

Appeal Concerning Variances for One First Party Wall Sign at 135 Fenelon Drive

Date: June 24, 2019

To: Sign Variance Committee

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

Wards: Don Valley East (16)

SUMMARY

This report addresses an appeal concerning three variances sought respecting one first party wall sign displaying static copy (the Proposed Sign). The Proposed Sign is to be located on portions of the north elevation between the 15th and 18th storeys of an existing 20-storey apartment building at 135 Fenelon Drive (the Subject Premises).

The Proposed Sign is to contain one rectangular sign face, directed north towards Highway 401 and towards vehicular traffic travelling south-bound on the Don Valley Parkway. The height of the Proposed Sign (the highest point of the sign measured from grade) would be 48.46 metres. The Proposed Sign's sign face would have a bisecting line (horizontal dimension) of 12.19 metres and centre line (vertical dimension) of 9.14 metres, and would function to identify "Beaux Properties", the owner and manager of the apartment building on the premises, as well as advertise apartments available for rent within the building.

After conducting a review of the initial sign variance application made by N.K. Girdhar and Associates (the Applicant), a decision was made by the Chief Building Official and Executive Director, Toronto Building (the CBO) to refuse to grant the requested variances required for the erection and display of the Proposed Sign. Following this decision, an appeal was filed by the Applicant. The CBO has determined that the Applicant has not provided sufficient information to determine that the Proposed Sign meets all nine of the criteria established in §694-30A of the Sign By-law, which are required for a variance approval to be granted.

Specifically, insufficient information was provided to determine that the Proposed Sign is compatible with the development of the premises and surrounding area; supports Official Plan Objectives for the premises and surrounding area; does not alter the character of the premises or surrounding area; and is not contrary to the public interest. As such, the CBO does not support the Sign Variance Committee granting the requested variances for the Proposed Sign.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the requested variances to subsections 694-21B(4)(a), 694-21B(4)(b) and 694-21B(4)(c) with respect to the Proposed Sign at the premises municipally known as 135 Fenelon Drive, as described in greater detail in Attachment 1 of this report.

FINANCIAL IMPACT

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

DECISION HISTORY

The Applicant filed the initial application for the variances sought. On March 29th, 2019, the CBO issued the decision refusing to grant the requested variances for the Proposed Sign. On April 15, 2019, the Applicant filed an appeal of the CBO's March 29th decision.

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances for the Proposed Signs

Sign By-law Section	Requirement	Proposal
694-21B(4)(a)	An RA-Residential Apartment sign district may contain a wall sign, provided the sign face area does not exceed 2.0 square metres.	The Proposed Sign is to have a sign face area of 111.48 square metres.
694-21B(4)(b)	An RA-Residential Apartment sign district may contain a wall sign, provided the height does not exceed 3.0 metres.	The proposed sign is to have a height of 48.46 metres.
694-21B(4)(c)	An RA-Residential Apartment sign district may contain a wall sign, provided the sign is erected on a wall facing a street.	The proposed sign is erected on a wall that does not face a street.

Additional Alternative Submissions:

The Applicant's materials contain two additional alternative submissions, which must be addressed briefly.

The first alternative proposal mentioned by the Applicant seeks a proposal to vary not only the three above but to modify the permit length and renewal terms contained in Article II of Sign By-law that would otherwise be applicable. This proposal, for a sign identical in physical dimensions (the First Alternative Proposed Sign) is not within the jurisdiction of the Sign Variance Committee to consider. This is because under 694-29A(1) variance applications can only be made with respect to proposals which do not contain specific elements. One prohibited form of variance application is where a proposed sign would not comply with provisions of Article II of the Sign By-law (with an exception for non-compliance with section 694-6). The First Alternative Proposed Sign seeks modifications to many provisions of Article II. Therefore, the First Alternative Proposed Sign is not a matter which is capable of being a variance application, and so cannot be considered by the Sign Variance Committee.

Secondly, the Applicant has suggested that another alternative proposal for variances to subsections 694-21B(4)(a), 694-21B(4)(b) and 694-21B(4)(c), to allow for a sign of unspecified height, and sign face area, (the Second Alternative Proposed Sign) but is displayed on the same wall as the Proposed Sign that does not face a street. No specifics of the Second Alternative Proposed Sign, or how the Second Alternative Proposed Sign would meet any of the criteria have been included in the Applicant's materials. As will be noted below, the CBO is of the position that the Applicant has not provided sufficient information to determine that the Proposed Sign meets all nine of the required criteria with respect to the initial proposal of three variances. As no particulars of the Second Alternative Proposed Sign, or how the criteria would be met have been provided, CBO is of the position that the Applicant has to establish the nine required criteria with respect to the Second Alternative Proposed Sign.

Sign Attributes

The Proposed Sign is to contain one rectangular sign face with static copy, directed north towards Highway 401 and vehicular traffic travelling southbound on the Don Valley Parkway, and is to be located on portions of the 15th, 16th, 17th and 18th storey of the building.

The height of the Proposed Sign (the highest point of the sign measured from grade) would be 48.46 metres. The Proposed Sign would have a bisecting line (horizontal dimension of the sign face) of 12.19 metres and centre line (vertical dimension of the sign face) of 9.14 metres. The Proposed Sign would function to identify "Beaux Properties", the owner and manager of the apartment building on the premises, while also advertising apartment units available for rent within the building.

The Applicant indicated in their submission materials that the Proposed Sign is to be non-illuminated (See Figure 1 below for a rendering of the Proposed Sign).

Figure 1: Rendering of the Proposed Signs provided by the Applicant

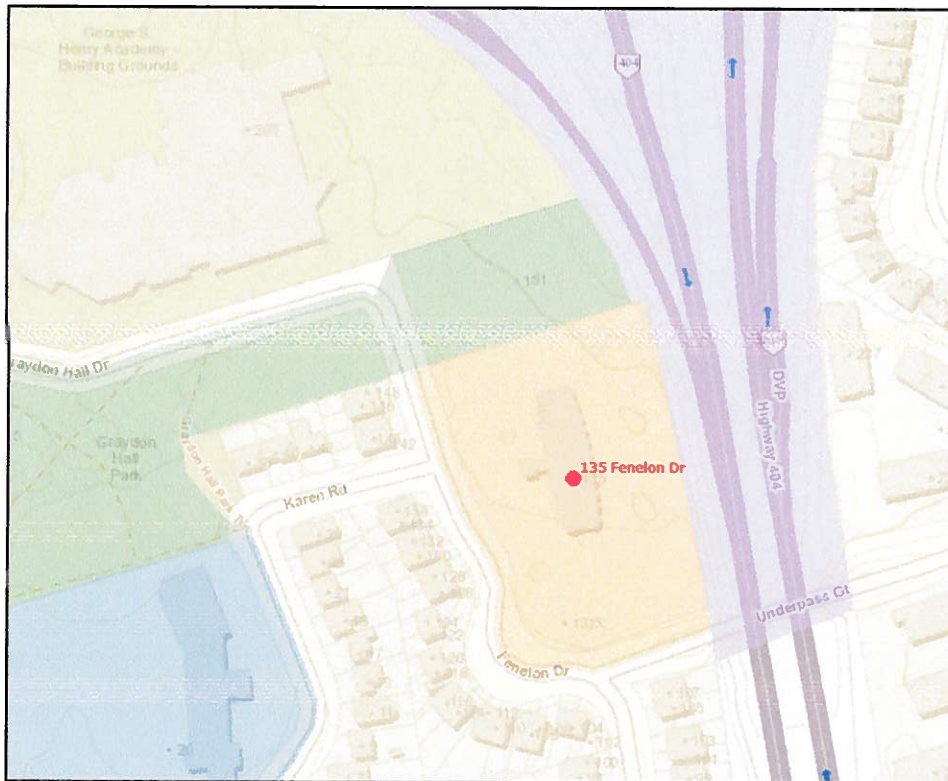


Site Context and Sign District Designation

The Subject Premises is located in Ward 16 - Don Valley East, south of Highway 401 and west of the Don Valley Parkway. It is designated as a Residential Apartment (RA) Sign District, and contains a 20-storey residential apartment building with associated surface-level parking.

The Subject Premises is surrounded by residential uses to the immediate west and south, and park lands and institutional uses to the north. Immediately to the east is the Don Valley Parkway. Properties to the west and south are designated as Residential (R) Sign Districts, while properties to the north are designated Open Space (OS) and Residential (R). The area encompassing this portion of the Don Valley Parkway is designated as a Utility Sign District (U). See Figure 2 below for a Sign District map of the Subject Premises and surrounding area.

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



COMMENTS

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

The Sign By-law contains specific criteria used in evaluating Sign Variance and Signage Master Plan 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 or Signage Master Plan application is appealed, the Sign Variance Committee conducts an *appeal de novo*, meaning that they are required to conduct an evaluation to determine whether the party seeking the variance has demonstrated that the Proposed Sign meets all nine criteria, on the basis of the information presented to the Sign Variance Committee.

It is the opinion of the CBO that the Applicant has not provided sufficient information to establish that the Proposed Sign meets all nine criteria. Specifically, the Applicant has not demonstrated that the Proposed Sign is compatible with the development of the premises and surrounding area; that it supports Official Plan objectives for the premises and surrounding area; that it would not alter the character of the premises and surrounding area; and that the sign is not 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

As demonstrated in the submission materials, the Proposed Sign is a first party sign as it will identify a business available at the premises and will advertise apartment units available at the premises. The Subject Premises is designated as an RA Sign District, which permits 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 a sign type permitted in the Sign District

Signs can only belong to one sign class – either first party or third party. As the Applicant demonstrated in their submission materials, the Proposed Sign is classified as a first party signs because it will identify a business at the premises and will advertise apartment units available at the premises. As the Proposed Sign is not a third party sign, 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

In 2018, the Sign By-law was amended to allow first party signs in RA Sign Districts to display all forms of first party sign copy, deleting the requirement that signs display copy associated only with residential apartment uses. The amendment allowed for the incorporation of images, logos and non-residential sign copy, consistent with the Tower Renewal Program and Residential Apartment Commercial (RAC) zoning designation adopted by City Council in 2014.

The current regulations for RA Sign Districts do allow wall signs and ground signs associated with non-residential uses and apartment buildings, which function to identify the business or building on the premises. Where wall signs are permitted, the sign face area is not to exceed 2.0 square metres, the height is not to exceed 3.0 metres, and the sign is to be erected on a wall facing a street. These provisions allow wall signs that are of a size, height and location that is compatible with the character of residential areas where these signs would be located.

The Applicant noted in their supporting rationale that, because there are similar signs on other residential apartment buildings and an office building in the surrounding area, the Proposed Sign is compatible with the development of the premises and surrounding area. The CBO has conducted a review of the existing signs at 7 and 8 Roanoke Road as described by the Applicant, and it appears that both were erected without obtaining the required approvals, and would not be permitted under current Sign By-law regulations. Furthermore, these signs are approximately 2.5 kilometres south of the Proposed Sign's location, and do not help to establish that this criteria has been met.

With respect to the office building described in the Applicant's submission as being located at the intersection of Don Valley Parkway and Eglinton Avenue East, the Sign By-law permits a wall sign displaying the logo or corporate symbol of a business located

on the premises at the upper-most storey of an office building that contains 10 or more storeys. While it is unclear which building the Applicant is referring to in their submission, the intersection of the Don Valley Parkway and Eglinton Avenue East is approximately 4.5 kilometres south of the Proposed Sign location, and does not help to establish that this criteria has been met.

The Proposed Sign is to have a sign face area of 111.48 square metres, a height of 48.46 metres, and is to be erected on a wall that does not face a street. The Proposed Sign is also to be used primarily for identifying "Beaux Properties", the owner and **manager of the apartment building at the Subject Premises. The Applicant has not** provided any information as to how a sign that is approximately 55 times larger than what is permitted, erected at a height more than 16 times higher than what is permitted, is compatible with the premises and surrounding area.

The CBO received comments from a member of the public which indicated that in their opinion the Proposed Sign was an inappropriate addition, in light of the Subject Premises and surrounding area being largely a "residential area." The CBO based on its review agrees that the introduction of the Proposed Sign is not in keeping with the over development of the Subject Premises and surrounding area as a collection of OS, R, and RA Sign Districts.

The Proposed Sign is also intended to be visible to traffic on Highway 401 and traffic travelling south-bound on the Don Valley Parkway, within an area where approval is required from the Ontario Ministry of Transportation (the MTO). The Applicant has not provided any correspondence from the MTO to demonstrate that the Proposed Sign is compatible with Highway 401 and that their approval could be obtained.

As the size, height, location and intended use of the sign is a significant departure from what the Sign By-law contemplates, and the Applicant has not provided any compelling information to show how the Proposed Sign would be compatible with the surrounding residential area or Highway 401, it does not appear 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 Official Plan designates the Subject Premises as an *Apartment Neighbourhood*., which are made up of apartment buildings and parks, local institutions, cultural and recreation facilities, and small-scale retail, services and office uses that serve the needs of area residents. The CBO's review revealed that there are no other Secondary Plan or Area-Specific policies applicable to the Subject Premises. It is not located within a Toronto and Region Conservation Authority-Regulated Area, and the building on the premises is not listed or designated under the Heritage Conservation Act.

The Applicant noted in their submission materials that the Official Plan designates the Subject Premises as a *Neighbourhood* area. The Applicant also noted that if the sign was proposed to be erected at any other location on the building, the sign would not support Official Plan objectives for the premises and surrounding area, but does not explain this point further.

As the Applicant has not provided any compelling information to demonstrate how the Proposed Sign, which deviates significantly from the provisions of the Sign By-law, supports the Official Plan objectives for *Apartment Neighbourhoods*, the CBO has determined that this criteria has not been established.

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

As the Applicant noted in their supporting materials, the Subject Premises is surrounded by residential uses to the immediate west and south, and institutional and open space uses to the north. As the Proposed Sign would be located on the northerly elevation of the building, it would not be visible to adjacent residential buildings.

While the Proposed Sign would be visible from the Open Space area to the north and to the neighbouring institutional uses, because the Proposed Sign would not be illuminated and erected at a height of 48.46 metres, it is not likely to have an adverse impact on these properties. As such, 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 Proposed Sign is to be located at a height of 48.46 metres, and it does not present any of the safety concerns that are commonly present with other signs, such as a sign located within a visibility zone, or within the minimum separation requirements from signalized intersections.

Furthermore, the CBO has reviewed the location of the Proposed Sign, the surrounding area, and the specific characteristics of both. There is nothing unique about the Proposed Sign or Subject Premises that would require additional provisions over and above those normally put into place for first party wall signs.

There is no element of the design or construction of the Proposed Sign that would appear (if it is constructed in accordance with Ontario Building Code requirements) to lead to a reasonable concern related to public safety, and the CBO does not believe that any other issues related to public safety are currently foreseeable. As such, the Applicant has provided sufficient information to establish this criteria has been met.

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

The Applicant's materials provide sufficient information to confirm that the Proposed Sign is not prohibited by §694-15B of the Sign By-law, and therefore the CBO has 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

The Subject Premises currently contains a 20-storey residential apartment building. The Subject Premises, currently contains various forms of signage on the premises includes including one non-illuminated and displaying static copy ground sign on the westerly

property frontage, and one that appears to be a temporary sign displaying readograph copy (displayed and changed manually).

Both of the existing ground signs advertise apartment units available in the building. There is also an existing wall sign on the first storey of the westerly elevation of the building used to identify an on-site daycare facility. These existing signs while not in compliance with the current signage permissions for the Subject Premises, are somewhat consistent with the current permissions for signs within an RA Sign District.

In the aforementioned commentary from a member of the public, the existing signs on the Subject Premises, were indicated an "eye sores" inappropriate for a residential area, and not reflecting the general character of the area. The Applicant did not provide any information to confirm whether all existing permanent and temporary signs on the Subject Premises comply with the applicable regulations for the Subject Premises. In any event, the CBO is of the opinion that the Applicant has not provided a sufficient basis to indicate that atypical signage on the Subject Premises or in the surrounding area is consistent with its character. The Proposed Sign would be a marked significant departure from the applicable standards for the area, or any existing signage on the Subject Premises.

The Applicant noted in their supporting materials that the Proposed Sign would blend in with the building façade, so as not to be visible to residents of the building or surrounding residential uses. While the Proposed Sign does not appear to be visible to adjacent residential uses, adding a wall sign with a sign face area of 111.48 square metres at a height of 48.46 metres, where no other signs at that height exist, would likely alter the character of the Premises.

The Applicant also noted that the sign would not result in sign clutter. However the addition of a sign of this size and height, where there previously was not one, and in addition to the existing signs on the Premises, is likely to contribute to sign clutter. As the Proposed Sign deviates significantly from the current permissions for wall signs in RA Sign Districts, it may also alter the residential character of the surrounding area. As such, the CBO is of the opinion that the Applicant has not established that the Proposed Signs would not alter the character of the premises or the surrounding area, and that this criteria has not been met.

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

A notice of the application was posted on the Subject Premises for a period of 30 days, and was mailed to property owners and businesses within 60 metres of the Subject Premises. The CBO has received four letters of objection in response to the application, which are included as Attachment 3 to this report. Although the concerns of residents were generally directed towards the overall building and site conditions, one resident did note that the existing signs and the Proposed Sign are an "eye sore", and inappropriate for a residential area.

Furthermore, the Sign By-law is representative of the public interest, in terms of regulating the height, size, and location of signs in the City. As no compelling

information has been provided by the Applicant to establish how a sign of this size and magnitude is not contrary to the public interest, the CBO has determined that this criteria has not been met.

CONCLUSION

The regulations in the Sign By-law serve to minimize sign clutter and enhance the public environment by encouraging a consistent approach to signage. As the Applicant has not convincingly demonstrated that the Proposed Sign is compatible with the development of the premises and surrounding area; that it supports Official Plan objectives for the premises and surrounding area; that it would not alter the character of the premises and surrounding area; and that the sign is not contrary to the public interest, the CBO does not support granting the variances as requested by the Applicant.

CONTACT

Brody Paul
Sign Building Code Examiner Inspector, Sign By-law Unit
E-mail: bpaul@toronto.ca; Tel: 416-392-3537

Nathan Jankowski
(Acting) Supervisor, Tax, Variance & Permits, 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 the Proposed Sign and Required Variances
Attachment 2: Applicant's Sign Variance Application Package
Attachment 3: Applicant's Sign Variance Appeal Package
Attachment 4: Letter of Opposition

ATTACHMENT 1: DESCRIPTION OF THE PROPOSED SIGN AND REQUIRED VARIANCES

Sign Description:

Proposed Sign: A non-illuminated wall sign to be located on portions of the 15th, 16th, 17th and 18th storey of the northerly elevation of an existing twenty-storey apartment building, on the premises municipally known as 135 Fenelon Drive (the "Subject Premises"), described as follows:

- The wall sign to contain one non-illuminated sign face, directed north;
- The sign face will display static copy;
- The sign face having a bisecting line not to exceed 12.19 metres;
- The sign face having a centre line not to exceed 9.14 metres;
- The sign face to be rectangular in shape;
- The face having a sign face area not to exceed 111.42 square metres; and
- At a height not to exceed 48.46 metres.

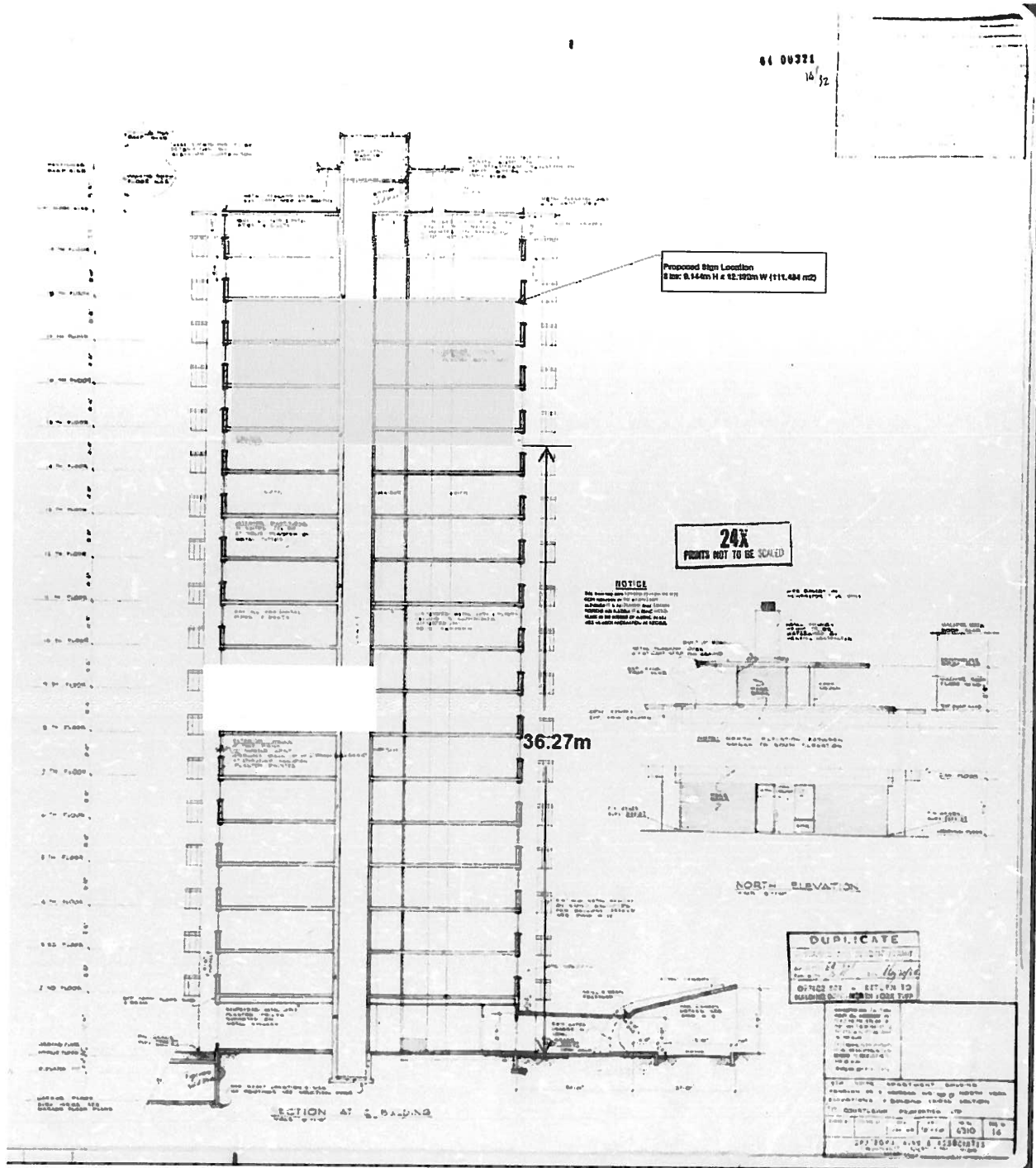
Required Variances:

1. The requirement contained at §694-21B(4)(a), which states that an RA-Residential Apartment sign district may contain a wall sign, provided the sign face area shall not exceed 2.0 square metres, be varied to allow the proposed sign to have a sign face area of 111.48 square metres.

2. The requirement contained at §694-21B(4)(b), which states that an RA-Residential Apartment sign district may contain a wall sign provided the height shall not exceed 3.0 metres, be varied to allow the proposed sign to have a height of 48.46 metres.

3. The requirement contained at §694-21B(4)(c), which states that an RA-Residential Apartment sign district may contain a wall sign provided the sign is erected on a wall facing a street, be varied to allow the proposed sign to be erected on a wall that does not face a street.

ATTACHMENT 2: APPLICANT'S SIGN VARIANCE SUBMISSION PACKAGE





Proposed Sign
Size: 9.14m H x 12.19m W (111.494 m²)
Grade to bottom of sign: 36.27m

135 FENELON DR. TORONTO
FOLDER # 18.247723

PROPOSED
SIGN-MAKEUP
PHOTO



Proposed Sign
Size: 9.144m H x 12.192m W (111.484m²)
Grade to bottom of sign: 36.27m



DON VALLEY PKWAY/LAWRENCE AVE. E.



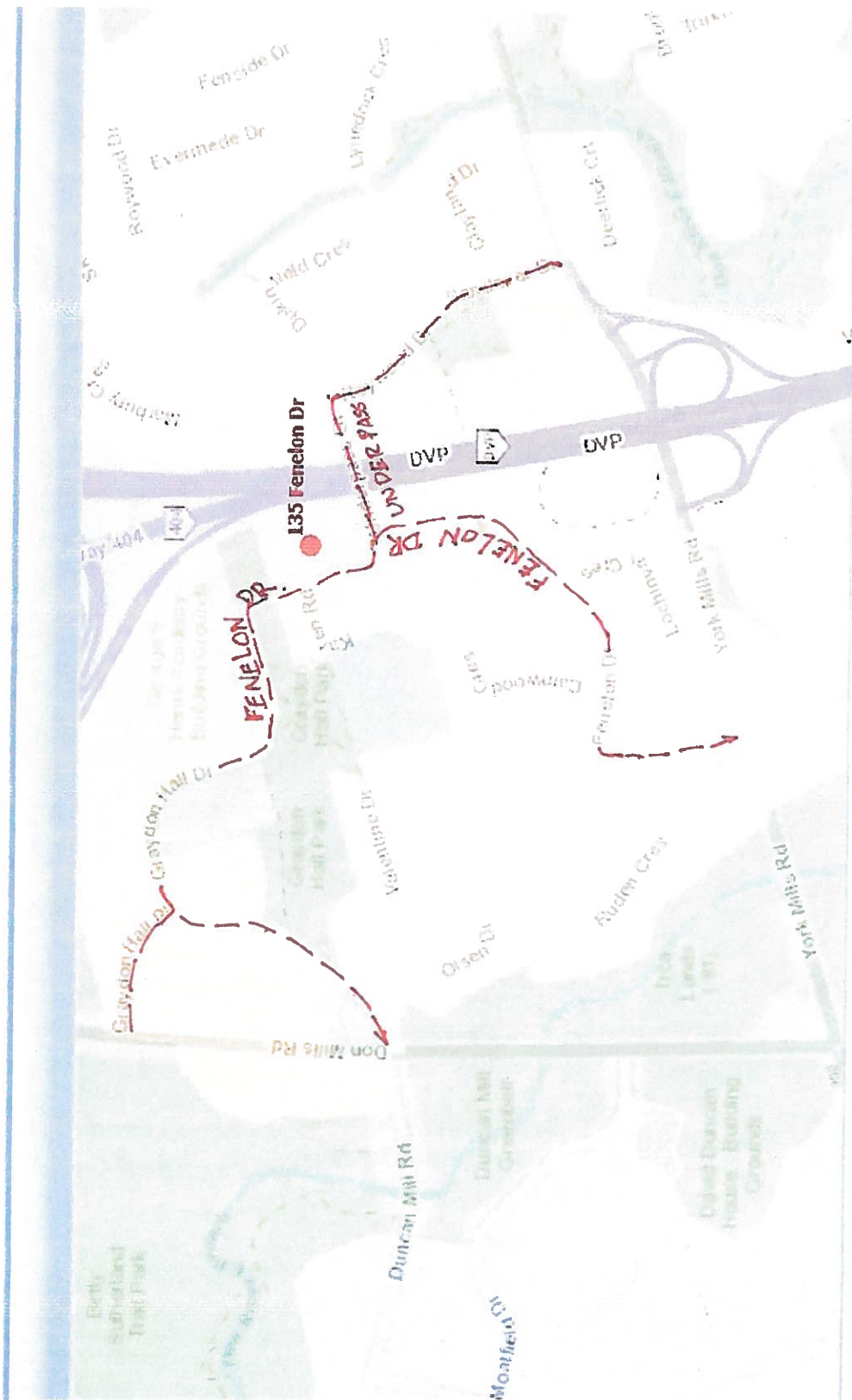
DON VALLEY PKWY / EGLINTON AV. E.



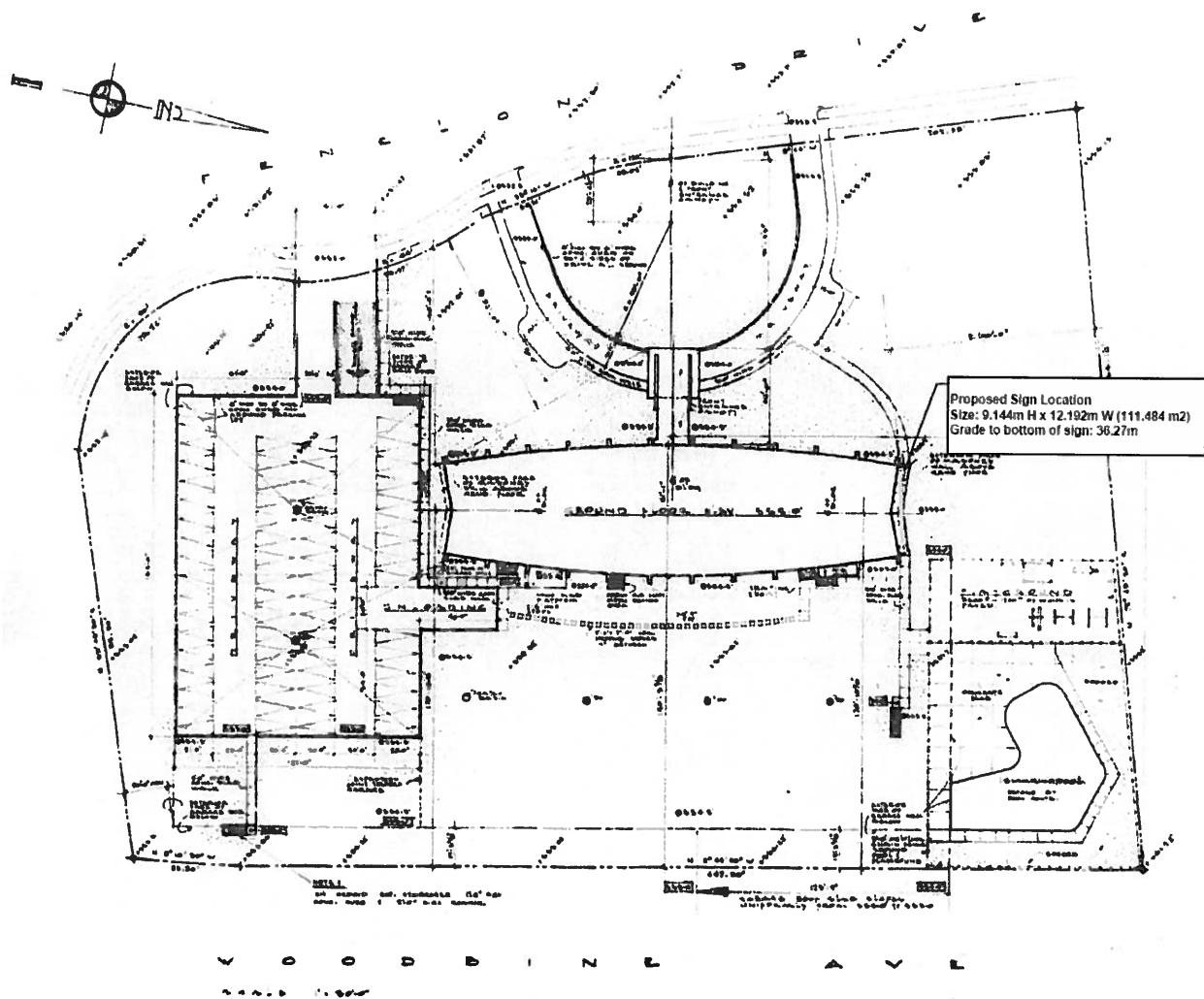
SignView

135 fenelon DRIVE

SIGN DISTRICT MAP







REVISED

Rationale for approval of sign variances for a proposed non-illuminated first party wall sign to be erected and displayed on the north wall of a residential apartment building at 135 Fenelon Drive, Toronto.

The proposal is to erect and display a non-illuminated first party wall sign (Banner Sign) on the north wall of an 18 storey high residential apartment building located on the premises at 135 Fenelon Drive, Toronto. The building is located in an RA-Residential Apartment Sign District. The proposed sign is 12.19m wide and 9.14m high with an area of 111.42m². The sign would be located 45.41m above grade. The sign copy would display "FOR RENT/ RENT HERE".

As per Examiner's Notice: The PPR Notice # 18-247723 ZPR 00 ZR (Folder RSN: 4475783) dated November 22, 2018 states that the proposed sign is located in an RA – Residential Apartment Sign District and the sign is classified as a wall sign. The sign must comply with the multiple provisions of Ch. 694-21.B.(4):

The following variances have been identified and required to the section 694-21.B.(4):

1. Belong to a sign class permitted in the Sign District where the Premises is located.
 - ♦ The sign is a first party wall sign which is a permitted sign class in an RA-Residential Apartment Sign District.
2. In the case of third party sign, be of a sign type that is permitted in the Sign District, where the sign is located.
 - ♦ N/A as this is a first party sign.
3. Be compatible with the development of the premises and surrounding area.
 - ♦ Although the sign will be located at the 17th storey of the building whereas a wall sign above second storey of a residential apartment building is not permitted. In this case, however, if a permitted size small sign is erected on the north wall at a permitted height on second storey of the building, the sign would not be visible to any one because of an existing sound barrier wall is located along Don Valley Parkway in this area (See attached Photo).
 - ♦ There are similar type signs on other residential apartment buildings clearly visible from Don Valley Parkway and Lawrence Ave. East. (See Attached Photos of 7 Roanoke Road and 8 Roanoke Road and as well on an office building at Don Valley and Eglinton Ave East)
 - ♦ The sign would be more compatible with the development of the premises. The rectangular type non-illuminated sign located at the 17th storey level, on the north brick wall of the building is designed and sized to blend in very well with the rectangular brick façade of the building. The sign at this location would be least intrusive to the vehicular traffic of highway 401 and to the south bound

traffic on Don Valley Parkway. Also, the sign would not be visible to the resident of the building on the premises as well it would not be visible from the residences located in the surrounding areas to the east, west and south of this premises.

4. Support the Official Plan objectives for the Premises and surrounding area.
 - ♦ Chapter 4 of the Official Plan, Section 4.1 (Neighbourhoods) relates to Toronto's hundreds of Neighbourhood contain a full range of residential uses within lower scale buildings, consists of detached, Semi-detached houses, duplexes, triplexes and townhouses.
 - ♦ Where development is proposed on a site within an existing apartment building in neighbourhoods must respect the stability of Neighbourhoods' physical character. Physical changes to established Neighbourhoods must be sensitive, gradual and generally "fit" the existing physical character.
 - ♦ The sign was designed by keeping in mind about the, premises location in relation to residential Neighbourhood, building orientation and building architecture; size, colour coordination of the sign as well its location on the building to blend in well with the building façade and be pleasing and yet visually clear for its intended purpose without any adverse impact on the vehicular traffic and on the Neighbourhood where the premises is located.
 - ♦ If the sign was proposed at any other location on the building i.e facing south on the south wall or facing west on the west wall of the building would not support the Official Plan objective for the premises and surrounding uses. Therefore, the proposed location on the north wall is least intrusive and it would not go against the Official Plan objective for the premises and surrounding area.
5. Not adversely affect adjacent premises.
 - ♦ Adjacent premises to the north of this premises comes under OS-Open Space Sign district and adjoining to the north of Open Space Sign District is George S Henry Academy Building Grounds and then followed by Hwy 401/Don Valley Parkway ramps. It is my view that the non-illuminated sign located at 17th floor level which is well blended with building façade will not adversely impact the premises or the adjacent uses to the north.
 - ♦ Adjacent premises to the east of this premises comes under U-Utility Sign District and followed by Don Valley Parkway. The is not visible from the premises locted to the east and therefore it would not negatively impact premises to the east.
 - ♦ Adjacent premises located to the south and west are under R-Residential Sign District, however, the proposed sign located on the north wall of the apartment building is not visible from the single or two storey residences located to the south or west of this premises. Therefore the sign would not adversely impact the premises located in the R-Residential Sign Districts located to the south and west of this premises.
6. Not adversely affect public safety, including traffic and pedestrian safety.

- ♦ The proposed sign is professionally designed non-illuminated rectangular shape sign would blend in with the rectangular brick façade of the building. The sign located at the 17th floor level and from such a long distance from the traffic on the highway 401 or traffic on the Don Valley Parkway would have a minimal adverse if any on the traffic safety, pedestrian safety. The sign (Banner Sign) would be professional installed and fully secured on the north wall of the building and it would not cause any safety issue for the residents of the building or for the surrounding premises.
7. Not be a sign prohibited by section 694-15B.
 - ♦ This sign is not a type sign prohibited and listed under section 694-15B.
 8. Not alter the character of the Premises or surrounding area.
 - ♦ The proposed rectangular type non-illuminated sign is designed by keeping in mind to is to integrate it with the architecture of the building and to blend in well with the rectangular brick façade of the building so that it has a very little if any adverse impact on the premises or surrounding areas.
 - ♦ The sign blends in so well with the building façade and it is not visible to the residents of the building or surrounding residential uses.
 - ♦ The sign does not cause any sign clutter on the premises and the sign would not alter the character of the premises or the surrounding area
 9. Not be, in the opinion of the decision maker, contrary to the public interest.
 - ♦ We will the Notice of Variance Application on Site for 30 days. Notice may also be circulated to properties located within the prescribed distance around the premises.
 - ♦ The proposed sign is well designed and positioned on the building and it would not cause clutter or compromise or alter the character of the premises or surrounding area.
 - ♦ A well designed non-illuminating first party sign which blends in well with the architecture of the building and does not adversely impact the premises or surrounding uses is a sign that would not be contrary to the public interest.

ATTACHMENT 3: APPLICANTS SIGN VARIANCE APPEAL PACKAGE

[Print](#) [Reset Form](#) [PLEASE TYPE IN ALL CAPS](#)



Application Sign Variance Appeal

Folder No.	Date (yyyy-mm-dd)
------------	-------------------

Decision Under Appeal

Variance Decision No. 135 Fenelon Drive (19-101201)			
Street No. 135	Street Name FENELON DRIVE	Lot No.	Plan No.

Appellant Information

First Name NORM		Last Name GIRDHAR	
Company Name (if applicable) N.K. GIRDHAR AND ASSOCIATES		Telephone No. (416) 727-8068	
Street No. 20	Street Name FOXMERE ROAD	Suite/Unit No.	Mobile No. (416) 727-8068
City/Town BRAMPTON	Province ON	Postal Code L7A 1S4	Fax No.
E-mail Address norm.girdhar@gmail.com			
Describe the variance that was applied for: 1. The proposed 111.48 m2 sign face area of the proposed wall sign exceeds the permitted sign face area of a wall sign in an RA - Residential Apartment Sign district [(694-21B(4)(a)]. 2. The proposed wall sign will be located on the north wall of the building at a height of 48.46 metres above grade whereas, in an RA - Residential Apartment Sign district the height shall not exceed 3.0 metres above grade [(694-21B(4)(b)]. 3. An RA - Residential Apartment Sign district may contain a wall sign provided the sign is erected on a wall facing a street, whereas the sign is located on a wall that does not face a street [(694-21B(4)(c)]. Please provide the reasons/justifications for the appeal (attach any supporting documentation or additional pages as required). Please See Attached Page Justifications / Reasons for the Appeal.			

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, NORM		Last Name GIRDHAR	
Company Name (if applicable) N.K. GIRDHAR AND ASSOCIATES			Telephone No. (416) 727-8068
Street No. of, 20	Street Name FOX MERE ROAD	Suite/Unit No.	Mobile No. (416) 727-8068
City/Town BRAMPTON	Province ON	Postal Code L7A 1S4	Fax No.
E-mail Address norm.girdhar@gmail.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.			
		Norm Girdhar	
Signature		Print Name	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

RATIONALE FOR APPROVAL:

It is our understanding that the intent of the Sign by-law is to regulate all signs to be erected and displayed in the city. As I understand that although the by-laws are formulated or designed to serve as a guideline for an orderly development in the city, however, that there is no single by-law which can capture each and every situation out there in the field. In this case also, due to our building's location and footprint configuration on the premises, we are finding it difficult to display our sign without compromising the sign bylaw. Therefore for this reason we are seeking some relief and flexibility to get your approval while keeping the intent and spirit of the sign by-law.

The variance related to sign height occurs because the permitted height under the by-law is not to exceed 3.0m, whereas the building is located in close proximity of a 4.0 m high concrete wall noise barrier, which runs north-south along the east property line of the premises. Therefore, if the sign is erected at the permitted height of 3.0 m, the sign would not be visible to motorist on Fenelon Drive or anyone travelling on Don Valley Parkway.

The second variance is required because in this sign district a wall sign is permitted with an area of 2.0 m², whereas, permitted size sign located at the proposed height of 48.46m on the north wall of the building will not be properly visible or have any visual value for the motorist travelling on Don Valley Parkway. Therefore, we are seeking permission to erect a bit larger size wall sign at this location and with a simple message "FOR RENT"/ RENT HERE.

It is our opinion that the proposed sign is compatible with the development of the premises. The professionally designed rectangular type non-illuminated sign located on the north brick wall of the building is sized and designed to blend in very well with the rectangular brick façade of the building. The sign at this location would be least intrusive to the vehicular traffic of highway 401 and to the south bound traffic on Don Valley Parkway. Also, the sign would not be visible to the resident of the building on the premises. It would not be visible from any residences located in the surrounding areas to the east, west or south side of this premises.

The sign was designed by keeping in mind about the, premises location in relation to residential neighbourhood, building orientation and building architecture; size, colour coordination of the sign as well its location on the building to blend in well with the building façade and be pleasing and yet visually clear for its intended purpose without any adverse impact on the vehicular traffic and on the Neighbourhood where the premises is located.

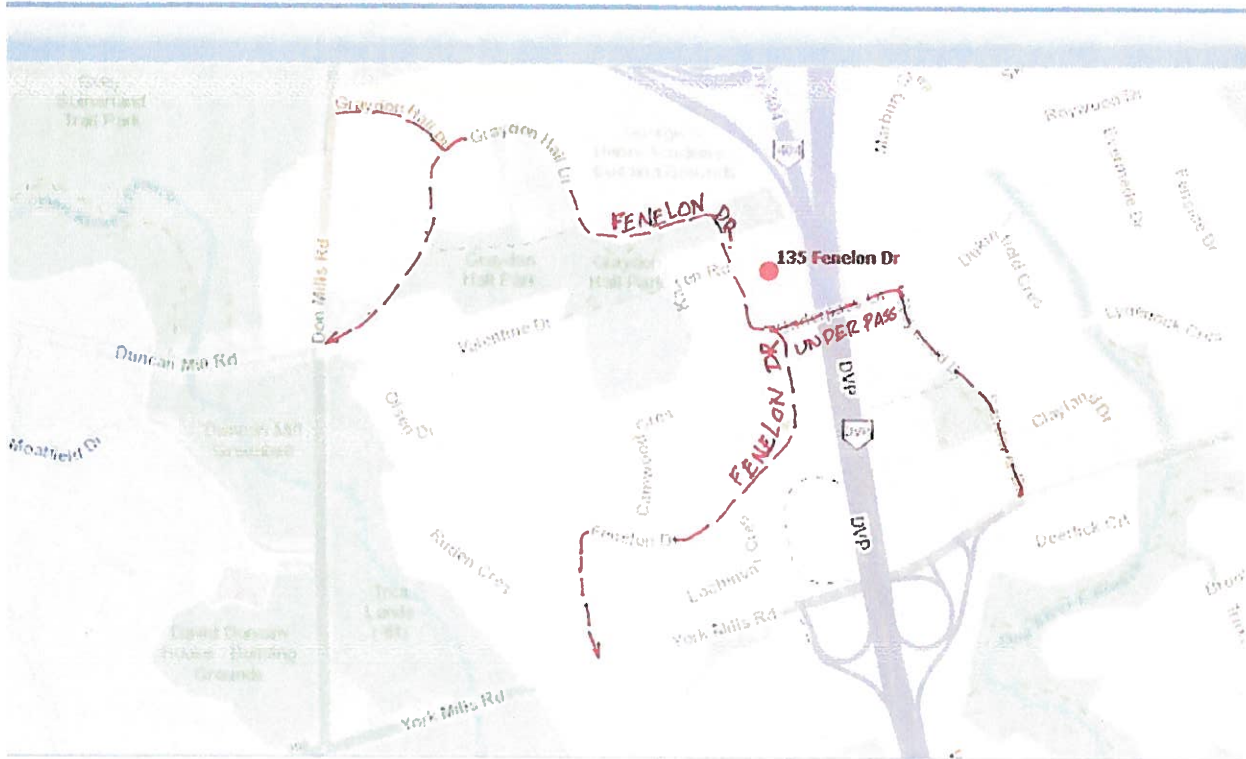
The approval of this sign is very crucial for the survival of this rental apartment building. There are many similar type "FOR RENT"/ RENT HERE signs are already displayed on buildings those are located in the general vicinity along Don Valley Parkway (See Attached Photographs). We do understand city's concern. However, If you still have some reservations or feel that there might be some objections about the approval of this non-illuminated wall sign from the neighbourhood community or anyone else from the general public, in that case we can assure you that please grant us only a conditional approval for a temporary sign for a period of only one year and if during that period of one year if anyone will have any objection about the approval of this sign, we will not even seek any further time extension from the city to keep the

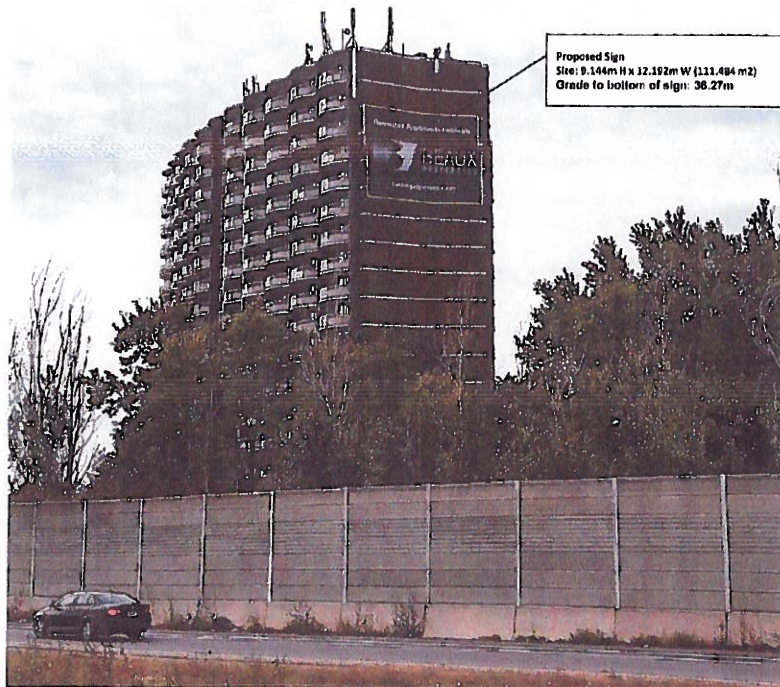
sign there on the building. Furthermore, this sign is so important for the survival of this rental building that if you find that the reduction in the size of sign would help to create a better visual impact on the building in that case we will gladly reduce the size of the sign also. We are fully committed to co-operate with the city in respecting the bylaw.

SignView

135 fenelon DRIVE

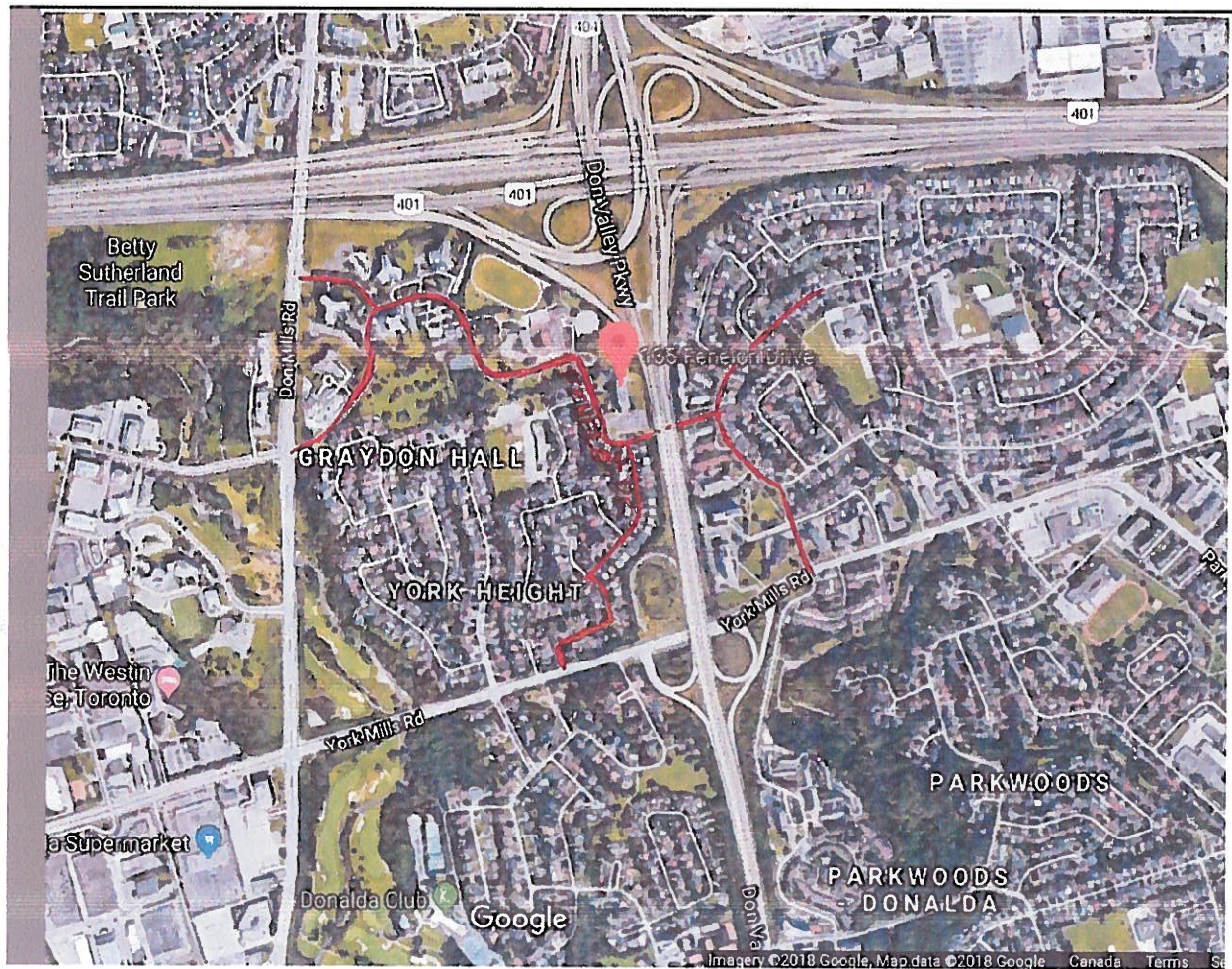
SIGN DISTRICT MAP





PROPOSED
SIGN - Mockup
PHOTO

135 FENELON DR. TORONTO
FOLDER # 18-247723





DON VALLEY PKWAY / EGLINTON AV. E.



DON VALLEY PKWAY/LAWRENCE AVE. E.





ATTACHMENT 3: LETTERS OF OPPOSITION

From: trans-can@rogers.com [mailto:trans-can@rogers.com]
Sent: March-17-19 11:53 AM
To: signbylawunit <signbylawunit@toronto.ca>
Subject: 135 Fenelon Drive (19-101201)

To whom it may concern;

In regards to the sign that is proposed to go up on the Residential Apartment building across from our house we would like to give a definite no on this proposal. We have had to fight before with this owner about the signs he has put up in the past. They are an eye sore and do not belong on a residential street. This owner is already receiving payments for his communication towers on the roof of his building. We have had enough of this owner. He is only in this for the money and he does not look after his property. There is garbage all over his property that spills over to the homes on our street.

If you need any other information from us we would be pleased to speak with you.

With best regards,
Patricia Jardine/Richard Wilson
126 Fenelon Drive
416-444-9419

From: yihong hu [mailto:andrewhu3000pk@yahoo.ca]
Sent: March-11-19 9:15 PM
To: signbylawunit <signbylawunit@toronto.ca>
Subject: Objection to sign on 135 Fenelon Drive (19-101201)

Dear Sir/Madam

I disagree and will do whatever it takes legally to stop the sign proposed being put up. Putting up the sign will encourage people/renters to come, block our driveways, cause traffic congestion, and unsafe street conditions for pedestrians, specially children. The developer has not done anything to solve the problem related to parking from residents and visitors to his building that block our driveways, park in non approved areas in wrong parking hours frequently. We have complained day and night for years and nothing has been solved. All this at the expense of the neighbors while the developer gets more clients. The developer/property manager should first focus on the basics such as looking after the condition of the building and clear his congestion in the street of neighbors, where has put the whole street in gridlocks with cars not being to get in and out. The developer has already managed or in the process to get a zoning amendment for a development on the south side for some additional buildings, which everyone was opposed to because of him not looking after the neighbors. What else does he want?

Attached are few pictures in different times and seasons of the year that will show you what I am talking about.

Sincerely,

Yihong Hu

From: Bernie [mailto:bernie@canadapooch.com]
Sent: March-03-19 8:44 PM
To: signbylawunit <signbylawunit@toronto.ca>
Subject: Objection to sign on 135 Fenelon Drive (19-101201)

Hello

I too oppose the proposed sign going up. I second the sentiments by Andrew below.

The developer has total disregard for the neighborhood residents.
The developer does nothing to improve conditions for the area residents. In the end its all about financial gain for the developer, with total disregard for the neighborhood.

Best,
Bernadette

Dear Sir/Madam

I disagree and will do whatever it takes legally to stop the sign proposed being put up.

The developer has not done anything to solve the problem related to parking from residents and visitors to his building that block our driveways, park in non approved areas in wrong parking hours frequently.

We have complained day and night for years and nothing has been solved.

Putting up the sign will encourage people/renters to come, block our driveways, cause congestion and unsafe street conditions.

All this at the expense of the neighbors while the developer gets more clients.

Attached are few pictures in different times and seasons of the year that will show you what I am talking about.

Unless the developer solves his parking problems - no signs shall be put up or approved.

The developer/property manager should first focus on the basics such as looking after the condition of the building and clear his driveway into the garage from snow which has put the whole street in gridlocks with cars not being to get in and out.

Bright lights coming out of the garage from his buildings disrupting us and visitors from his buildings blocking our driveways.

The developer has already managed or in the process to get a zoning amendment for a development on the south side for a 4 Storeys building instead of 8 which everyone was opposed to because of him not looking after the neighbors.

What else does he want?

I got more emails, pictures and videos to support my statements if you would like to get copies

Thank you
Andrew

From: R B [mailto:bejatovicr@gmail.com]
Sent: March-03-19 4:49 AM
To: Andrew Kamel <andrewkamel@gmail.com>
Cc: signbylawunit <signbylawunit@toronto.ca>
Subject: Re: Objection to sign on 135 Fenelon Drive (19-101201)

I agree with you.
thank you

On Sat, 2 Mar 2019 at 19:29, Andrew Kamel <andrewkamel@gmail.com> wrote:
Dear Sir/Madam

I disagree and will do whatever it takes legally to stop the sign proposed being put up.

The developer has not done anything to solve the problem related to parking from residents and visitors to his building that block our driveways, park in non approved areas in wrong parking hours frequently.

We have complained day and night for years and nothing has been solved.

Putting up the sign will encourage people/renters to come, block our driveways, cause congestion and unsafe street conditions.

All this at the expense of the neighbors while the developer gets more clients.

Attached are few pictures in different times and seasons of the year that will show you what I am talking about.

Unless the developer solves his parking problems - no signs shall be put up or approved.

The developer/property manager should first focus on the basics such as looking after the condition of the building and clear his driveway into the garage from snow which has put the whole street in gridlocks with cars not being to get in and out.

Bright lights coming out of the garage from his buildings disrupting us and visitors from his buildings blocking our driveways.

The developer has already managed or in the process to get a zoning amendment for a development on the south side for a 4 Storeys building instead of 8 which everyone was opposed to because of him not looking after the neighbors.

What else does he want?

I got more emails, pictures and videos to support my statements if you would like to get copies

Thank you
Andrew