

Appeal of the Chief Building Official's Decision for a Variance Application for One First Party Electronic Ground Sign

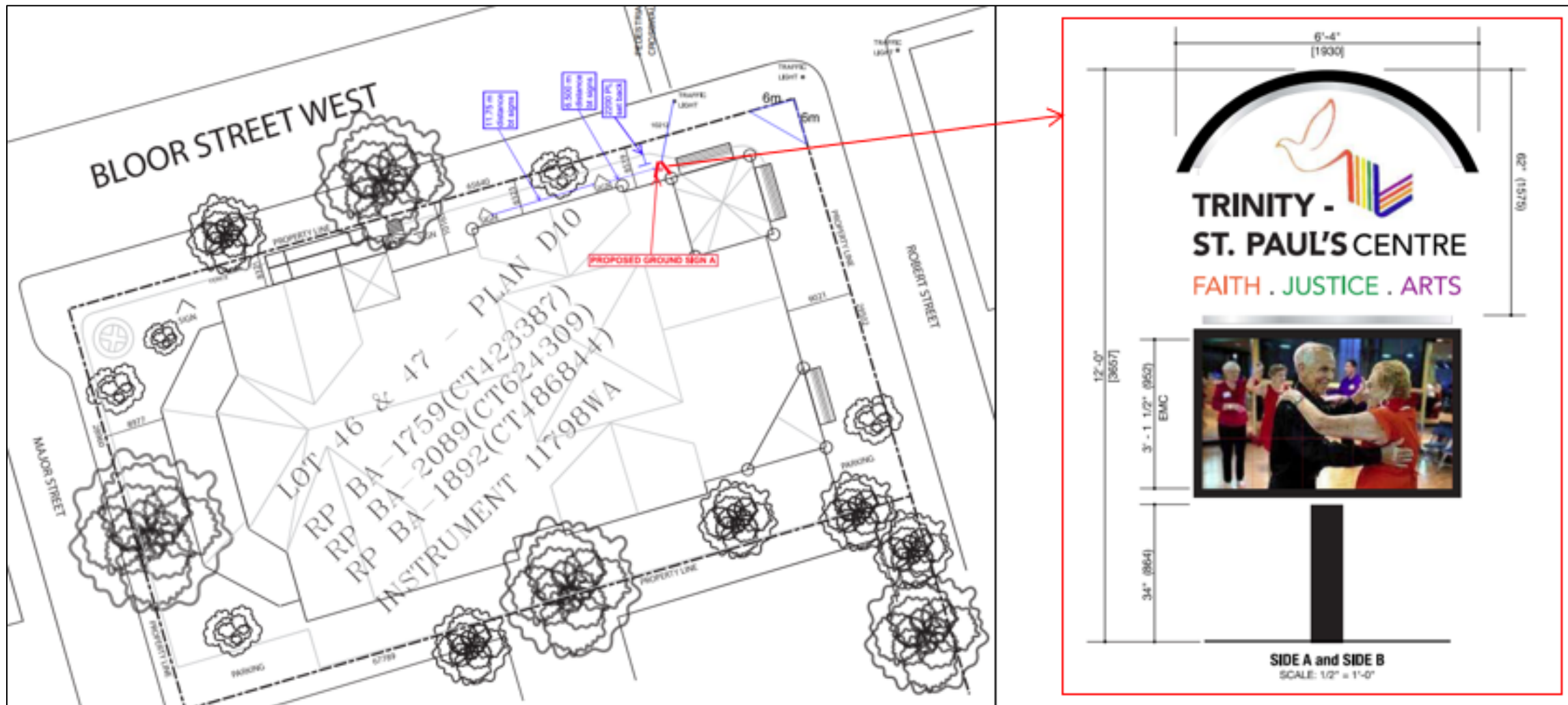
427 Bloor Street West

June 7, 2024

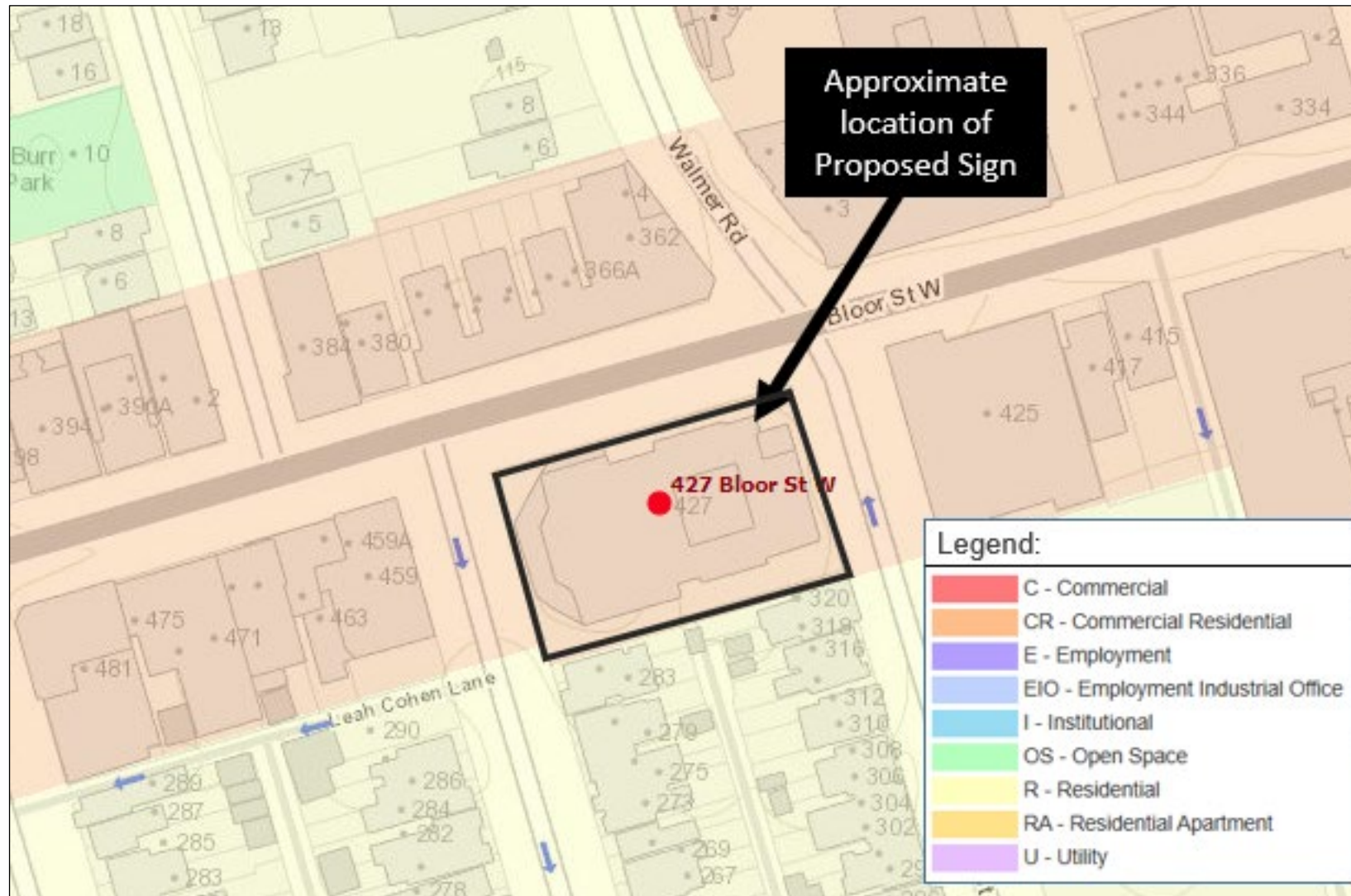
Signs Description

Sign Type	Electronic Ground Sign
Sign Copy Type	Static Copy & Electronic Moving Copy (Variance) / Electronic Static Copy (Appeal)
# of Sign Faces	Two faces, on a V-shaped configuration
Sign Location	North frontage
Face Orientation	North-easterly and North-westerly directions
Sign Face Dimensions (width x length x height)	2.80 metres vertically x 1.95 metres horizontally x max 3.67 metres height
Sign Face Area	5.46 square metres (electronic section 1.85 square metres)

Proposed Signs' Location & Details



Sign District Designation



Sign District Map

Required Variances

Sign By-Law Reference	Requirement	Proposal
694-15.A	Anything not expressly permitted by this chapter is prohibited.	First party electronic ground signs are not expressly permitted in the CR Sign District.
694-20.I	First party signs are permitted to display the following: (1) static copy; or (2) topiary sign copy; or (3) readograph copy.	First party signs are not expressly permitted to display electronic moving copy.
694-21.D(3)(a)	A CR-Commercial Residential sign district may contain a ground sign, other than a sign providing direction permitted by Subsection D(2), provided there shall be no more than one such sign erected at each frontage.	There are other three existing first party ground signs on the same frontage at the Subject Premises.

Sign Variance Criteria – Established Criteria

694-30A(1) - The Proposed Signs belong to a sign class permitted in the Sign District.

- The Proposed Sign belongs to the first party sign class, first party signs are permitted in the CR Sign District

Previous 694-30A(2), now repealed - In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District.

- This criterion was not relevant for the initial hearing, as the Proposed Sign belongs to the first party sign class, however this criterion is no longer applicable in the context of the de novo hearing.

694-30A(6) - The Proposed Sign is not a sign prohibited by §694-15B.

- The Proposed Sign does not meet the description of any of the signs which are specifically prohibited by §694-15B.

Sign Variance Criteria – Established Criteria

694-30A(2): The Proposed Sign would not be compatible with the development of the premises and surrounding area.

- CR Sign District permits first-party ground signs containing up to 50% readograph copy which can change electronically, but not electronic ground signs.
- Applicant stated that graphic images in electronic copy and readograph copy changed electronically are similar, however no evidence was provided to demonstrate that.
- The CBO disagrees, as the Sign By-law makes a clear distinction between them in the definitions and regulations.



Proposed Sign of the Sign Variance render (from Applicant's submissions)

Sign Variance Criteria – Established Criteria

694-30A(2): The Proposed Sign would not be compatible with the development of the premises and surrounding area.

- The Applicant stated that the electronic copy displaying images would facilitate the communication for those with language barriers.
- In staff's opinion that most signs, including the ones in the surrounding area, may include images and convey clear information, without necessarily being of the electronic type.
- Staff believes that the submitted materials don't justify why this location can't comply with CR Sign District standards or use permissible sign options to convey the necessary information.
- As such, the CBO is of the opinion that not sufficient information was provided to demonstrate that the Proposed Sign, displaying a copy type that is not permitted, would be compatible with the development of premises and surrounding area.

Sign Variance Criteria – Established Criteria

694-30A(3) - The Proposed Sign supports the Official Plan objectives for the subject premises and surrounding area.

- The property is designated as a Mixed Use Areas in the Official Plan.
- Mixed Use Area where the site is located promotes a balanced and dynamic community, accommodating diverse needs by combining commercial, residential, institutional, and open space uses.
- CBO agrees that by enhancing the identification of the services and activities available on the Subject Premises the Proposed Signs can contribute to these objectives, and that this criterion has been established.
- However, it is also CBO's opinion that the Official Plan objectives could be achieved by other signs not requiring variances.



Toronto Official Map

Sign Variance Criteria – Established Criteria

694-30A(4) - The Proposed Sign does not adversely affect adjacent premises.

- The Proposed Sign would be located on a mixed-use neighbourhood.
- The existing building on the Subject Premises shields the southern residences from the Proposed Sign, eliminating potential view.
- Despite lack of data, the Proposed Sign may not intensify illumination impacts on northern residences, as most of the existing business have illuminated signs at the first or second storeys.
- Staff believe that the Proposed Sign, if the specific attributes concerning size, height, location and orientation are complied with, does not raise a reasonable basis for any concern regarding adverse effects on adjacent premises.



View of adjacent premises

Sign Variance Criteria – Established Criteria

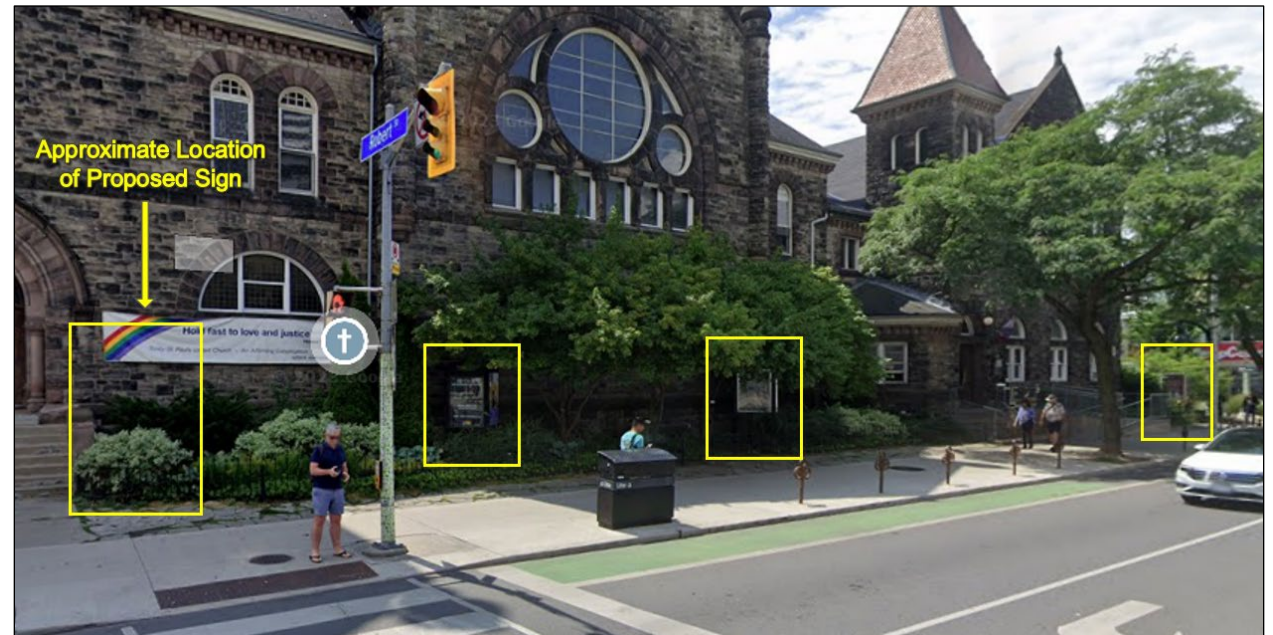
694-30A(5) - The Proposed Sign will not adversely affect public safety, including traffic and pedestrian safety.

- Based on the submissions, the Proposed Sign:
 - Would not in a visibility zone
 - Would meet the setbacks from the property lines and from the intersection as required by the Sign By-law.
- Transportation Services division was consulted and confirmed they have no concerns about driver distraction and traffic safety.
- The Proposed Sign shall also comply with all the requirements of the Ontario Building Code.
- The CBO's review of the proposal established that, if the specific numerous attributes of the Proposed Sign concerning size, height, location and orientation are complied with, the Proposed Sign should not adversely affect public safety, including traffic and pedestrian safety.

Sign Variance Criteria – Established Criteria

694-30A(7) - The Proposed Sign would alter the character of the premises or surrounding area.

- There are three existing first party ground signs, each with two faces, displaying static copy on the Subject Premises, all located on the same frontage as the Proposed Sign.
- Typically, only one ground sign is permitted in the CR Sign District; whereas the Proposed Sign would be a fourth ground sign.
- No information was provided in the submissions to address concerns about sign clutter.
- CBO is of the opinion that the Applicant did not provide sufficient information to determine that the Proposed Sign would not alter the character of the premises and surrounding area.



Approximate Location of Existing Signs and Proposed Signs on the Subject Premises

Sign Variance Criteria – Established Criteria

694-30A(8): The Proposed Sign would be contrary to the public interest.

- Various letters from surrounding businesses, the BIA, the Councillor of the Ward and others were submitted in support of the application
- However, the letters do not necessarily speak to the eight Sign By-law criteria, which are the basis for considering applications for granting variances.
- Applicant failed to demonstrate why allowed options wouldn't be sufficient for the business or how a prohibited sign type along with all the existing signs on the premises would be compatible without changing the area's character.
- Therefore, it is the CBO's opinion that the Applicant's submission was not sufficient to establish that the Proposed Sign would not be contrary to the public interest.

Conclusion and CBO Recommendation

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

The Sign Variance Committee refuse to grant the requested variances to 694-15.A, 694-20.I and 694-21.D(3)(a) of Chapter 694, Signs, General, with respect of one electronic ground sign (the “Proposed Sign”), proposed to be located on the premises municipally known as 427 Bloor Street West.

QUESTIONS?