

Appeal of the Chief Building Official's Decision for a Sign Variance Application for Two First Party Signs

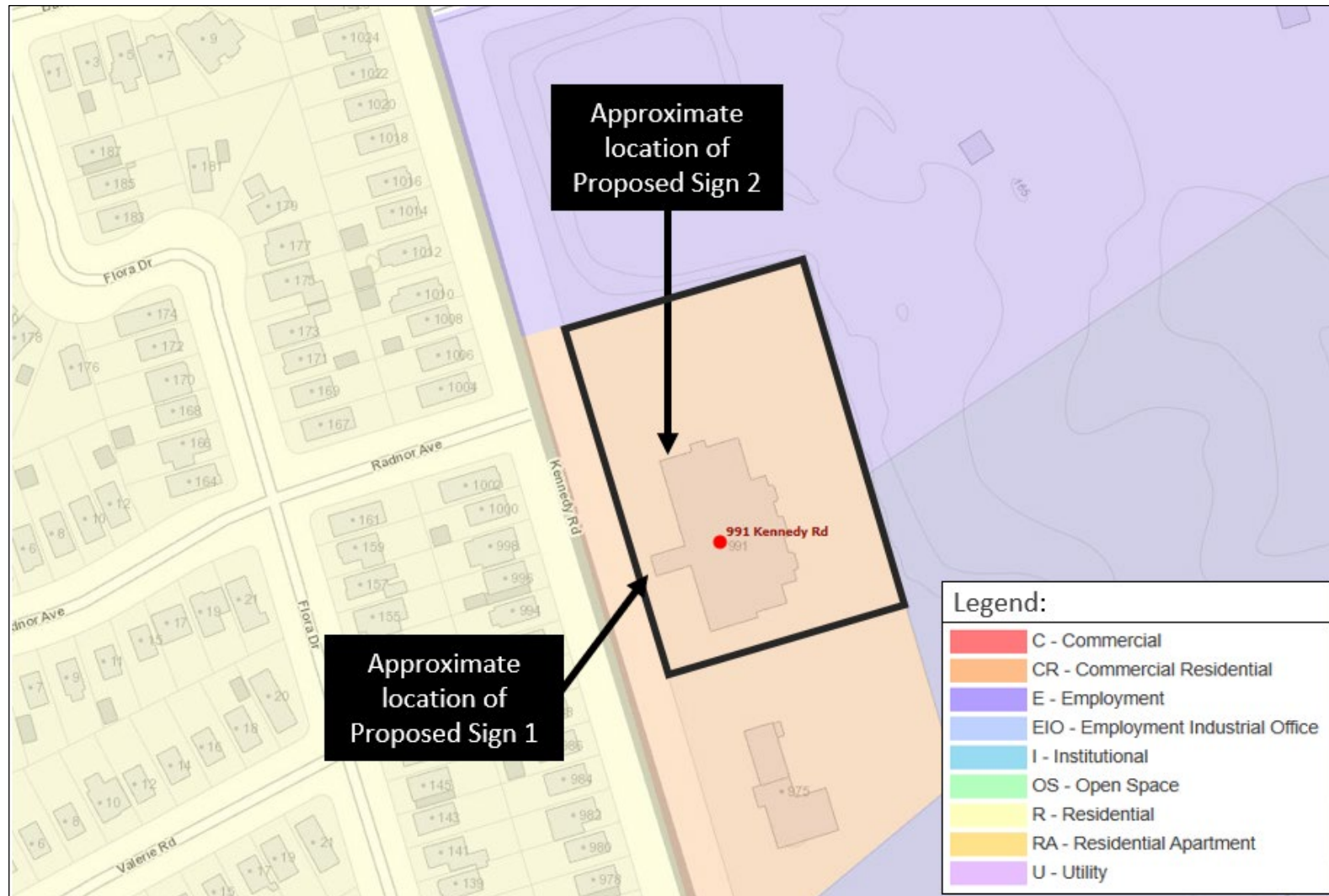
991 Kennedy Road

October 18, 2024

Signs Description

	Proposed Sign 1	Proposed Sign 2
Sign Type	Electronic Ground Sign	Electronic Wall Sign
Sign Copy Type	Static Copy & Electronic Static Copy	Electronic Static Copy
# of Sign Faces	Two faces	One face
Sign Location	West Frontage	North Elevation
Face Orientation	North and South Directions	North Direction
Sign Face Dimensions (width x length x height)	3.05 metres vertically x 1.83 metres horizontally / max 4.27 metres	2.44 metres vertically x 5.03 metres horizontally x max 4.27 metres high
Sign Face Area	5.67 square metres (total) 3.51 square metres (electronic display)	12.27 square metres

Sign District Designation & Proposed Signs' Location



Sign District Map

Requested Variances & Condition – Sign 1

Sign By-Law Reference	Requirement	Proposal
694-14.E	Signs shall display only static copy unless otherwise expressly permitted	To allow for an electronic ground sign and an electronic wall sign to display electronic static copy.
694-15.A	Anything not expressly permitted by the Chapter 694 is prohibited	Electronic wall signs and electronic ground signs are not expressly permitted in the CR - Commercial Residential Sign District.
694-20.I	First party signs shall only display static copy, topiary sign copy, or readograph copy.	The Proposed Signs would display electronic static copy.
Condition 1	Any and all existing first party ground located at 991 Kennedy Road shall be removed and all associated permits be revoked prior to the issuance of the sign permit for the Proposed Sign 1.	

Requested Variances – Sign 2

Sign By-Law Reference	Requirement	Proposal
694-14.E	Signs shall display only static copy unless otherwise expressly permitted	To allow for an electronic ground sign and an electronic wall sign to display electronic static copy.
694-15.A	Anything not expressly permitted by the Chapter 694 is prohibited	Electronic wall signs and electronic ground signs are not expressly permitted in the CR - Commercial Residential Sign District.
694-20.I	First party signs shall only display static copy, topiary sign copy, or readograph copy.	The Proposed Signs would display electronic static copy.

Sign Variance Criteria – Established Criteria

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

- The Proposed Sign 1 and Proposed Sign 2 belong to the first party sign class, first party signs are permitted in the CR Sign District.

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

- Neither of the Proposed Signs would meet the description of a sign prohibited in §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.

- Subject Premises located in a CR Sign District houses a single-storey commercial building
- Surrounding Properties include commercial, assembly, residential, and utility uses.
- Sign district designations for the Subject Premises and surrounding lands are compatible with the existing uses in the area.
 - Applicant claims compatibility with hydro transmission uses.
 - No mention of compatibility with residential uses (properties to the west), which are deemed sensitive.
- Applicant's examples are not comparable; staff found differences in location and context, with none near the Subject Premises or surrounded by R Sign Districts.
 - No similar signs nearby.
- The submissions did not sufficiently demonstrate how the proposed sign would be compatible with the Subject Premises and surrounding area.

Sign Variance Criteria – Established Criteria

694-30A(3) - The Proposed Signs would not support the Official Plan objectives for the subject premises and surrounding area.

- The property is designated as a Mixed Use Areas in the Official Plan.
- Surrounding Areas: Utility Corridors, Mixed Use, and Neighbourhoods.
- Submissions assert that the Proposed Signs would be compatible with the planned function of the surrounding Utility Corridor
- Documents do not mention how the Proposed Signs would support the Official Plan's objectives for the Neighbourhood Areas west of the Subject Premises.
- As a result, the Chief Building Official believes that this criterion has not been established.



Toronto Official Plan Map

Sign Variance Criteria – Established Criteria

694-30A(4) - The Proposed Signs would adversely affect adjacent premises.

- Proposed Sign 1 would be located only 17 meters from R Sign District to the west and would be fully visible from the area.
- Proposed Sign 2 is visible from residential areas, to the northwest.



Location of the Proposed Signs in relation to the Residential Area

Sign Variance Criteria – Established Criteria

694-30A(4) - The Proposed Signs would adversely affect adjacent premises.

- Applicant claims light trespass is managed with conditions, but no supporting evidence was provided.
 - Proposed conditions replicate existing Sign By-law regulations.
- Submissions state that no physical changes are proposed for the renovated ground sign.
 - Despite no significant alterations in the overall dimensions of Existing Ground Sign, the proposed modifications resulting in Proposed Sign 1 substantially alter the sign from a permitted to a non-permitted sign type in the CR Sign District.
- Application lacks evidence of no adverse effects of two electronic signs on adjacent premises.
- Therefore, the CBO is of the opinion that this criterion has not been established.

Sign Variance Criteria – Established Criteria

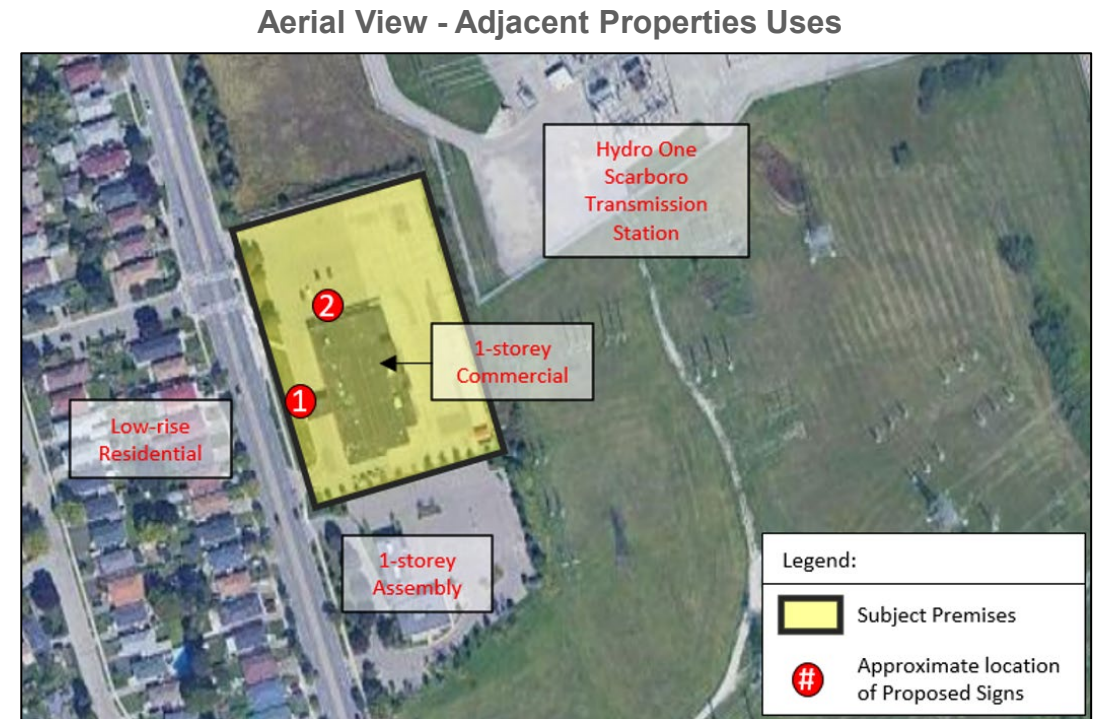
694-30A(5) - The Proposed Signs would not adversely affect public safety, including traffic and pedestrian safety.

- Based on the submissions, the Proposed Signs:
 - Would not be in a visibility zone
 - Would meet the setbacks from the property lines and from the intersection as required by the Sign By-law.
- The Proposed Sign will also comply with all the requirements of the Ontario Building Code.
- The CBO's review of the submissions established that the proposal does not raise a reasonable basis for any concern regarding public safety arising from the Proposed Signs, 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.

- Applicant claims compatibility with hydro transmission uses, as electronic signs are permitted in U and E sign districts
- Submissions lack information on the relationship between the non-permitted sign types with the Subject Premises and surrounding residential area.
- Submissions do not address potential sign clutter.
- There are no comparable electronic signs nearby.
- Therefore, the CBO is of the opinion that this criterion has not been established.



Sign Variance Criteria – Established Criteria

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

- The application seeks three variances, each subject to one condition, for Proposed Sign 1 (electronic ground sign) and three variances for Proposed Sign 2 (electronic wall sign)
- Signs of the electronic type, such as the Proposed Signs, are not permitted in the CR Sign District
- Despite the Applicant's claims, not sufficient evidence was provided that the Proposed Signs would be in keeping with the existing uses in the area, which are compatible with current Sign district designations.
- Not sufficient information was provided to show that the Proposed Signs would be compatible with, or not adversely affect, nearby residential areas, especially sensitive R Sign Districts.
- Therefore, it is the CBO's opinion that the Applicant's submission was insufficient to establish that the Proposed Signs 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 sections 694-14.E, 694-15.A and 694-20.I, each subject to one condition, as required to allow for the issuance of a permit respecting the erection and display of Proposed Sign 1, as well as the requested variances to sections 694-14.E, 694-15.A and 694-20.I, as required to allow for the issuance of a permit respecting the erection and display of Proposed Sign 2.

QUESTIONS?