that are prohibited by Toronto's Municipal Code Chapter 694, Signs, General.
- It is our belief that the 3 new signs, by virtue of their size, location and intensity of illumination, do not alter the character of the subject premises or the character of the adjacent residential premises.