

Supplementary Report - Appeal Respecting One First Party Electronic Ground Sign - 1275 Kennedy Road

Date: November 13, 2018

To: Sign Variance Committee

From: Manager, Sign By-law Unit, Toronto Building

Wards: Scarborough Centre (21)

SUMMARY

This Supplementary Report provides an updated "Recommendation" along with updated details in "Attachment 1", providing additional clarification to the previously submitted report dated October 15, 2018.

This report addresses an appeal concerning five variances sought respecting a proposal for one first party electronic ground sign displaying electronic static copy (the "Proposed Sign"), which is currently operating without having first obtained the required Sign Permit. The Proposed Sign is located along the western property line at the property municipally known as 1275 Kennedy Road (the "Premises"), and is intended to direct attention to goods offered at "Life Style Flooring", located on the Premises. The variance was originally applied for by Chris Lissitsas of City Lite Signs (the "Applicant").

After conducting a review in accordance with the requirements of the Sign By-law, a decision was made to refuse the requested variances. At that time, it was determined that the Proposed Sign did not meet all nine established criteria as contained in the Sign By-law. Specifically, the Proposed Sign was found not to be compatible with the development of the Premises and surrounding area, that it would alter the character of the Premises or surrounding area, and that it would be contrary to the public interest.

The Premises is designated as an Employment (E) Sign District. The size of the Proposed Sign compared with what the Sign By-law permits in an E Sign District is out of scale with the Premises, and with similar ground signs in the surrounding area. Therefore, the Chief Building Official (the "CBO") has concerns that the Proposed Sign would alter the character of the Premises and surrounding area.

Currently, a large amount of various sign types exist in the area surrounding the Premises, and the CBO believes the addition of a large electronic ground sign on such a small frontage will further add to sign clutter. Because one of the Sign By-law objectives is to limit sign clutter, the Proposed Sign would appear to be contrary to the public interest.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the five requested variances to sections 694-14R, 694-211(7)(e), 694-211(7)(j), 694-211(7)(k) and 694-211(7)(m), for the Proposed Sign at the premises municipally known as 1275 Kennedy Road, as described in Attachment 1 of this report.

FINANCIAL IMPACT

There is no financial impact resulting from the recommendations in this report.

DECISION HISTORY

On July 21, 2017, a decision was made to refuse to grant the requested variances for the Proposed Sign. The Applicant appealed that decision on August 9, 2017.

ISSUE BACKGROUND

Sign Attributes

The Proposed Sign is a first party electronic ground sign displaying electronic static copy, measuring 1.52 metres vertically by 3.66 metres horizontally at a height of 4.72 metres (See Figure 1 below). The Proposed Sign is located along the western property line of the Premises, adjacent to Kennedy Road.

Figure 1: Proposed Sign



Site Context and Sign District Designation

The Premises is located in Ward 21 (Scarborough Centre), on the east side of Kennedy Road between Ellesmere Road and Lawrence Avenue East. The Premises is designated as an E Sign District, and contains a low-rise building with retail uses currently occupied by "Life Style Flooring". Most of the properties north, south and east of the Premises are designated as E Sign Districts, with some Commercial Residential (CR) Sign Districts on the west side of Kennedy Road, and some Residential (R) Sign Districts further west (See Figure 2 below).

Figure 2: Sign District Map Excerpt of the Premises and Surrounding Area



Application History

On April 19, 2004, a Sign Permit application was made by Mel Mosaad (the "Owner") for one ground sign with two sign faces. A Refusal Notice was sent by staff because the proposed ground sign exceeded the permitted sign face area and height. Another Notice was sent confirming the cancellation of this permit application on February 2, 2005 (A copy of each Notice can be found in Attachment 3).

Despite these Notices sent by staff, and the cancellation of the Owner's Sign Permit application, a permanent ground sign was installed at the Premises in 2007, and remained in place until 2012. At some point between 2012 and 2015, the previous ground sign was removed and the current electronic ground sign was installed without first obtaining the required approvals and associated Sign Permit.

Figure 3 below shows the original ground sign, with associated dates of the screen captures.

Figure 3: Original Ground Sign Prior To Existing Ground Sign



On February 6, 2017, a complaint was received about the electronic ground sign in place, and enforcement action was commenced by the Sign By-law Unit. Subsequently, a Sign Variance application was made on the Owner's behalf in May 2017.

Required Variances

Table 1: Summary of Requested Variance for the Proposed Signs

Sign By-law Section	Requirement	Proposal
694-14R	No sign shall be located in a Visibility Zone.	The Proposed Sign would be located in a Visibility Zone.
694-21I(7)(e)	In an E-Employment Sign District, an electronic ground sign is permitted, provided the sign shall not be erected within 2.0 metres of any property line.	The Proposed Sign would have a 0.0 metre setback from the western property line.

Sign By-law Section	Requirement	Proposal
694-21I(7)(j)	In an E-Employment Sign District, an electronic ground sign is permitted, provided the electronic copy height does not exceed the vertical distance between grade and the center line of the sign face upon which any electronic static copy is displayed.	The proposed height of the electronic copy exceeds the vertical distance between grade and the centre line of the sign face.
694-21I(7)(k)	In an E-Employment Sign District, an electronic ground sign is permitted, provided the sign shall not be erected within 60.0 metres of any R, RA, CR, I or OS Sign District.	The Proposed Sign is located approximately 20.0 metres from a CR Sign District.
694-21I(7)(m)	In an E-Employment Sign District, an electronic ground sign is permitted, provided the sign shall not be erected at a frontage of less than 100 metres.	The Proposed Sign would be erected on a property with a frontage of approximately 20.31 metres.

COMMENTS

Criteria Established by §694-30A of The Sign By-law:

The Sign By-law contains specific criteria used in evaluating variance applications. Specifically, §694-30A states that a variance may only be granted where it has been determined that a Proposed Sign meets each of the nine established criteria.

When a decision regarding a first party sign variance application is appealed, the Sign Variance Committee is required to conduct an evaluation, and determine that the party seeking the proposed variances demonstrates that the Proposed Sign meets all nine criteria, on the basis of the information presented to the Sign Variance Committee.

The CBO has determined that the Applicant has not provided sufficient information to establish that the Proposed Sign meets all nine criteria. Specifically, the Applicant did not demonstrate how the Proposed Sign is compatible with the development of the Premises and surrounding area, how it would not alter the character of the Premises and surrounding area, or how it would not be contrary to the public interest.

Applying the Established Criteria:

Section/Criteria Description: 694-30A(1) - The Proposed Sign belongs to a sign class permitted in the Sign District

The Proposed Sign is classified as a first party sign because it identifies and advertises goods available at a business on the Premises. The Premises is designated in an E Sign District, which allows first party signs. As such, it appears that this criteria has been established.

Section/Criteria Description: 694-30A(2) - In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District

Signs can only belong to one sign class – either first party or third party. The Proposed Sign is classified as a first party sign because it identifies and advertises goods available at a business on the Premises. As such, the Proposed Sign is not a third party sign and it appears that this criteria has been established.

Section/Criteria Description: 694-30A(3): The Proposed Sign is compatible with the development of the Premises and surrounding area

The electronic portion of the Proposed Sign is to be used for advertising goods available on the Premises, which is inconsistent with other first party ground signs in the surrounding area used primarily for identification.

In addition, the Proposed Sign contains an electronic display substantially larger than what is permitted in an E Sign District, and would be erected at a height that would make the electronic portion a visually dominant component of the landscape. Signage in an E Sign District should complement the scale and nature of existing and planned uses. Other first party ground signs on adjacent premises that display static and electronic copy appear to be of a size and magnitude that is more consistent with the intended development of an E Sign District.

The Applicant has not provided sufficient information to explain how the Proposed Sign would be compatible with the development of the Premises and surrounding area, and therefore the CBO has determined that this criteria has not been established.

Section/Criteria Description: §694-30A(4) - The Proposed Sign supports Official Plan objectives for the property and surrounding area

The Premises and surrounding area are designated as an Employment Area in the Official Plan. The CBO's review of the Premises, and the City documentation establishing the Official Plan objectives for the area, has provided sufficient information to establish that the Proposed Sign would function to further the specific objectives for Employment Areas as places of business and economic activity established under the Official Plan. Therefore, it appears that this criteria has been established.

Section/Criteria Description: 694-30A(5) - The Proposed Sign does not adversely affect adjacent premises

The Premises is located in an E Sign District, and the properties to the north, south and east are also designated as E Sign Districts. As the uses on adjacent properties consist mainly of office and retail uses, it is the opinion of the CBO that the Proposed Sign would not adversely affect the adjacent properties, and it appears that this criteria has been established.

Section/Criteria Description: 694-30A(6) - The Proposed Sign does not adversely affect public safety, including traffic and pedestrian safety.

The Applicant has not provided any information on how the Proposed Sign would not adversely affect public safety. Although the Proposed Sign would be located within a visibility zone and within the required setback from a property line, the visibility of drivers exiting the Premises would not likely be impeded by the Proposed Sign, as the electronic sign face is at a height which would provide clearance for most vehicles to see underneath towards oncoming traffic travelling along Kennedy Road.

The Proposed Sign would be required to meet the requirements set out in the Ontario Building Code, which would help to prevent it adversely affecting public safety. The Applicant would have to provide details the foundation of the Proposed Sign to confirm these requirements are met. Therefore, this criteria appears to have been established.

Section/Criteria Description: 694-30A(7) - The Proposed Sign is not a sign prohibited by §694-15B

Based on a review of materials submitted as part of the Sign Variance Appeal application, the CBO has determined that the Proposed Sign is not a prohibited sign type, and it appears that this criteria has been met.

Section/Criteria Description: 694-30A(8) - The Proposed Sign does not alter the character of the premises or surrounding area

First party ground signs which contain electronic copy often integrate the electronic portion within the sign face area in an effort to complement the design of the sign. In the case of the Proposed Sign, the electronic portion takes up the entire sign face area, which is contrary to the provisions of the Sign By-law. The CBO has concerns that a first party electronic ground sign of this size and height, taking into account the small frontage of the Premises and comparable signs in the surrounding area, will alter the character of the Premises and surrounding area.

Furthermore, the Applicant has not provided sufficient information in order for the CBO to establish that the Proposed Sign would not alter the character of the Premises and surrounding area, and therefore it appears this criteria has not been met.

Section/Criteria Description: 694-30A(9): The Proposed Sign is not contrary to the public interest

The Sign By-law provisions for first party electronic ground signs in E Sign Districts were designed to help ensure these signs do not overwhelm the visual environment, and to help ensure they would be compatible with the character of the area. These provisions include requiring a minimum frontage of 100 metres, limiting the size of the electronic portion of the sign face to 5.0 square metres and ensuring the electronic copy is placed on the lower portion of the sign face.

The Proposed Sign would not meet any of these requirements - the frontage of the Premise is approximately 20.31 metres; the sign face area would be 5.56 square metres; and the electronic portion would occupy the entire sign face area.

Also, this area along Kennedy Road already contains an abundance of various sign types, and the addition of an electronic ground sign of this size and height will further add to sign clutter. For these reasons, in addition to a lack of sufficient information provided by the Applicant to demonstrate that the Proposed Sign is not contrary to the public interest, it appears this criteria has not been met.

Conclusion

Based on the rationale and materials submitted, an analysis of the Premises and surrounding area, and a review of applicable regulations, the CBO has determined that the Applicant has not provided sufficient information to confirm that the Proposed Sign meets all nine of the established criteria.

Specifically, the Proposed Sign does not appear to be compatible with the development of the Premises and surrounding area, would alter the character of the Premises and surrounding area, and would be contrary to public interest. Therefore, the CBO does not support the Sign Variance Committee approving the requested variances.

CONTACT

Haseeb Sharifi
Sign Building Code Examiner Inspector, Sign By-law Unit
E-mail: Haseeb.Sharifi@toronto.ca, Tel: 416-392-6987

SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

Attachment 1: Description of the Proposed Signs and Required Variance

Attachment 2: Applicant's Submission Package

Attachment 3: Examiner Notices from 2004 Sign Permit Application

ATTACHMENT 1: DESCRIPTION OF THE PROPOSED SIGNS AND REQUIRED VARIANCE

Sign Description:

One first party electronic ground sign with a maximum height of 4.72 metres, to be located along the west frontage of the premises municipally known as 1275 Kennedy Road, containing:

- (a) Two sign faces, described as follows:
 - (i) Oriented back-to-back;
 - (ii) Displaying electronic static copy;
 - (iii) Having a horizontal measurement of not more than 3.66 metres;
 - (iv) Having a vertical measurement of not more than 1.52 metres; and
 - (v) Oriented perpendicular to Kennedy Road.

Required Variances:

1. The requirement contained at §694-14R, which states that no sign shall be located within the Visibility Zone, be varied to allow for the erection and display of the Proposed Sign within a Visibility Zone;
2. The requirement contained at §694-21I(7)(e), which states that in an E-Employment Sign District, an electronic ground sign is permitted, provided the sign shall not be erected within 2.0 metres of any property line, be varied to allow for the erection and display of the Proposed Sign with a setback of 0.0 metres from the property line abutting Kennedy Road;
3. The requirement contained at §694-21I(7)(j), which states that in an E-Employment Sign District, an electronic ground sign is permitted provided the electronic copy height does not exceed the vertical distance between grade and the center line of the sign face upon which any electronic static copy is displayed, be varied to allow for the erection and display of the Proposed Sign with sign faces consisting entirely of electronic static copy;
4. The requirement contained at §694-21I(7)(k), which states that in an E-Employment Sign District, an electronic ground sign is permitted provided the sign shall not be erected within 60 metres of any R, RA, CR, I or OS Sign District, be varied to allow for the erection and display of the Proposed Sign to be located approximately 20 metres from a CR Sign District, and;
5. The requirement contained at §694-21I(7)(m), which states that in an E-Employment Sign District, an electronic ground sign is permitted provided the sign shall not be erected at a frontage of less than 100 metres, be varied to allow for the erection and display of the Proposed Sign on a Premises with a frontage of approximately 20.31 metres.

ATTACHMENT 2: APPLICANT'S SUBMISSION PACKAGE



Application Sign Variance Appeal

Folder No.	Date (yyyy-mm-dd)
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Decision Under Appeal

Variance Decision No. (17-162540)			
Street No. 1275	Street Name Kennedy	Lot No.	Plan No.

Appellant Information

First Name Chris		Last Name Lissitsas	
Company Name (if applicable) Citylike Signs		Telephone No. 416 523-4977	
Street No. 777	Street Name Warden Ave	Suite/Unit No. unit 4	Mobile No.
City/Town Scarb.	Province ont.	Postal Code M1L 4C3	Fax No.

E-mail Address

citylikesigns@rogers

Describe the variance that was applied for:

pylon - Ontario Digital copy

Please provide the reasons/justifications for the appeal (attach any supporting documentation or additional pages as required).

As per attached rationale, I believe the sign should be reconsidered for approval as it is in keeping with the other signs in the surrounding area and does not in any way negatively impact the neighbourhood.

Attachment Required

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

Continue on next page

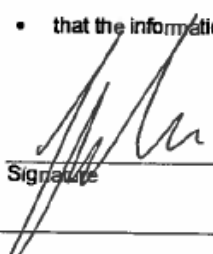
14-0044 2013-10



1 of 2

Application
Sign Variance Appeal

Appellant Information and Declaration

First Name I, Chris		Last Name Cissittsas	
Company Name(if applicable) Citylike Signs		Telephone No. 416 523-4977	
Street No. of, 727	Street Name Warden Ave.	Suite/Unit No. unit 4	Mobile No. 416-523-4977
City/Town Scarb.	Province Ont.	Postal Code M1L4C3	Fax No.
E-mail Address citylike Signs@rogers.com			
do hereby declare the following: - that the statements contained in this application are true and made with full knowledge of relevant matters and of the circumstances connected with this application; - that any supporting documents submitted are prepared for the sign variance(s) appeal described above and are submitted in compliance with copyright law; and, - that the information included in this application and in the documents filed with this application is correct.			
 Signature		CHRIS CISSITTSAS Print Name	2017/08/09 Date (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

2 of 2

DECISION NOTICE FIRST PARTY SIGN VARIANCE

Location: 1275 Kennedy Rd. (17-162540)

Any person who receives notice of the Chief Building Official's decision may appeal the decision to the Sign Variance committee, by filing the notice of appeal and paying the non-refundable fee (\$682.82) within 20 days of service of the notice of decision. Please contact the Sign By-Law Unit for more information.



For more
information:



Phone:
416-392-8000



Website:
www.toronto.ca/signs



Email:
signbylawunit@toronto.ca

Please reference the address and file number, so we can better assist you.

WHAT IT'S ABOUT – THE PROPOSAL:



The applicant has proposed to install and display one illuminated ground sign displaying electronic static copy and facing Kennedy Road. The sign measures 1.52 metres vertically and 3.66 metres horizontally. The proposed sign will identify "Life Style Flooring" located on the premises.

DECISION:

REFUSE

The decision by the Chief Building Official is to refuse for the following reasons:

- ✓ Is not compatible with the development of the premises and surrounding area;
- ✓ Alters the character of the premises or surrounding area; and
- ✓ Is, in the opinion of the Chief Building Official, contrary to the public interest.



Decision date: July 21, 2017

Last day to appeal: August 10, 2017



Please see reverse for more information.



toronto at your service

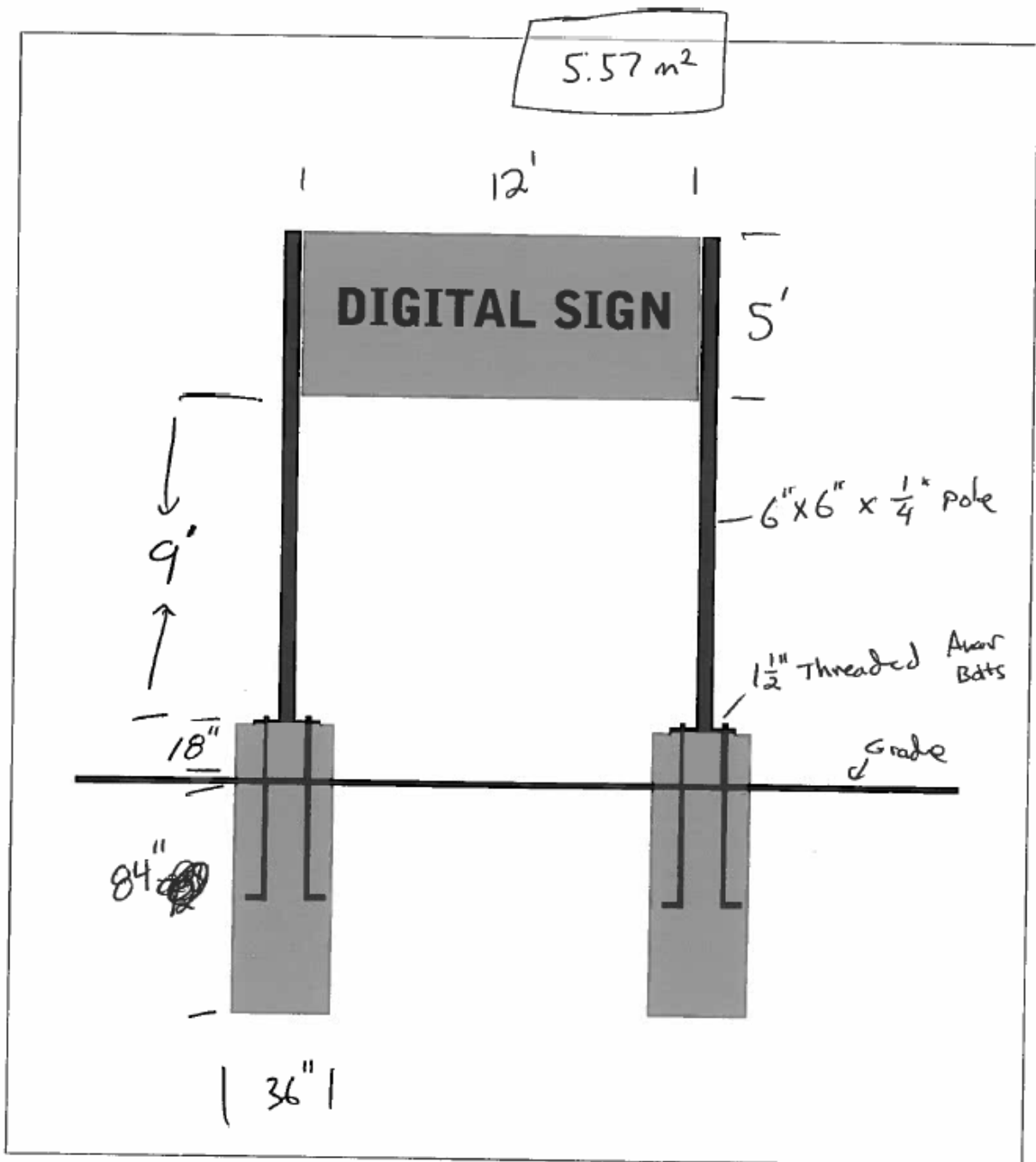
Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. A Variance may be granted where it is demonstrated that the proposed 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, including traffic and pedestrian 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

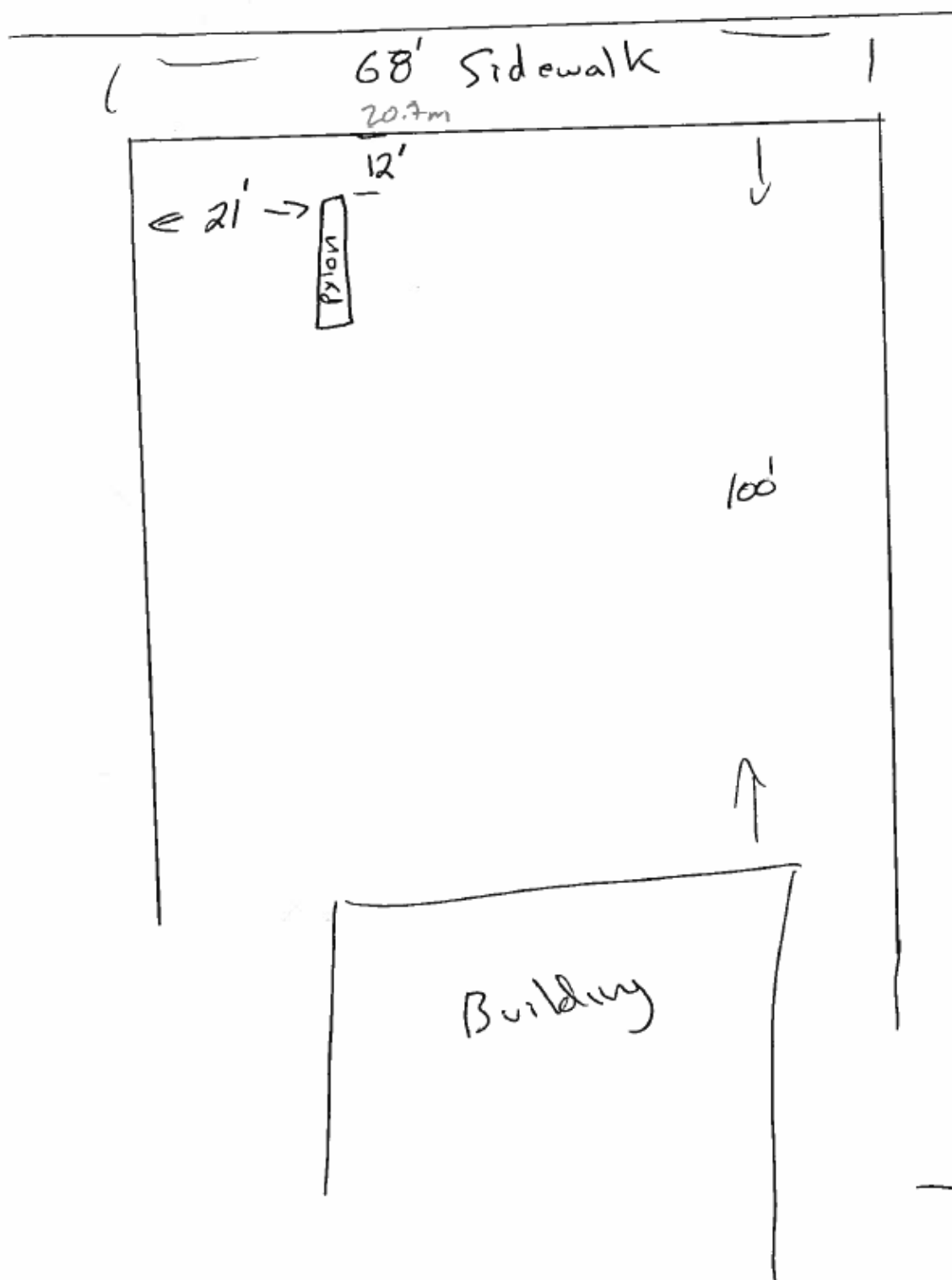
Please describe in detail how the proposal satisfies each of the criteria listed above (use additional pages if necessary)

- * All Signs on the Street are in the same position.
- * This sign does belong to a sign class permitted in the sign district.
- * This is a first party sign type permitted in the sign district.
- * This sign is compatible with the development of the premises and surrounding area
- * This sign does not adversely affect adjacent premises
- * This sign does not affect public safety or traffic
- * This sign is not prohibited by Toronto Municipal Code 694-15B
- * This sign is not prohibited by Toronto Municipal Code 694-15B
- * This sign does not alter the character of premises or surrounding area
- * This sign is not to be in the opinion of the decision maker contrary to the public interest.
- 14-0043 2016-12 * This sign is the primary advertisement for business building is set back.

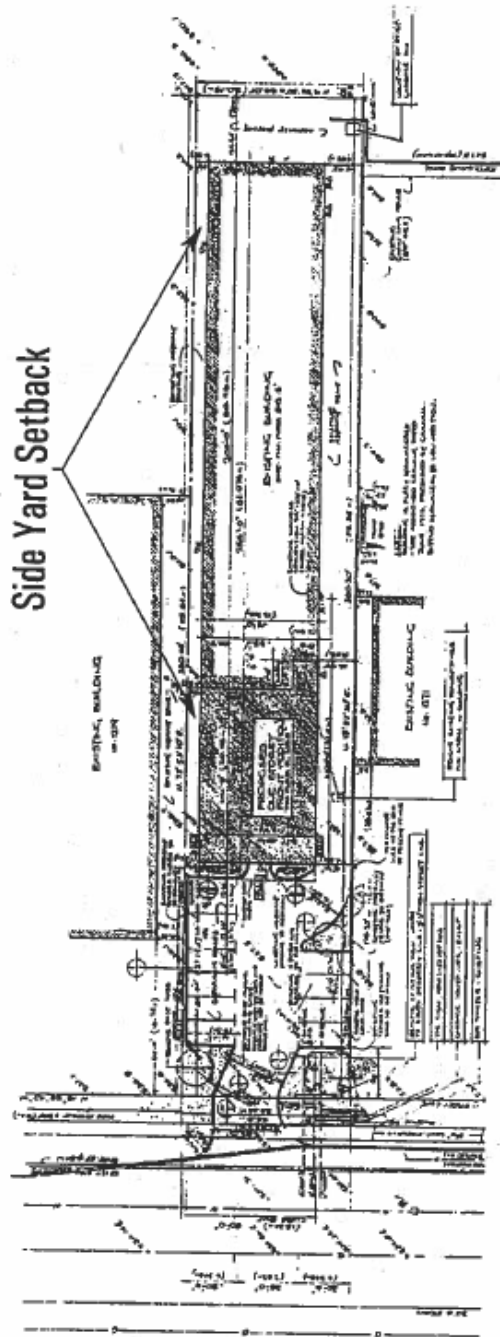


MAX 6.2m²





Variance Side Yard Setback



Site Plan

Applicant's Submitted Drawing

Not to Scale
06/06/03



1275 Kennedy Road
File #A195/03SC

Attachment 1

ATTACHMENT 3 - EXAMINER NOTICES FROM 2004 SIGN PERMIT APPLICATION



Urban Development Services
Paula M. Dill, Commissioner

Building

P Choi, CET
Sign Examiner/Inspector
150 Borough Dr, 3 Fl.
Scarborough Civic Centre
Toronto, Ont
M1P 4N7
Tel: (416) 396 7117
Fax: (416) 396 4266

EXAMINER'S NOTICE
2004

Monday, May 17,

Project Location: 1275 KENNEDY RD	Application No: 04 126124 SGN 00 SP
Project Description:	

ITEM	REFERENCE	DESCRIPTION
1.	2.3.5.(4)(d)(vi)	Maximum permitted area of pylon sign is 8.4m ² (90.0sq. ft)
2.	2.3.5.(5)(a)(i.)	Maximum height for pylon sign is 4.8 metre(15.7 ft)
3.		
4.		
5.		
6.		



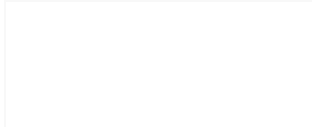
Urban Development Services
Paula M. Dill, Commissioner

Building Division
East District
Customer Service
Scarborough, Civic Centre
150 Borough Drive
Toronto, Ontario
M1P 4N7

Fani Lauzon
Manager, Customer Service
Tel: (416) 396-7313
Fax: (416) 396-4266
Email: flauzon@toronto.ca

February 2, 2005

Mr. Mel Mosaad



Re: 1275 Kennedy Road
Cancellation of Sign Permit Application No. 04 126124

Dear Mr. Mosaad:

This letter will confirm the cancellation of the above noted permit application.

Examination of our records indicates that a refund in the amount of \$387.50 is owing to you.

This refund is currently being processed and will be forwarded to you in the near future. Should you require any further information regarding the status of the refund, please contact Business Support Services at (416) 396-7314.

Yours truly,

Fani Lauzon
Manager, Customer Services

cc File
S. Naseer, Business Support Services



Urban Development Services
Paula M. Dill, Commissioner

Building

P Choi, CET
Sign Examiner/Inspector
150 Borough Dr, 3 Fl.
Scarborough Civic Centre
Toronto, Ont
M1P 4N7
Tel: (416) 396 7117
Fax: (416) 396 4266

MEL MOSAAD (PRES)



Monday, May 17, 2004

Building Permit Application No: 04 126124 SGN 00 SP
at 1275 KENNEDY RD **Ward:** Scarborough Centre (37)

This is to advise you that the examination of your building permit application to date has revealed that certain requirements of the Scarborough Sign Code By-law 22980 has not been satisfied. Please provide the information identified on the attached Examiner's Notice and submit revised plans, if required, so that we may continue to process your application.

Note that subsequent examination of your permit documents may identify additional information required to be submitted.

If you have any questions, you should contact me at (416) 396-7117 at your earliest convenience. Our hours are 8:30 a.m. to 4:30 p.m., Monday to Friday.

Your permit application number is important, please refer to it when you phone in or submit any pertinent information.

Peter Choi