

Application for Variances Respecting One Third Party Electronic Ground Sign - 159 Dynamic Drive

Date: December 20, 2018

To: Sign Variance Committee

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

Wards: Scarborough North (Ward 23)

SUMMARY

This report reviews an application for three variances, subject to a specific condition, made by Pattison Outdoor on behalf of the property owner (the "Applicant"), to allow for one third party electronic ground sign with electronic static copy (the "Proposed Sign") at the property municipally known as 159 Dynamic Drive (the "Subject Premises"), described in greater detail in Attachment 1.

The Proposed Sign would be located along the east frontage of the Subject Premises, which contains "CanLan Ice Sports" arena and an associated surface-level parking lot. The Proposed Sign is intended to be erected and displayed in the same location as an existing third party ground sign currently in place at the Subject Premises since 2002, and would seek to capture the attention of traffic travelling along Markham Road.

The Subject Premises is designated as an Employment ("E") Sign District, which allows third party electronic ground signs. The proposed height and sign face area would be in compliance with the Sign By-law requirements for this sign type in an E Sign District. The Proposed Sign would have a height of 7.5 metres, and contain two sign faces displayed in a "back-to-back" configuration, each with a sign face area of 18.6 square metres.

While most of the premises to the south, east and west are also designated as E Sign Districts, there is a large premises to the north of the Subject Premises designated as an Open Space ("OS") Sign District, which contains a public golf practice facility. The information provided by the Applicant helps to demonstrate that the Proposed Sign would likely have minimal impact on this OS Sign District, as the users would be facing away from the sign, and there does not appear to be any natural habitats present which would be disturbed by the light from the Proposed Sign.

This area of Markham Road, south of Steeles Avenue East, is largely industrial and employment in nature, and the Sign District designations largely reflect these uses. There are also existing third party ground signs located within the surrounding area, including one which has been in place at the Subject Premises for more than 15 years.

Replacing the existing sign with the Proposed Sign would not add to sign clutter in the area, nor would the electronic copy have any adverse impacts on the surrounding premises.

In addition, while the Proposed Sign is located within the minimum setback from an existing third party ground sign to the south, there are deciduous trees in place between the two signs which limit the opportunity for both signs to be viewed at the same time.

Following a review of the Applicant's submission, the Chief Building Official ("CBO") has determined that enough information has been provided to confirm that all of the nine established criteria in the Sign By-law have been met. Therefore, the CBO is supportive of the Sign Variance Committee granting the requested variances.

The condition that would be imposed if the requested variances are granted would be the removal of the existing sign from the Subject Premises, and revocation of any sign permit associated with this existing ground sign.

RECOMMENDATIONS

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

1. The Sign Variance Committee grant the three requested variances to sections 694-25C(2)(f), 694-25C(2)(d), and 694-22E, subject to specific conditions, required to allow the Applicant to obtain a permit for the erection and display of one third party electronic ground sign at 159 Dynamic Drive, as described in greater detail in Attachment 1 to this report.

FINANCIAL IMPACT

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

DECISION HISTORY

This item has not been previously considered by the Sign Variance Committee.

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694-22E	A third party electronic sign, as permitted by Subsections 694-25A(2), C(2), D(3), D(4), 694-26I(1), (2) and (3) shall not be erected within 150.0 metres of	The Proposed Sign will be located approximately 120 metres from an existing third party ground sign to the south.

	any other lawful third party sign whether or not erected.	
694-25C(2)(f)	A third party electronic ground sign is permitted, provided if it is located within 250 metres of an R, RA, CR, I or OS Sign District, the sign cannot face any premise in the R, RA, CR, I or OS Sign District.	The Proposed Sign would be located approximately 95 metres from an OS Sign District to the north, and would face this OS Sign District.
694-25C(2)(d)	A third party electronic ground sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law;	The Proposed Sign would be located within the required 7.5-metre setback from the rear yard lot line of the Subject Property.

Site Context

The Subject Premises is designated as an E Sign District, located in Ward 23 (Scarborough North). It contains an ice-sports arena and associated surface-level parking lot, located immediately west of Markham Road. The main entrance to the arena is from Passmore Avenue, with another entrance along Dynamic Drive.

The majority of the surrounding premises are also designated as E Sign Districts, with the exception of a public golf practice facility to the north, which is designated as an OS Sign District, and a large section of undeveloped land designated as a Commercial ("C") Sign District (See the Sign District Map Excerpt in Figure 1 below).

Figure 1: Sign District Map Excerpt - 159 Dynamic Drive



COMMENTS

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

The Sign By-law contains criteria used to evaluate variance proposals. Specifically, §694-30A states that a variance may only be granted where the Proposed Sign meets each of the nine established criteria. The Sign Variance Committee is required to conduct an evaluation and determine that the party seeking the variances meets all nine of the mandatory criteria, based on the information presented by the Applicant.

It is the CBO's opinion that the Applicant has provided sufficient information to establish that the Proposed Sign meets these nine criteria, and that the Sign Variance Committee should grant the requested variances required to allow the issuance of a Sign Permit to erect and display the Proposed Sign.

A Notice of the Application was posted on the property for 30 days prior to the Hearing, and a written notice of the proposal was mailed to the local Ward Councillor and all properties within a 250-metre radius of the Subject Premises. Staff from the Sign By-law Unit held an additional public consultation concerning the Proposed Sign at the Scarborough Civic Centre on the evening of October 11, 2018. The CBO received no comments about the Proposed Sign during this public consultation session.

Applying the Established Criteria

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

The Subject Premises is designated as an E Sign District, which permits third party electronic ground signs. The CBO has confirmed that the Proposed Sign is classified as a third party sign because it advertises, promotes, or directs attention to businesses, goods, services, matters, or activities that are not available at or related to the premises where the sign is located. Therefore, 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

The Proposed Sign is defined as a third party electronic ground sign. The CBO has confirmed that electronic ground signs are permitted in E Sign Districts, therefore it appears this criteria has been met.

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

The variances for the Proposed Sign are subject to a condition that an existing third party ground sign displaying static copy at the Subject Premises would be removed and any associated permits be revoked, prior to a sign permit being issued for the Proposed Sign. The Proposed Sign would have a similar height and sign face area as the existing

ground sign, in line with the Sign By-law requirements for this Sign District, and would be erected in approximately the same location on the Subject Premises.

While there are no other third party electronic ground signs in the immediate area, this type of sign is permitted in an E Sign District, and a third party ground sign has been in place at the Subject Premises since 2003. The Applicant has also shown that there are several other third party ground signs in the surrounding area along Markham Road, providing evidence that third party ground signs form a part of the streetscape in this area, and have for many years.

The Applicant has also provided examples of other sports arenas in Toronto that have similar (albeit significantly larger) third party electronic ground signs in place, such as Leaside Memorial Gardens and BMO Field.

Although there is an Open Space Sign District to the north of the Proposed Sign, the Applicant has confirmed that this premises is used as a public golf practice facility, and these users would be facing away from the Proposed Sign. Therefore, it isn't likely to have any significant impacts on this OS Sign District. The CBO has confirmed that this OS Sign District is nearly 95 metres away from the Proposed Sign, and that the users of this golf practice facility are not likely to be impacted by the Proposed Sign.

A review of the existing signage and the regulations applicable to the Subject Premises and surrounding area supports the CBO's opinion that the Proposed Sign, subject to the specified condition, would be consistent with the development of the premises and surrounding area. Therefore, it appears that this criteria has been met.

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

The Subject Premises is designated as an Employment Area in the Official Plan. Employment Areas are places of business and economic activity. The Applicant states that "Development such as the erection and display of a third party billboard sign will not undermine the stability of Employment Area uses, rather it will have particular regard for the viability and continuation of the existing use carried out on the subject property. Therefore, the introduction of an accessory use (the Proposed Sign) would not compromise or go contrary to those Official Plan objectives as it relates to Employment Areas in the Official Plan.

The CBO's review of the Subject 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 support 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: 694-30 A(5): The Proposed Sign does not adversely affect adjacent premises

In their submission materials, the Applicant has stated that, in their opinion, electronic signs have minimal impacts on adjacent premises during the day, when ambient light

levels are bright. Most often, electronic signs have impacts on adjacent premises where there are residential or open space uses. As there are no residential uses on the adjacent premises, or in the surrounding area, the Applicant has indicated that the Proposed Signs will not adversely affect the adjacent premises.

The CBO has confirmed that the premises which surround the Subject Premises are mostly designated as E Sign Districts, and that no residential or open space uses are likely to be impacted by the Proposed Sign. The adjacent premises along Dynamic Drive appear to have employment / industrial uses, and the Proposed Sign does not appear to be visible from these businesses. To the north of the Subject Premises is a small, undeveloped parcel of land, which would not be impacted by the Proposed Sign.

Based on the information provided by the Applicant, the CBO believes the Proposed Sign will not adversely affect adjacent premises, and this criteria has been met.

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

The Proposed Sign does not require any variances for being located within a visibility zone. The Proposed Sign also meets the separation distance requirements from signalized intersections and highways set out in the Sign By-law. It will also comply with the Sign By-law requirements for message transition of electronic static copy.

The Proposed Sign would require a variance for being located within the 7-metre setback required by the Zoning By-law of a building from a street along the rear yard line. However, as the main entrance to the building faces north towards Passmore Avenue, the location where the Proposed Sign would be installed along the Markham Road frontage more closely resembles a side yard, where the setback requirement is 3 metres. The Proposed Sign would meet this 3-metre setback.

As there has been a third party ground sign in place at the Subject Premises for many years without incident, and because the Proposed Sign will comply with the requirements for sign face area and height, separation distance from an intersection, and message transition, the CBO does not believe it will have any adverse impacts on traffic and pedestrian safety. Furthermore, the CBO does not believe that any other issues related to public safety are currently foreseeable. Therefore, it appears that this criteria has been met.

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

The Applicant's materials establish sufficient information to confirm that the Proposed Sign is not a sign that is prohibited by §694-15B of the Sign By-law. The CBO has confirmed this to be the case, and therefore determined that this criteria has been established.

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

As stated by the Applicant in their submission materials, the Proposed Sign is generally in keeping with the regulatory provisions respecting third party electronic ground signs in an E Sign District, and it is the expectation that such signs are consistent with the character of the surrounding area. It is the CBO's opinion that any adverse effects of the deviations from these standards are mitigated by the condition imposed. Therefore, it appears that this criteria has been met.

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

The Applicant has provided sufficient information to demonstrate that the impacts on the nearby OS Sign District would be minimal, and can be managed through provisions contained in the Sign By-law for message transition, hours of operation and brightness limitations. The potential for the Proposed Sign to be contrary to the public interest has been addressed by the condition imposed on the variances, specifically the removal of an existing sign on the Subject Premises and revocation of any associated permits.

In addition, no comments were received that would provide a basis for the CBO to be concerned that the Proposed Sign would be contrary to the public interest, in response to the Notice of the application posted on the property for 30 days prior to the Hearing, the written notice of the proposal mailed to the local Ward Councillor and all properties within a 250-metre radius of the Premises, or at a public consultation concerning the Proposed Sign held at the Scarborough Civic Centre on October 11, 2018.

The CBO is of the opinion that the Proposed Sign, subject to the specified condition, is not contrary to the public interest, and it appears this criteria has been met.

CONCLUSION

The Applicant has provided sufficient information for the CBO to establish that all nine criteria required to grant an approval for the requested variances have been met, subject to the specified condition.

Most of the attributes of the Proposed Sign are generally in keeping with the Sign By-law requirements for third party electronic ground signs in an E Sign District, and based on the information provided by the Applicant, it appears that impacts on the adjacent OS Sign District and surrounding premises would be minimal. There are no residential uses in the surrounding area which would be impacted by the Proposed Sign.

The Proposed Sign would be subject to a condition that would function to ensure that it would be generally in keeping with the Sign By-law requirements for third party electronic ground signs in an E Sign District. This condition results in the Proposed Sign being able to establish the nine mandatory conditions. As such, the CBO is supportive of the Sign Variance Committee granting the requested variances.

CONTACT

Nathan Jankowski
Sign Building Code Examiner Inspector, Sign By-law Unit
E-mail: nathan.jankowski@toronto.ca; Tel: 647-454-5213

SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit, Toronto Building

ATTACHMENTS

Attachment 1 – Description of Sign and Required Variance
Attachment 2 – Applicant's Submission Package

Attachment 1: Description of Sign and Required Variance

Sign Description:

Proposed Sign - One third party electronic ground sign to be located at the premises municipally known as 159 Dynamic Drive, described more fully as follows:

- (a) having a maximum height of 7.5 metres,
- (b) being illuminated,
- (c) being located in the immediate proximity of the frontage of the premises abutting Markham Road;
- (d) containing two sign faces in a "back-to-back" configuration,
- (e) one sign face to be oriented in a northerly facing direction;
- (f) one sign face to be oriented in a southerly facing direction; and,
- (g) each sign face to have the following attributes:
 - 1. be in the shape of a rectangle;
 - 2. have a sign face area of not more than 18.6 square metres;
 - 3. have a maximum centre line of not more than 6.10 metres;
 - 4. have a maximum bisecting line of not more than 3.05 metres;
 - 5. be orientated in an perpendicular fashion to Markham Road; and,
 - 6. only display electronic static copy.

Required Variances:

- 1. The requirement contained at §694-22E, which states that a third party electronic sign, as permitted by Subsections 694-25A(2), C(2), D(3), D(4), 694-26I(1), (2) and (3) shall not be erected within 150.0 metres of any other lawful third party sign whether or not erected, be varied to allow the Proposed Sign to be erected and displayed approximately 120 metres from an existing third party ground sign to the south, subject to Condition #1;
- 2. The requirements contained in 694-25C(2)(d), which states that a third party electronic ground sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law, be varied to allow the Proposed Sign to be erected and displayed within the required 7-metre setback from the rear yard lot line, subject to Condition #1; and,
- 3. The requirement contained at §694-25C(2)(f), which states that a third party electronic ground sign is permitted, provided where it is located within 250 metres of an R, RA, CR, I or OS Sign District, the sign cannot face any premise in the R, RA, CR, I or OS Sign District, be varied to allow the erection and display of the Proposed Sign which it would face a premises in an OS Sign District, subject to Condition #1.

Conditions:

- 1. The third party ground sign currently located at 159 Dynamic Drive be removed, and all associated permits revoked prior to any application for a Sign Permit being submitted for the Proposed Sign.

Attachment 2: Applicant's Submission Package



Application Sign Variance

Folder Number	Date (yyyy-mm-dd)
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Project Information

Street Number 159	Street Name Dynamic Drive	Lot Number	Plan Number 66R20208
Describe the variance(s) being applied for: 1. Proposed digital sign will not be 150 metres from another Third party static sign. 2. Distance of 250 metres from a OS zone is not met			
If it is an application for a variance required for the modification or restoration of an existing sign, please provide the following:			
Existing Sign Dimensions 10 x20 Feet		Location Existing Location	
Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required): The sign is 121.92 metres from an existing third party sign. The bylaw says it needs to be 150 metres.			

Property Owner Information

First Name Steve		Last Name Hopkins	
Company Name (if applicable) Canlan Ice Sports; Canlan Ice Sports - Scarborough			Telephone Number (416) 412-0404
Street Number 159	Street Name Dynamic Drive	Suite/Unit Number	Mobile Number
City/Town Toronto	Province Ontario	Postal Code M1V 5L8	Fax Number
Email shopkins@icesports.com			

Attachment Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Continue on next page



Data Sheet
Sign Variance

Folder number	Request Date (yyyy-mm-dd)
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This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs

Project Information

Street Number	Street Name	Lot Number	Plan Number
159	Dynamic Drive		66R 20208

Site and Building Data

Lot Area 2239 m2	Lot Frontage	Lot Depth
Number of Building(s) on the lot	Date of Construction of Building(s) if known (yyyy-mm-dd)	
Building Height(s)	Number of Storeys	Building(s) Gross Floor Area
Building Uses(s)		

Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary)
North Employment Industrial
South Employment Industrial
East Employment Industrial
West Employment Industrial

Proposal

Please describe in detail what is being proposed (use additional pages if necessary)
The existing Third static party existing sign (permit 02 188919 SGN 00 SP) is proposed to be converted to a third party sign having electronic ststic copy and of similar sign and dimensions.
Please see Letter attached.

Application
Sign Variance

Applicant Information and Declaration

First Name I, Stephen		Last Name Mazur	
Company Name			Telephone Number (705) 279-5661
Street Number of 1360	Street Name Rimkey Crescent	Suite/Unit Number	Mobile Number
City/Town Severn	Province Ontario	Postal Code L3V 0E9	Fax Number
Email stephenmazur61@gmail.com			
Do hereby declare the following: • That I am ☐ the Property Owner as stated above ☒ the owner'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.  Signature Stephen Mazur Print Name (First, Last) 2018-09-11 Date (yyyy-mm-dd)			

Continue on next page



November 30, 2018

City of Toronto Sign Bylaw Unit
100 Queen Street W., Floor 1 E
Toronto, Ontario
M5H 2N2

RE: Sign Bylaw Variance – 159 Dynamic Drive

Mr. Nathan Jankowski,

By way of this letter, I am making application for a variance to the City's Sign By-law on the property known as 159 Dynamic Drive.

This application is seeking to modify the existing Third Party static ground sign with two (2) 6.096 m x 3.048m faces (10'x20') to an electronic ground sign, containing two like size rectangular shaped sign faces aligned in a back-to-back configuration, each measuring 6.096 metres horizontally by 3.048 metres vertically (10' x 20').

The variances that pertain to this application are:

- (i) The signs proximity within 250 metres of an Open Space Sign District, whereas the proposed sign is 94.80 metres from the property line of the Open Space Sign District.
- (ii) The signs proximity to another Third Party sign requires 150 metres separation, whereas the proposed modified sign is 121.92 metres from another Third Party sign located to the south on the same side of the street.
- (iii) The sign does not meet the required rear yard setback of 7.5 metres. The existing sign is being replaced with the new sign in the same location with a 3 metre setback which is the required side yard setback requirement.

Why should these variances be granted?

(1) Belong to a sign class permitted in the sign district where the premises is located.

The proposed sign is a Third Party sign class because it advertises, promoted, or directs attention to businesses, goods, services, matters, or activities that are not available or related to the premises where the sign is located. 159 Dynamic Drive is designated as an Employment Sign District and Third Party Electronic Ground signs are permitted in Employment Sign Districts.

PATTISON OUTDOOR ADVERTISING

Suite 500 West Tower, 2700 Matheson Blvd East, Mississauga, Ontario L4W 4V9 | Tel : 905-282-6800 Fax : 905-282-9698



(2) In the case of a Third Party sign, the electronic sign type is permitted in the sign district, where the premises is located.

The proposed sign defined as a Third Party Electronic Ground Sign, is a sign type permitted in an Employment Sign District.

(3) Be compatible with the development of the premises and surrounding area.

The subject premises is an Employment Sign District and is surrounded by other Employment Sign Districts to the south, east and west. The use of this property is a Sports complex and is consistent with the employment and industrial uses of the area, which also have existing Third Party advertising signs on the premises. The image below shows other Third Party sign locations in the immediate area.



The proposed sign on this property would be identical in height and size to the other existing Third Party sign structures in the surrounding area. No building or structure in the area would be overshadowed or offended by the presence of the proposed sign. The proposed sign replaces a sign, which has been in existence since 2003. The new sign shall simply be an improved more modern sign with a digital method of display. Modern digital signs are found at all large sporting venues, both on the interior and exteriors. Please see two examples provided below as references in the City of Toronto.

- 1) New Digital Sign Installed at Leaside Memorial Gardens on lands owned by the City of Toronto.





2) BMO – Digital Sign on lands owned by The City of Toronto



The proposed sign is located 94.80 metres as opposed to the required 250 metres to an Open Space Sign District. The Open space has been used as a private recreational practice driving range for golfing enthusiasts for the last 15 years or greater. See photo below.



The digital sign will have no impact on people at the driving range, as the sign will not be visible to people at the range as they face away while hitting golf balls at the tee locations. See photo below.



☐ Sign Variance Committee consideration on October 30, 2018

SB28.2	ACTION	Adopted		Ward: 25
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Application for Three Variances Respecting One Third Party Electronic Ground Sign - 1129 Leslie Street

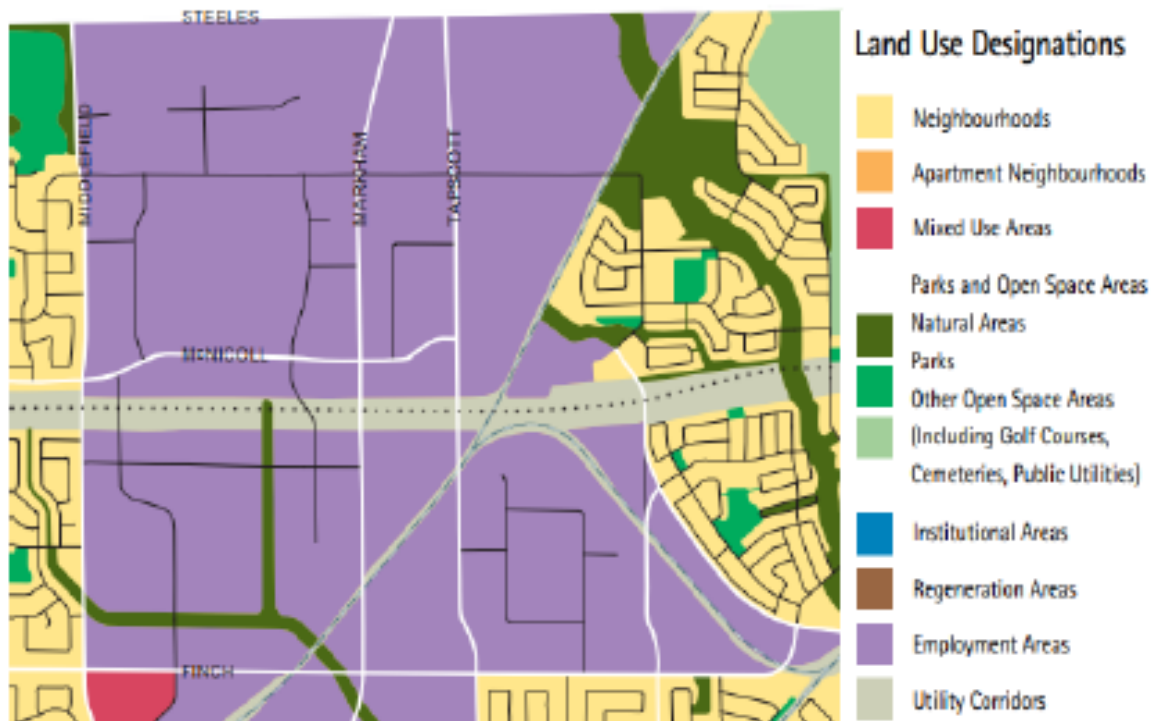
As additional support for consideration, please see the section of a staff report lifted from the item above. Although this is another location, it confirms that signs with a digital method of display do not have a negative impact on traditional OS land uses.

While the properties to the north and south are designated as E Sign Districts, nearly the entire west side of Leslie Street between Lawrence Avenue East and Eglinton Avenue East is designated as an Open Space (OS) Sign District, which contains Wilket Creek Park and, further to the west, Sunnybrook Park.

While there are general concerns about electronic signs located in close proximity to OS Sign Districts, and the potential impacts to these areas, the Applicant has undertaken a Natural Heritage Evaluation by WSP Canada Group Ltd., the results of which conclude that the Proposed Sign will not have any adverse impacts on the adjacent OS Sign Districts.

(4) Support the Official Plan objectives for the subject premises and surrounding area.

The subject premises is designated as an Employment Area in the Official Plan and which is a permitted zone for Third Party Electronic Ground signs in the Sign By-law. Please see the attached map confirming that the immediate and surrounding areas are Employment designated.





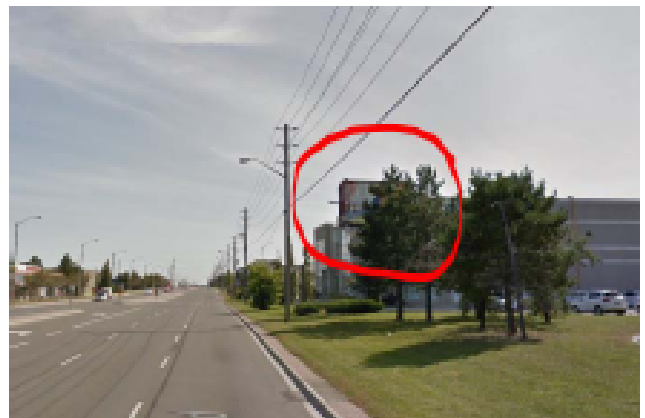
In accordance with the City's Official Plan Employment Areas are places of business and economic activity. Uses that support this function consist of: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

Development such as the erection of a third party billboard sign will not undermine the stability of the Employment Area uses, rather will have particular regard for the viability and continuation of such existing use carried on the subject property. Therefore, the introduction of an accessory use (billboard structure) would not compromise or go contrary to those Official Plan objectives as it relates to Employment Area in the Official Plan

(5) Not adversely affect adjacent premises.

The new sign, which replaces the existing sign, shall use an electronic digital method of display. This type of display has no adverse or negative effect during the day when ambient light levels are bright. A digital method of display can have a negative impact when located in close proximity to a residential zone with a residential use. Being that no residential zones or use are found in this area, and being that the sign will be operated in conformity with the illumination levels and hours of operation under the sign by-law, and being that most of the adjacent premises also have and enjoy Third Party signs, it is our opinion that the new sign which replaces the existing sign will have no adverse effect on adjacent premises.

Regarding variance (ii). Although the new sign does not meet the required spacing to another existing static Third Party sign located to the south, many years ago trees were planted and have formed a natural visual barrier to the sign to the south. The resulting obstruction of the sign to the south, completely eliminates having two signs in the same line of sight which is the key objective in the spacing requirement. See the images below which confirm the natural barrier effect, which remains constant 365 days of the year because of the type of plant species, does not lose its foliage.



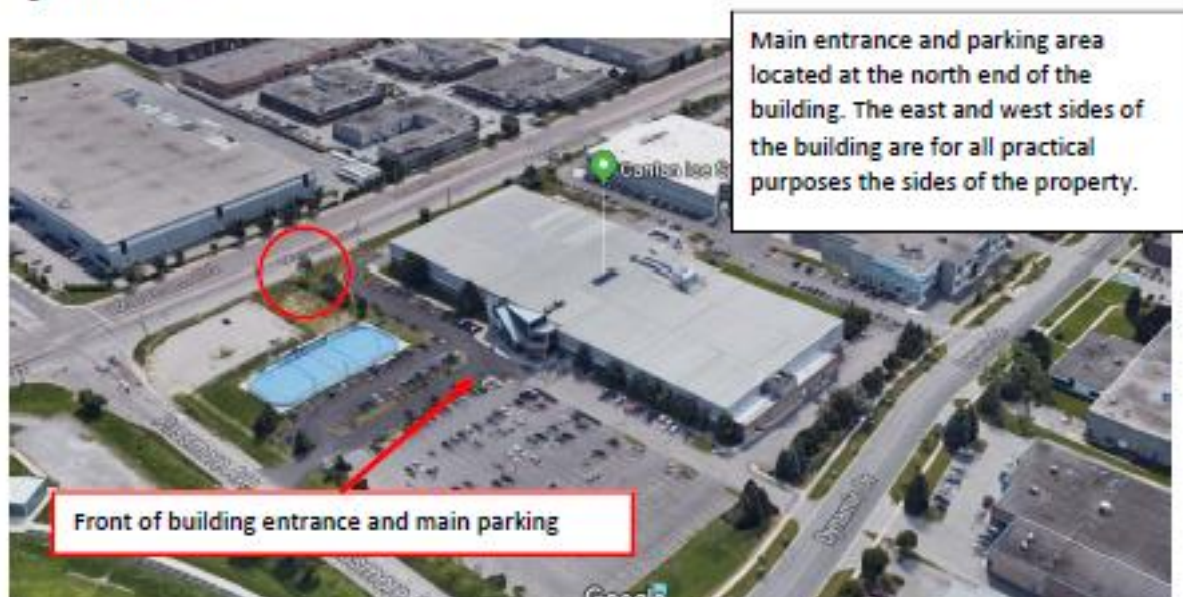


(6) Not adversely affect public safety.

The proposed sign, containing electronic static copy only, will not adversely affect public safety. The proposed sign location is beyond the required distance from a controlled intersection and faces no visibility triangle concerns. All operational requirements for electronic signs as defined in the City's Sign By-law will also be maintained by this proposal. The existing sign has been in place since the year 2003 and has had no incident that might affect public nor will a new more modern sign that uses a different method of displaying the image.

Regarding variance the sign setback iii). The by-law requires a 7.5 metre rear yard setback. The existing sign was built at a 3 metre setback, and the new sign which shall replace the existing sign shall be located in the same position on the property. The 3 metre setback is the required setback for a side yard which for all practical purposes is the most appropriate setback the sign is located on the side of the property based upon the orientation and use of the building. Based upon the layout of the building the sign is not located at the rear of the property.

Because the property has a 159 Dynamic address with an entrance off of Dynamic Drive, the opposite side of the property which fronts onto Markham Road is technically being described as the rear of the property. But the actual layout and use of the building does not match this as the main entrance of the building and the main parking area with a second entrance is located at the north end of the building with the back of the building (where the garbage bins are stored as example) being located at the south end. Thus, the rear yard setback would be more appropriately be applied at the south end of the building and not on the Markham Road side of the property which would be more appropriately described as the "side yard". It is our position that a sign with a smaller setback from the road is more visible and easier to see, which can reduce distraction. A sign which is setback further from the road causes drivers to momentarily look further away from the road. It is our position that the existing 3 metre setback is the appropriate setback for a sign of this size and that a greater setback will make the sign harder to see.





(7) Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B.

This is not a prohibited sign under 694-15B.

(8) Not alter the character of the premises or surrounding area.

As stated throughout this submission we are proposing to replace an existing sign. We are not introducing a new sign to the premises or surrounding area. We are simply replacing the existing sign with a like size display which will use a digital method of display vs. a traditional static paper posted display. The new sign that is a permitted sign type at this location will conform to size, height, zoning, setbacks from lot lines and intersections, setbacks from residential, hours of operation, illumination levels, and all general operating procedures for digital signs. This premises and the surrounding area have been deemed appropriate for Third Party advertising signage under previous sign by-laws and are generally acceptable under the current sign by-law. Many advertising signs exist in the immediate area (see the attached image below).

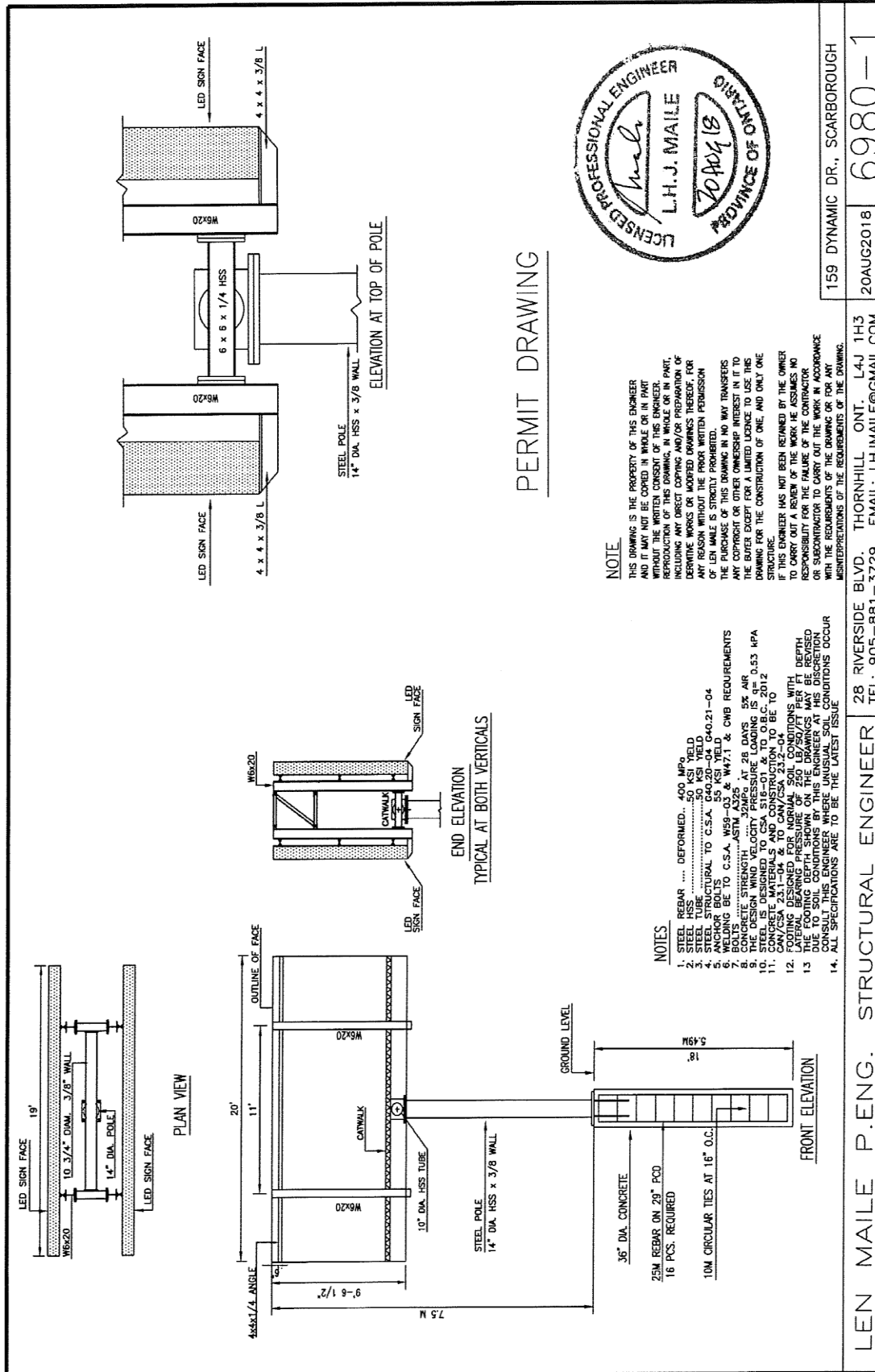


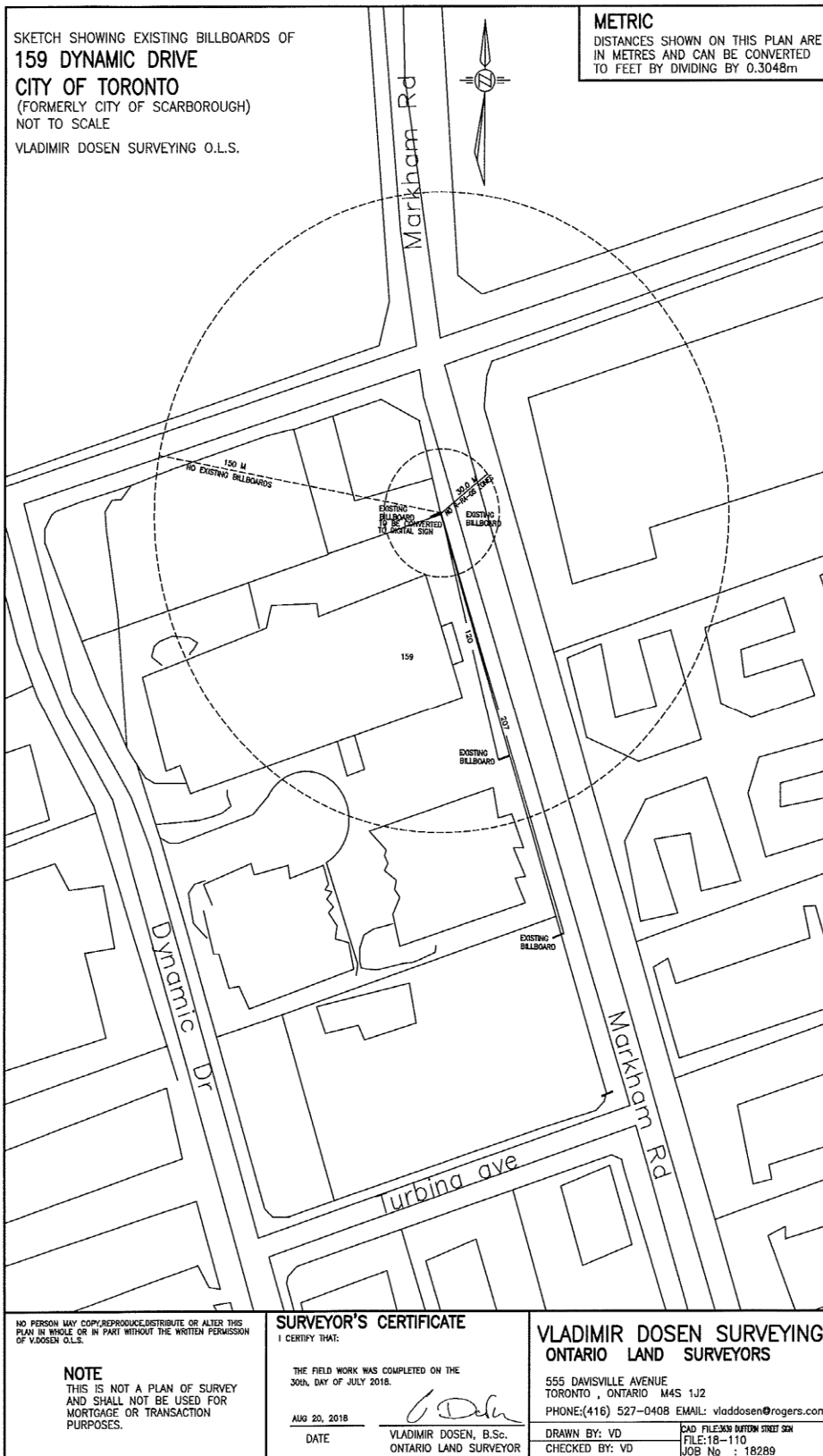
The new sign shall not alter the character of the premises or surrounding area.

(9) Not be, in the opinion of the decision maker, contrary to the public interest.

In Pattison's opinion, the proposed billboard is not contrary to the public interest. The subject premises is within a transient area that contains many existing third party ground signs north, south and west. This is an area where advertising in the public realm is typical, and where signs bring commercial vibrancy to the streetscape. Signage is so ingrained in our collective minds that most of the time we go about our daily activities without even knowing they are there. They direct us, remind us and sometimes even inspire us to make decisions each day. For local small businesses, they are a priceless way to establish an identity and gain new customers.

This particular sign will also generate income for a major sports facility, which will assist in the maintenance and upkeep of the complex that will benefit the patrons.





Vladimir Dosen Surveying Inc.

address: 555 Davisville Ave. Toronto, ON M4S 1J2

office: 416-466-0440

email: vladdosen@rogers.com

September 26, 2018

City of Toronto
100 Queen Street West
1st Floor, East Tower
Toronto, Ontario
M5N 2H2

Re: 159 Dynamic Drive
City Of Toronto
(Formerly City of Scarborough)

The attached sketch dated August 20, 2018 was prepared by my office based on Registry records and field verification and is correct as of the date shown. This sketch is prepared to illustrate the locations as they relate to the regulations outlined in Chapter 694, Signs, General, of the City of Toronto Municipal Code.

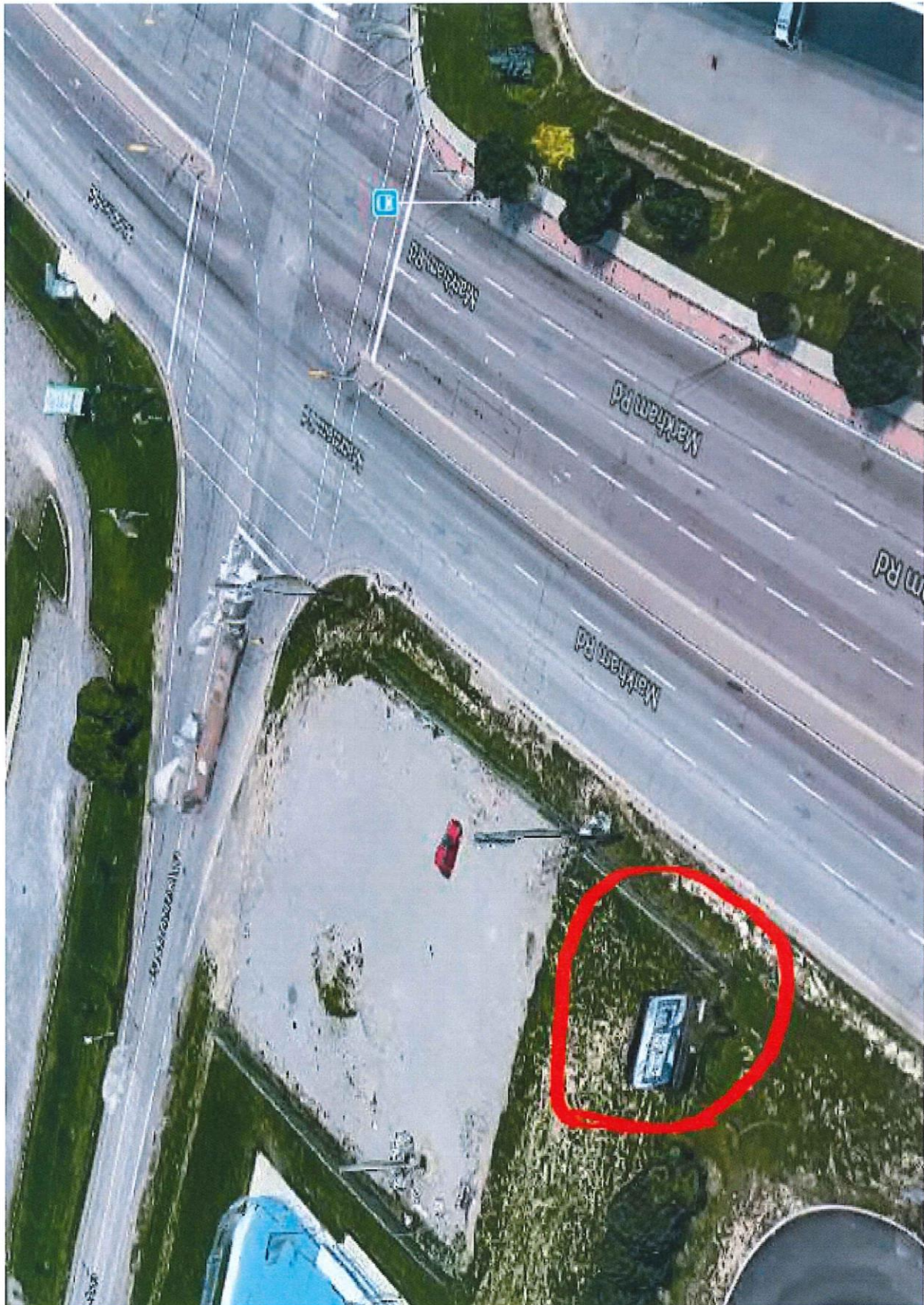
If further information is required, please contact the undersigned.

Yours truly,
VLADIMIR DOSEN SURVEYING INC.


Vladimir Dosen, O.L.S., O.L.I.P.


Submitted by: Stephen Mazur, Pattison Outdoor Signs
I hereby certify the accuracy of the attached Sketch submitted herewith.

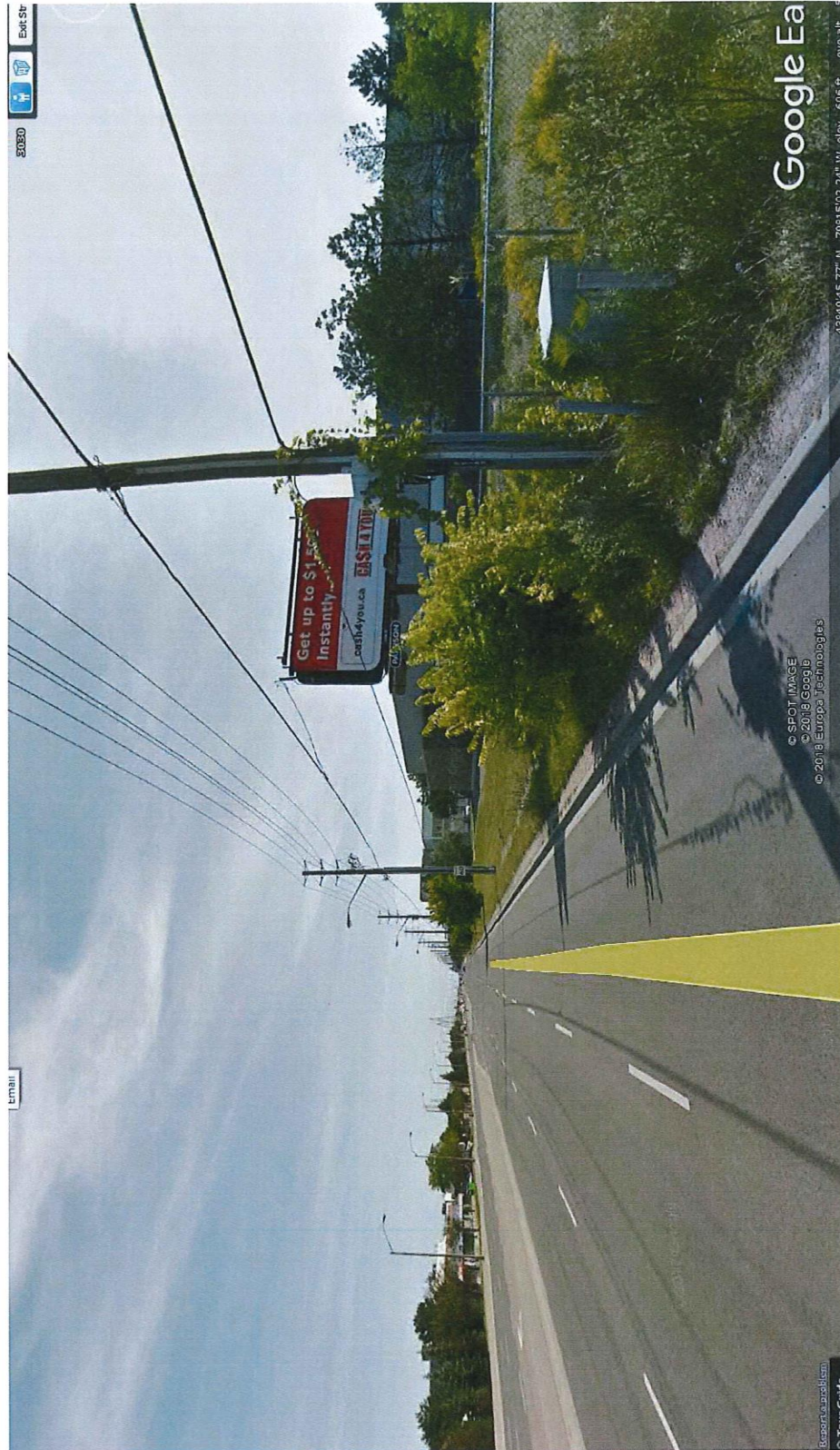
**VLADIMIR
DOSEN
SURVEYING**



159 Dynamic North Bound Markham Road side



159 DYNAMIC South Bound Markham Road Side



159 DYNAMIC ARIEL MARKHAM ROAD SIDE

