

Appeal to Sign Variance Decision Respecting Two First Party Wall Signs (21–172811): 3410 Sheppard Avenue East

Date: March 11, 2022

To: Sign Variance Committee

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

Wards: Scarborough - Agincourt (Ward 22)

SUMMARY

Zip Signs Ltd. (the "Appellant") has stated that they have been authorized by both Desjardins Financial Security (the "Sign Owner") and the owner of the property municipally known as 3410 Sheppard Avenue East (the "Subject Premises"), to appeal a refusal decision made to a Sign Variance application (21–172811). The application required one variance from the Sign By-law in order to allow for permits to be issued for each of the two first party wall signs (the "Proposed Signs") to be erected and displayed above the second storey of an office building.

The Proposed Signs would be erected on the fourth storey of the building on the Subject Premises. One on the east elevation ("Proposed Sign East") and one on the west elevation ("Proposed Sign West"). Both of the Proposed Signs would have a rectangular sign face with a maximum bisecting line of 1.73 metres (vertical measurement); a maximum centre line of 4.57 metres (horizontal measurement), and a maximum height of 14.58 metres.

The Appellant notes that the Proposed Signs would, if allowed, contain sign copy that would identify "Desjardins Financial Security", a tenant in the building at 3410 Sheppard Avenue East. There are no conditions proposed requiring such specific sign copy, and the variances for each of the Proposed Signs, would allow for signs that contain any form of first party sign copy.

After conducting a review of the Sign Variance application, 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 Signs. Following this decision, the Appellant filed an appeal of the CBO's decision. This appeal was filed in accordance with the requirements of the Sign By-law.

The CBO has reviewed all materials presented in connection to this Appeal, and determined that the Appellant 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 in order for a variance approval to be granted.

Specifically, insufficient information was provided to determine that the Proposed Signs would not alter the character of the premises and surrounding area and that the Proposed Signs would not be contrary to the public interest.

As such, the CBO does not support the Sign Variance Committee granting the requested variances for the Proposed Signs.

RECOMMENDATIONS

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

The Sign Variance Committee refuse to grant the requested variances to section 694-21.D(5), required to allow for the issuance of a permit respecting the erection and display of each of the Proposed Signs at the property municipally known as 3410 Sheppard Avenue East as described in Attachment 1.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report.

DECISION HISTORY

Zip Signs Ltd. (the "Appellant") filed the initial application for the variances sought. On September 16th 2021, the CBO issued the decision refusing to grant the requested variances for the Proposed Signs. On October 4th, 2021, the Appellant filed an appeal of the CBO's September 16th decision.

ISSUE BACKGROUND

Required Variances:

Table 1: Summary of Requested Variances for Proposed Sign

Sign By-Law Reference	Requirement	Proposal
§ 694-21.D(5)(a)	A CR – Commercial Residential sign district may contain a wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(4), provided the sign shall not be erected above the second storey.	Proposed Sign East is proposed to be erected and displayed at the fourth storey.

§ 694-21.D(5)(a)	A CR – Commercial Residential sign district may contain a wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(4), provided the sign shall not be erected above the second storey.	Proposed Sign West is proposed to be erected and displayed at the fourth storey.
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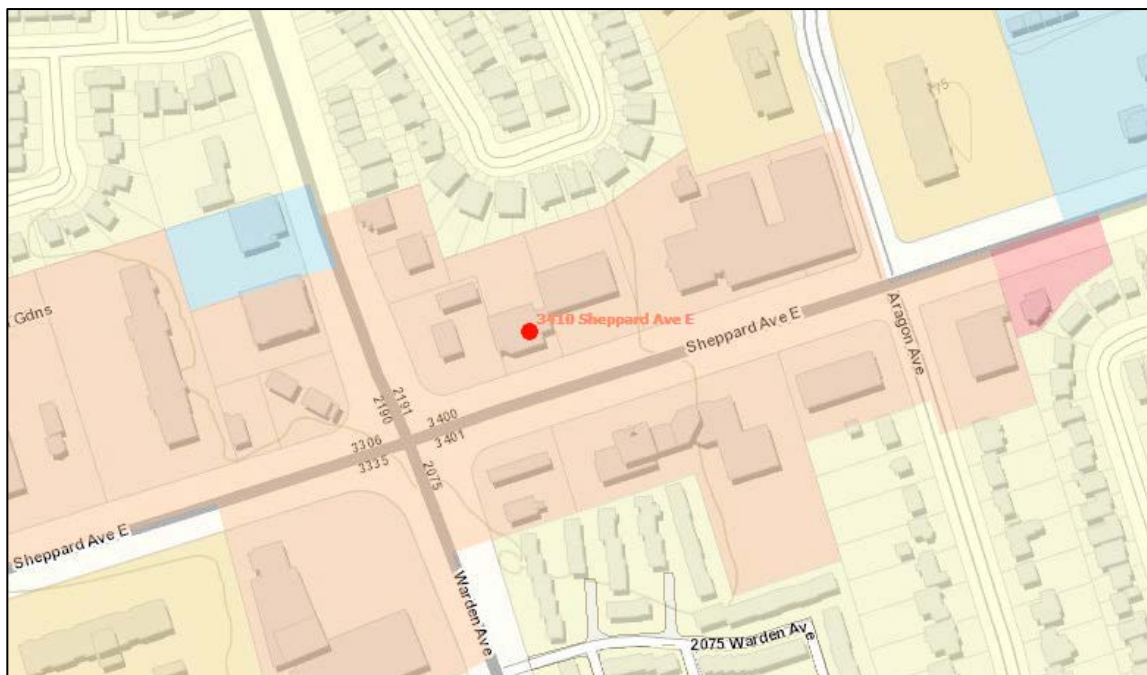
Sign Attributes and Site Context:

The Proposed Signs would be located at the top of the fourth storey of a four storey office building; Proposed Sign East would be located on the east building elevation and Proposed Sign West would be located on the west building elevation. Outside of the differences in location, the two Proposed Signs are identical. Both of the Proposed Signs would have a rectangular sign face with a maximum bisecting line of 1.73 metres (vertical measurement); a maximum centre line of 4.57 metres (horizontal measurement), and a maximum height of 14.58 metres.

Although the Appellant notes that the current proposal for the two Proposed Signs would be, if allowed, for the two signs to exclusively contain sign copy that would identify "Desjardins Financial Security", a tenant in the building at 3410 Sheppard Avenue East; there are no conditions proposed requiring such specific sign copy. Therefore, the variances for each of the Proposed Signs, would allow for signs that contain any form of first party sign copy.

The Proposed Signs are designed to be seen from both east and west of the premises along Sheppard Avenue East. The Proposed Signs are described further in Attachment 1.

Figure 1: Sign District Map – 3410 Sheppard Avenue East



3410 Sheppard Avenue East is located on the north side of Sheppard Avenue East, to the east of Warden Avenue, and is designated as a Commercial Residential ("CR") Sign District, located in Ward 22 – Scarborough Agincourt. The Subject Premises contain a four-storey office building, with tenants including: a Pharmacy, Dental Office, Physiotherapy Clinic, and several others.

Surrounding Premises:

North: Residential R Sign District: semi-detached residential

East: Commercial Residential CR Sign District: car rental, laundromat, auto mechanic

West: Commercial Residential CR Sign District: gas station & auto mechanic,

South: Commercial Residential CR Sign District: gas station, presentation centre

COMMENTS

Appellant Information

Zip Signs Ltd. states that they have been authorized by Desjardins Financial Security (Sign Owner), and the owner of the property municipally known as 3410 Sheppard Avenue East, to apply for one variance required to allow for a permit to be issued for two first party wall signs with one sign face each, displaying static copy (the "Proposed Sign") at 3410 Sheppard Avenue East.

Application Background

The Proposed Signs will be located at the fourth storey of both the east and west elevation on the building at 3410 Sheppard Avenue East, perpendicular to the road right of way, facing eastbound and westbound traffic. Each of the two Proposed Signs would have a rectangular sign face with a maximum bisecting line of 1.73 metres; a maximum centre line of 4.57 metres; a maximum sign face area of 7.90 square metres; and, a maximum height of 14.58 metres.

Community Consultation

Notice required by the City's Sign By-law was provided to premises within a 60 metre radius of the location of the Proposed Sign, advising about the proposal. These notices were issued on August 11, 2021. As of the date of this report, no comments or questions have been received by the City from the public.

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

The Sign By-law contains criteria used to evaluate variances which are applied for. Specifically, §694-30A states that a variance may only be granted where the Proposed Sign to which the variance(s) relate 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.

Applying the Established Criteria:

Section 694-30A(1): The Proposed Signs belong to a sign class permitted in the Sign District where the premises is located

As demonstrated in the submission materials, each of the two Proposed Signs is a first party sign as it will identify a business available at the premises and will identify themselves as such with the proposed signs. The Subject Premises is designated as a CR – Commercial Residential sign district which permits first party signs. Therefore, the CBO is of the opinion that this criteria has been established.

Section 694-30A(2): In the case of a third party sign, the Proposed Signs are of a sign type permitted in the Sign District where the premises is located

Signs can only belong to one sign class – either first party or third party. As the Appellant demonstrated in their submission materials, each of the two Proposed Signs would be classified as a first party sign because it will identify a business located at the premises. Therefore, the CBO is of the opinion that this criteria has been established.

Section 694-30A(3): The Proposed Signs will be compatible with the development of the premises and surrounding area

3410 Sheppard Avenue East is designated as CR Sign District, which permits wall signs. It is surrounded by properties in the CR Sign District to the east, west and south, and properties in the R sign district to the north. These areas of the City typically contain commercial and residential uses and were set out in the Sign By-law to contain first party wall signs at the first and second storeys of buildings within them. Although wall signs are permitted at the top storeys of some buildings in CR Sign Districts; those buildings must have a height of ten storeys or more.

The Appellant states in their rationale and Sign By-law Unit staff can confirm that the signs suit the architecture of the building as they are not blocking any windows or any architectural features.

3410 Sheppard Avenue East is a four storey office building occupied by many tenants including a Pharmacy, Physiotherapy Clinic, Dental Office, and many others. Other buildings in the general vicinity also contain office and commercial uses, as well as two gas stations and two automotive mechanic shops.

To the North of 3410 Sheppard Avenue East is low density semi-detached residential dwellings, based on two storey brick structures. To the South a gas station as well as a condominium presentation centre, both of which are single storey buildings. To the East is a mixed use two storey commercial / office building which includes a car rental office, a restaurant, a laundromat and an auto mechanic shop. To the west is another gas station and auto mechanic shop.

Figure 2: Location of Proposed Sign at West Elevation



The building is a four storey structure whose east and west elevations are dominated by windowless brick walls. The southernmost third of the east and west elevations has windows on each storey which occupy roughly one third of each storey's vertical dimension. This southernmost third of the east / west elevation walls are also indented toward the center of the building, and it is on this portion of the wall which the signs are proposed, at the fourth storey. Having the signs at this location would make them less likely to be visible from the north, as the larger east & west elevation walls to the north would obstruct the view. The Appellant states that "the signs will not be located on the large blank walls that would draw too much attention to them."

The current illustration of the Proposed Signs would be consist of green illuminated channel letters on a non-illuminated white background. While channel letters may offer a lower level of illumination than sign boxes which may have an entire sign face that is backlit; there is no condition requested imposing the Proposed Signs be comprised of channel letters.

Staff agree that located the Proposed Signs as shown in Figures 2 and 3 would not interfere with any building systems and should not be prominent enough to overpower any other building features. The location of the Proposed Signs should also prevent them from being visible to the Residential Sign District and other properties to the north.

Based on the Appellant's Rationale, and confirmed by Sign By-law Unit staff, the proposed signs appear to be compatible with the development of the premises and surrounding area. As such, the CBO is of the opinion that this criteria has been established.

Figure 3: Location of Proposed Sign at East Elevation



Section 694-30A(4): The Proposed Sign will support Official Plan objectives for the subject premises and surrounding area

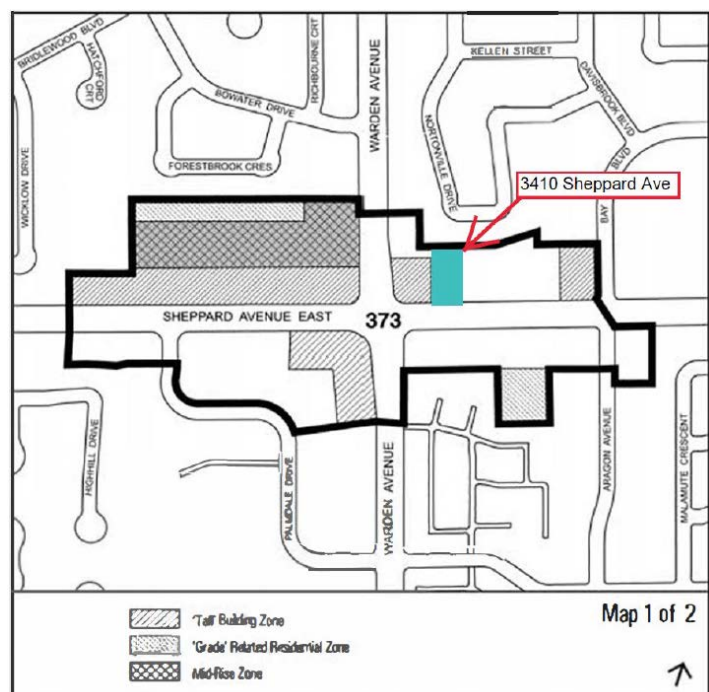
3410 Sheppard Avenue East is designated as "Mixed Use Area" in the Official Plan. Mixed Use Areas are intended to blend a wide variety of uses (Residential, Office, Retail, Institutional, Entertainment, Recreational, and Cultural) to achieve a multitude of planning objectives. The property is not in a Secondary Plan area, however it is subject to a Site and Area Specific Amendment in Chapter 7 of the Official Plan.

Figure 4: Toronto Official Plan Chapter 7, Sec. 373 "Tall Building Zones"

Currently, the building which occupies the Subject Premises appears to be the tallest commercial/office use building in the immediate area. There are five other buildings in the area that are greater than four storeys, however they are all residential apartment buildings. All other buildings with commercial or office uses are two storeys or less.

The Appellant's Rationale has cited an Area-Specific Policy in Chapter 7 of the Official Plan; Section 373 "Sheppard / Warden Avenue Study" and make specific reference to the "Tall Building Zones" (See Figure 3).

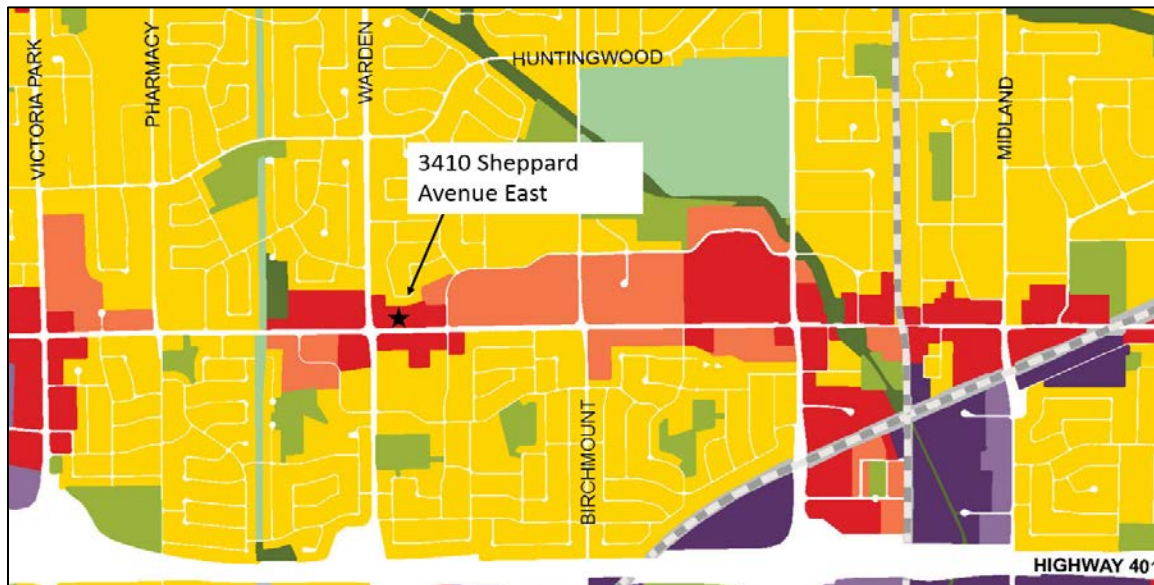
Part a) i) of the policy states that "Mid-



rise buildings will be the predominant form of new development, with new development providing an appropriate transition in height, density and scale to lower-scale building elements". The Policy also identifies properties where tall buildings such as towers will be considered.

One of these properties is immediately to the west, at 3400 Sheppard Avenue East. The document also states that "Where tall buildings are considered, the mid-rise components of the development (including base buildings (podium) and individual mid-rise buildings) will generally be no higher than 20.0 metres (6 storeys) and will be designed with appropriate step-backs.

Figure 5: Official Plan Map - 3410 Sheppard Avenue East



In "Mixed Use Areas" it is possible to assume that Commercial / Office uses may occupy the podium area of a tall building at this location, but they would still be required to apply for a Sign Variance for any sign located above the second storey.

The Appellant's Rationale states that the proposed signage fits the objectives of the Official Plan in that the signage revitalizes an existing building in a subtle way. The signage does not attract unwanted attention, but also shows an investment in the community. The Appellant also states that although the building on the Subject Premises may be the tallest building in the area now, the 'Tall Building Zones' identified in the Area-Specific Policy will lead to more tall buildings in the area.

Staff agree that reinvesting in the Subject Premises, which is in close proximity to residential land uses, supports Policy 2. A) in Section 4.5 of the Official Plan which states that:

2. In Mixed Use Areas development will: a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;

Staff also agree that the building on the Subject Premises will serve as a transition between low-rise developments to the east and tall buildings located at the corner of

Sheppard Avenue East and Warden Avenue, and that the sign could serve a role in highlighting this transition as well as the commercial uses at the intersection of Sheppard Avenue East and Warden Avenue. This is consistent with Clause a) i) and ii) in Area Specific Policy 373, which states:

a) i) Mid-rise buildings will be the predominant form of new development, with new development providing an appropriate transition in height, density and scale to lower-scale building elements.

a) ii) A mix of uses is encouraged, where appropriate. Non-residential uses will be concentrated on the Sheppard Avenue East and Warden Avenue frontages. Small-scale retail, office and community uses which are part of an integrated development will be located in close proximity to the Sheppard Avenue East and Warden Avenue intersection.

Based on the Appellant's Rationale, and confirmed by Sign By-law Unit staff, the Proposed Signs appear to support Official Plan objectives for the premises and surrounding area. As such, the CBO is of the opinion that this criteria has been established.

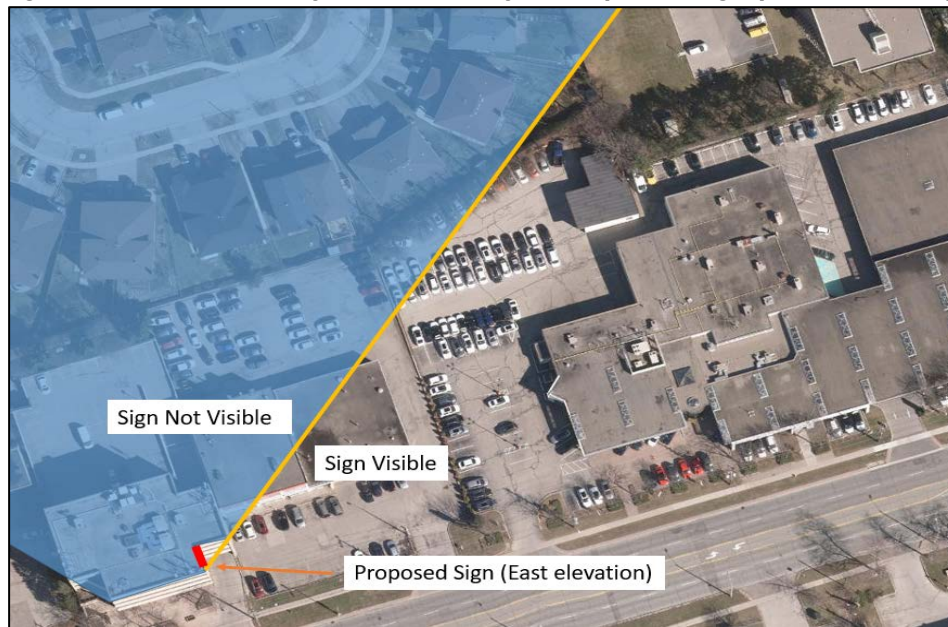
Section 694-30A(5): The Proposed Signs will not adversely affect adjacent premises

The Subject Premises is designated as a CR Sign District, as are the properties to the immediate south, east and west. The property to the north is Residential Sign District, consisting of semi-detached dwellings.

The Proposed Signs consist of green illuminated channel letters on a non-illuminated white background. Channel letters offer a lower level of illumination than sign boxes which may have an entire sign face that is backlit. However, as this is not a condition of the variances, this non-binding consideration is of no relevance to this criteria.

The Appellant's rationale states that the properties surrounding 3410 Sheppard Avenue East are all commercial with no direct visibility to any residential or open space zones. The Appellant also states that the Proposed Signs will be placed on a portion of the wall which will not be visible to the Residential areas to the north (See Figure 6).

Figure 6: Area of Visibility / Non-Visibility of Proposed Sign (East Elevation)



Some other nearby residential uses include two apartment buildings to the east (Figure 7) at distances of 183.00 metres and 242.00 metres, and one to the west (Figure 8) at a distance of 250.00 metres. Based on the size of the Proposed Sign on the east elevation, which will be subject to the illumination requirements of the Sign By-law, it is the opinion of the CBO that it is likely that any impact on these nearby residential buildings will be minimal.

Figure 7: Impact of Proposed Sign on nearby Residential (East Elevation)



Figure 8: Impact of Proposed Sign on nearby Residential (West Elevation)



Based on the Appellant's Rationale, the Proposed Signs appear to not adversely affect adjacent premises. As such, the CBO is of the opinion that this criteria has been established.

Section 694-30A(6): The Proposed Signs will not adversely affect public safety, including traffic and pedestrian safety

Compliance with the City's regulations are designed to ensure that there are no adverse impacts on public safety, these regulations are designed to work in conjunction with the specific regulations applicable to signs.

The location of the Proposed Signs place them at a horizontal setback of roughly 8.00 metres from the street line and 17.00 metres from the northerly edge of pavement of Sheppard Avenue East. The signs are not located in a "Visibility Zone", and the signs will display static copy.

The vertical clearance of 12.85 metres between grade and bottom of sign places them well above the minimum height required by both the Sign By-law and Ontario Building Code. As a result, staff do not foresee any potential adverse effects on traffic or pedestrian safety.

As such, the Sign By-law Unit Staff's review has determined that the Proposed Signs, do not raise a realistic possibility that there would be an adverse effect on public safety if the requested variances are granted. As such, the CBO is of the opinion that this criteria has been established.

Section 694-30A(7): The Proposed Signs will not be a sign prohibited by §694-158

The Appellant's materials contain sufficient information to confirm that the Proposed Signs are not a sign that is prohibited by §694-15B of the Sign By-law. As such, the CBO is of the opinion that this criteria has been established.

Section 694-30A(8): The Proposed Signs will not alter the character of the premises or surrounding area

The Subject Premises is in a CR Sign District, which permits first party wall signs only at the first and second storey. Signs on the first storey may have a maximum sign face area of 20%, signs at the second storey may have a maximum sign face area of 10% (respectively) of the wall face area of the wall which the sign is erected on. The submission materials show that the Proposed Signs each occupy roughly 26% of the fourth storey wall which the signs will be erected on.

As previously mentioned in this report, the building at the Subject Premises appears to be the tallest commercial/office use building within the immediate area. Due to the height of the building on the Subject Premises and the location of the Proposed Signs on the building, there are no other wall signs in the surrounding area located at a similar height (See Figures 9 and 10).

Figure 9: Proposed Sign on Google Streetview, looking from the West



All other commercial/office use buildings immediately surrounding the Subject Premises are a maximum of three storeys. Any wall signs located on the buildings around the Subject Premises are no higher than the second storey.

Figure 10: Proposed Sign on Google Streetview, looking from the East



The Proposed Signs would be located at the fourth storey in an area where no other signs in the surrounding area exist at that height; the Appellant has not provided sufficient information to demonstrate that the Proposed Signs will not alter the character of the premises and surrounding area.

As such, the CBO is of the opinion that this criteria has been established.

Section 694-30A(9): The Proposed Signs will not be, in the opinion of the decision maker, contrary to the public interest

The Appellant states that the Proposed Signs are located at the uppermost storey of the building: in order to be seen as one approaches; because the first storey is already significantly occupied by existing signage; and, that the building has trees along the street which block the other storeys making signage on lower storeys unable to be seen.

Despite the Appellant's submission, the objectives in the Sign By-law for wall signs in Commercial Residential Sign Districts are either that they be at a pedestrian level (e.g. the first or second storeys of a building), or that they form a part of a skyline (e.g. on a building that is ten storeys or taller).

The Proposed Signs are located two storeys above what the Sign By-law considers pedestrian scale (twice the height), and six storeys below what the Sign By-law considers would form part of a skyline.

In addition, there are currently no development applications that staff are aware of for any buildings at a similar height or taller than the building on the Subject Premises. As a result, the Proposed Signs are likely to be visible (and alter the character of the area) for the foreseeable future.

As such, the CBO is of the opinion that this criterion has not been established.

Conclusion

The Appellant's materials have not provided sufficient information for the CBO to establish that all nine criteria required to grant an approval for the one requested variance for the Proposed Signs.

It is the opinion of the CBO that insufficient evidence has been presented to establish that the Proposed Signs: will not alter the character of the premises of surrounding area; and, that the Proposed Signs are not contrary to the public interest.

As a result, the CBO is not supportive of the Sign Variance Committee granting the requested variances for the Proposed Signs.

CONTACT

Ryan VanDrie
Sign Building Code Examiner/ Inspector, Sign By-law Unit
E-mail: Ryan.Vandrie@Toronto.ca; Tel: 416-392-3537

SIGNATURE

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

ATTACHMENTS

Attachment 1 – Description of Signs and Required Variances

Attachment 2 – Appellant's Submission Package

Attachment 3 – Sign Variance Application Decision Notice (21 – 172811)

Attachment 1 – Description of Signs and Required Variances

Sign Descriptions:

Proposed Sign East:

An illuminated first party wall sign to be located on the building currently located on the premises municipally known as 3410 Sheppard Avenue East, described as follows:

- The sign to contain only one sign face;
- The sign face shall display static copy, only;
- The sign face will be rectangular;
- The sign shall be erected on the fourth storey of the building;
- The sign shall be erected on the east elevation of the building;
- The sign will have a maximum height of 14.58 metres;
- The sign face shall have a centre line not to exceed 4.57 metres;
- The sign face shall have a bisecting line not to exceed 1.73 metres; and,
- The sign face shall have a sign face area not to exceed 7.90 square metres.

Proposed Sign West:

An illuminated first party wall sign to be located on the building currently located on the premises municipally known as 3410 Sheppard Avenue East, described as follows:

- The sign to contain only one sign face;
- The sign face shall display static copy, only;
- The sign face will be rectangular;
- The sign shall be erected on the fourth storey of the building;
- The sign shall be erected on the west elevation of the building;
- The sign will have a maximum height of 14.58 metres;
- The sign face shall have a centre line not to exceed 4.57 metres;
- The sign face shall have a bisecting line not to exceed 1.73 metres; and,
- The sign face shall have a sign face area not to exceed 7.90 square metres.

Required Variances:

1. The requirement contained at § 694-21.D(5)(a) which states that A CR – Commercial Residential sign district may contain a wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(4), provided the sign shall not be erected above the second storey, be varied to allow for the Proposed Sign East to be erected and displayed at the fourth storey of the east-facing wall of the building located on municipally known as 3410 Sheppard Avenue East.

2. The requirement contained at § 694-21.D(5)(a) which states that A CR – Commercial Residential sign district may contain a wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(4), provided the sign shall not be erected above the second storey, be varied to allow for the Proposed Sign West to be erected and displayed at the fourth storey of the west-facing wall of the building located on municipally known as 3410 Sheppard Avenue East.