

Appeal of the Chief Building Official's Decision for a Sign Variance Application for One First Party Ground Sign at 40 Humewood Drive

Date: March 10, 2025

To: Sign Variance Committee

From: Project Director, Business Transformation and Citywide Priorities,
Toronto Building

Wards: Toronto-St. Paul's (Ward 12)

SUMMARY

This report addresses an appeal of the decision of the Chief Building Official and Executive Director, Toronto Building ("CBO") concerning an application for a Sign Variance (the "Proposed Sign Variance"). The Proposed Sign Variance pertains to one variance sought for one first party ground sign (the "Proposed Sign"). Applicant indicated the sign contained in the Proposed Sign Variance is intended to offer identification and information for Abiona Centre, a registered charity located on property municipally known as 40 Humewood Drive (the "Subject Premises").

Notice of the application for the Proposed Sign Variance was provided to the public, and the CBO conducted a written hearing in accordance with the requirements of the Sign By-law. Various parties participated in the hearing and filed materials in relation thereto.

Upon receipt of the materials provided, the CBO made the decision to refuse the application for the Proposed Sign Variance; and at the same time, also made the decision to approve a different sign variance, for a similar sign in the same location and subject to five conditions (the "CBO-Designed Variance"). Specifically, the CBO-Designed Variance imposed conditions on the Proposed Sign that, if illuminated, it shall not be illuminated between the hours of 9:00 p.m. and 7:00 a.m., and that illumination shall not exceed 150 nits at any time, that the readograph copy proposed may only be changed once per day, that evergreen landscaping, at least 1.0 meter in height, shall be installed and maintained in a 1.0 meter radius around the base of the Proposed Sign, and that the Proposed Sign shall be erected substantially in accordance with the Applicant's submission materials.

The CBO determined, based on the materials presented by the Applicant and others, that the Proposed Sign Variance would not meet all eight criteria for a variance to be granted. However, the CBO concluded that a sign variance which contained the specified conditions would meet the eight criteria, as these conditions would be

sufficient to mitigate the potential for adverse impacts on surrounding properties, and other criteria.

After the issuance of the CBO's decision denying the variances requested for the Proposed Sign Variance and granting the variance subject to five conditions required for the CBO-Designed Variance, one of the parties to the hearing, Denise Tarka (the "Appellant"), filed an appeal of the CBO's decision. As a result, the Sign Variance Committee ("SVC") is now conducting an appeal de novo, meaning that the SVC are required to conduct an evaluation to determine whether the Applicant has demonstrated that the Proposed Sign Variance meets all eight criteria, on the basis of the information presented to the SVC.

The SVC may decide to refuse, or grant the variances requested by the Applicant for the Proposed Sign Variance, or to make a decision to grant different variances, or impose conditions which the Applicant did not include in the Proposed Sign Variance. It is the CBO's opinion that it has not been established that the Proposed Sign Variance would meet all eight established criteria as contained at §694-30A of the Sign By-law, however that the CBO-Designed Variance, further detailed in Attachment 2, would meet all of the required criteria.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the requested variance to 694-21 A(4)(g)[2], required for the implementation of the Proposed Sign Variance consisting of one first party ground sign located on the premises municipally known as 40 Humewood Drive, as described further in Attachment 1 of this report.
2. The Sign Variance Committee approve the variance to 694-21A(4)(g)[2], subject to subject to five conditions, required for the implementation of the CBO-Designed Variance consisting of one first party ground sign located on the premises municipally known as 40 Humewood Drive, as described further in Attachment 2 of this report.

FINANCIAL IMPACT

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

DECISION HISTORY

FP-24-34512 (File #24-232466)

On October 19, 2024, a Sign Variance application was submitted for one ground sign, illuminated, containing two sign faces, displaying static copy, with portion of the sign face displaying readograph copy changed electronically, as described in Attachment 1 of this report. On February 7, 2025, a decision was made that refused the Proposed Sign Variance applied for; and to issue a decision granting one variance subject to four conditions to allow for a Sign Variance designed by the CBO (CBO-Designed Sign Variance). The Decision Notice can be found at Attachment 6 of this report. The Appellant appealed that decision on February 27, 2025

ISSUE BACKGROUND

Required Variance

Table 1: Summary of Requested Variance for the Proposed Sign Variance

Section	Requirement	Proposal
694-21.A(4)(g)[2]	A R-Residential sign district may contain ground sign on a premises containing a school, place of worship, hospital, nursing home or community centre, other than a sign providing direction permitted by Subsection A(3), provided that, should the sign display readograph copy, the readograph copy shall be displayed and changed manually only.	The proposed ground sign would display readograph copy changed electronically.

Table 2: Summary of Requested Variances and Conditions for the CBO-Designed Variance

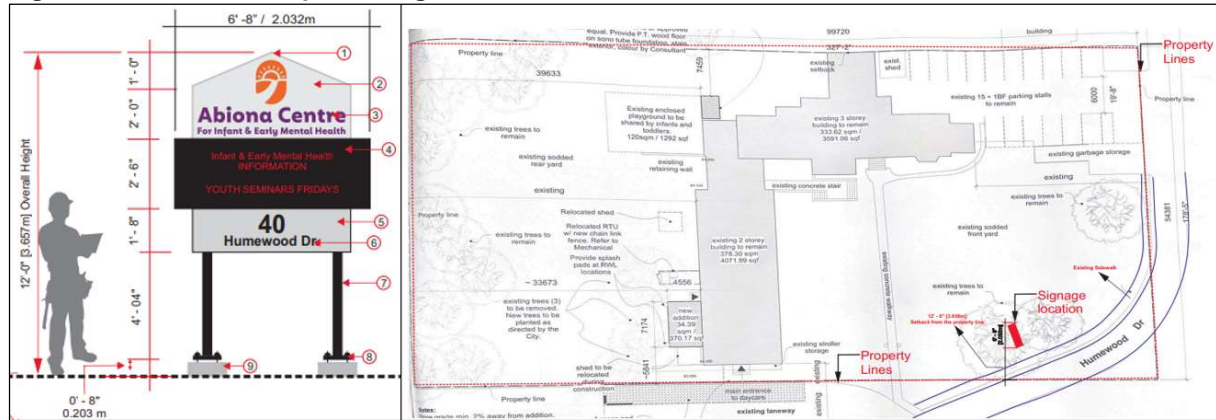
Section	Requirement	Proposal
694-21.A(4((g)[2]	A R-Residential sign district may contain ground sign on a premises containing a school, place of worship, hospital, nursing home or community centre, other than a sign providing direction permitted by Subsection A(3), provided that, should the sign display readograph copy, the readograph copy shall be displayed and changed manually only.	The proposed ground sign would display readograph copy changed electronically, subject to 5 conditions.
Condition 1	Notwithstanding 694-18.E(5), the illumination shall not exceed 150 nits at any time.	
Condition 2	Notwithstanding 694-18.A(C), the sign shall not be illuminated between the hours of 9:00 p.m. and 7:00 a.m.	
Condition 3	Notwithstanding 694-14.J, the readograph copy display may only be changed once per day.	
Condition 4	Evergreen landscaping, at least 1.0 meter in height, shall be installed and maintained in a 1.0 meter radius around the base of the sign.	
Condition 5	The proposal is to be erected substantially in accordance with the submission materials included as part of the sign variance application.	

Sign Attributes and Site Context

The Proposed Sign Variance contains one ground sign to be located on the south frontage of the premises municipally known as 40 Humewood Drive. The Proposed Sign is first party sign, with two sign faces, each measuring 2.18 metres vertically by 2.03 metres horizontally, at the height of 3.66 metres. A portion of the sign face (approximately 35 percent), measuring 0.76 metres by 2.03 metres, would feature readograph copy changed electronically. The Proposed Sing of the Proposed Sign variance is further described in Attachment 1.

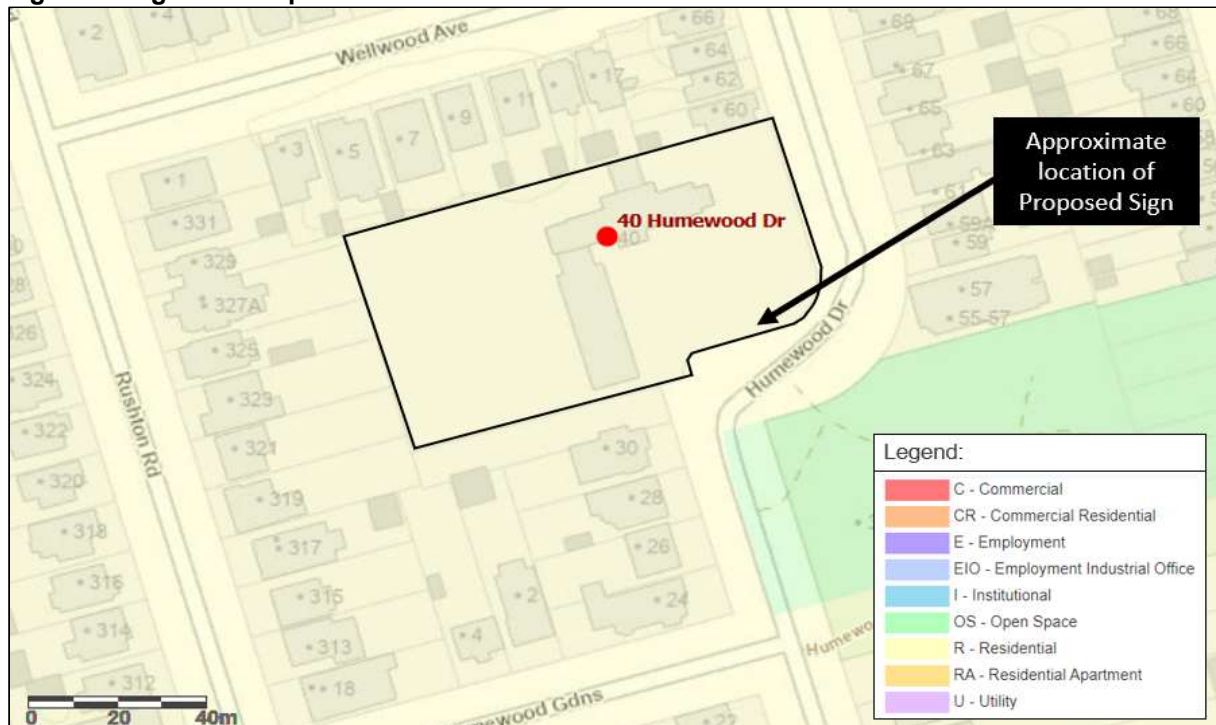
The CBO-Designed Variance contains one similar sign, proposed to be placed at the same location, with the key difference being that the variance sought for the Proposed Sign of the CBO-Designed Variance would be subject to five conditions, as detailed in Attachment 2.

Figure 1: Render of Proposed Sign



The Subject Premises currently houses the Abiona Centre, a mental health organization that operates as a registered charity. Staff have confirmed that the Subject Premises is designated as being entirely in a Residential ("R") Sign District, located to northwest of Humewood Drive in Ward 12 - Toronto-St. Paul's, see SignView Map in Figure 2. The Subject Premises is surrounded by an R sign district in all directions, and mostly contains low-rise dwellings. To the southeast of the Subject Premises is an Open Space ("OS") Sign Districts, where Humewood Park is situated.

Figure 2: SignView Map - 40 Humewood Drive



Surrounding premises:

North: Residential ("R") Sign District, low-rise single-family dwelling

South: Residential ("R") Sign District, low-rise single-family dwelling

East: Residential ("R") Sign District, low-rise single-family dwelling

West: Residential ("R") Sign District, low-rise single-family dwelling

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 proposed sign(s) meets each of the 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 eight criteria, on the basis of the information presented to the Sign Variance Committee.

The SVC has the authority to either approve or deny the variances requested by the Applicant for the Proposed Sign Variance. Additionally, the SVC can suggest alternatives or impose conditions not included in the Applicant's proposal. One such alternative is the CBO-Designed Variance, which includes four specific conditions for the Proposed Sign, detailed in Attachment 2. The SVC has the option to approve the variances with these conditions or make a different decision.

Applying the Established Criteria

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

The Subject Premises has been confirmed as being designated as R Sign District, and that first party signs are permitted in R sign districts. The CBO has also confirmed that as per information contained in the Applicant's submission, the Proposed Sign belongs to the first party sign class, since they advertise, promote, or direct attention to businesses, goods, services, matters, or activities that are available at, or related to, the Premises where the signs are located. The CBO has confirmed the CBO-Designed Variance contain a similar sign as described in the Proposed Sign Variance.

Therefore, the CBO is of the opinion that this criterion has been established for both the CBO-Designed Variance and the Proposed Sign Variance.

Section 694-30A(2): The Proposed Sign is compatible with the development of the premises and surrounding area

The Subject Premises is designated as an R Sign District and is surrounded by other R Sign Districts. According to the Sign By-law, first-party ground signs are permitted in R Sign Districts, provided the sign is located on premises containing a school, place of worship, hospital, nursing home, or community centre. Additionally, the regulations

allow for a ground sign to display readograph copy, limited to the copy being displayed and changed manually.

Figure 3: Aerial View - Adjacent Properties Uses



The Subject Premises houses a mental health organization that is a registered charity. This organization offers an educational component regulated under the Education Act, and can be considered a school for the purposes of signage, as defined in Chapter 694:

SCHOOL - A premises used for elementary or secondary education which is regulated under the Education Act, whether or not it is funded under such Act.

Since the Subject Premises contains a school a first party ground sign is permitted. However, a variance is necessary for the Proposed Sign to include an electronically changing readograph display, which contravenes the provisions for readograph displays in R Sign Districts.

Based on the review of submissions and feedback from community members received during the consultation period, the CBO was not satisfied that the Proposed Sign Variance requested by the Applicant sufficiently addressed compatibility concerns. Due to the residential nature of the vicinity, staff agree that the Proposed Sign should not impact neighboring lands.

To minimize any potential impacts generated by the non-permitted readograph display, the CBO proposed the CBO-Designed Variance, which contains a similar sign at the same location, however subject to specific conditions. These conditions include:

- Limiting the brightness levels and hours of operation of the Proposed Sign.
- Restricting readograph content changes to once per day.
- Incorporating landscaping around the Proposed Sign.

Staff believe that, subject to these conditions, the Proposed Sign would be more compatible with the overall objectives of the Sign By-law for permissible signs in R Sign Districts. The potential impacts of illumination on nearby residential and open space properties would be minimized, driver distraction caused by message changes and variable illumination levels would be mitigated, and the landscaping make it would be more aesthetically pleasing and less obtrusive. Consequently, the Proposed Sign should be more compatible with the area.

As a result, the CBO is of the opinion that the criterion has not been established for the Proposed Sign Variance, however, subject to the specified conditions, the criterion has been met for the CBO-Designed Variance.

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

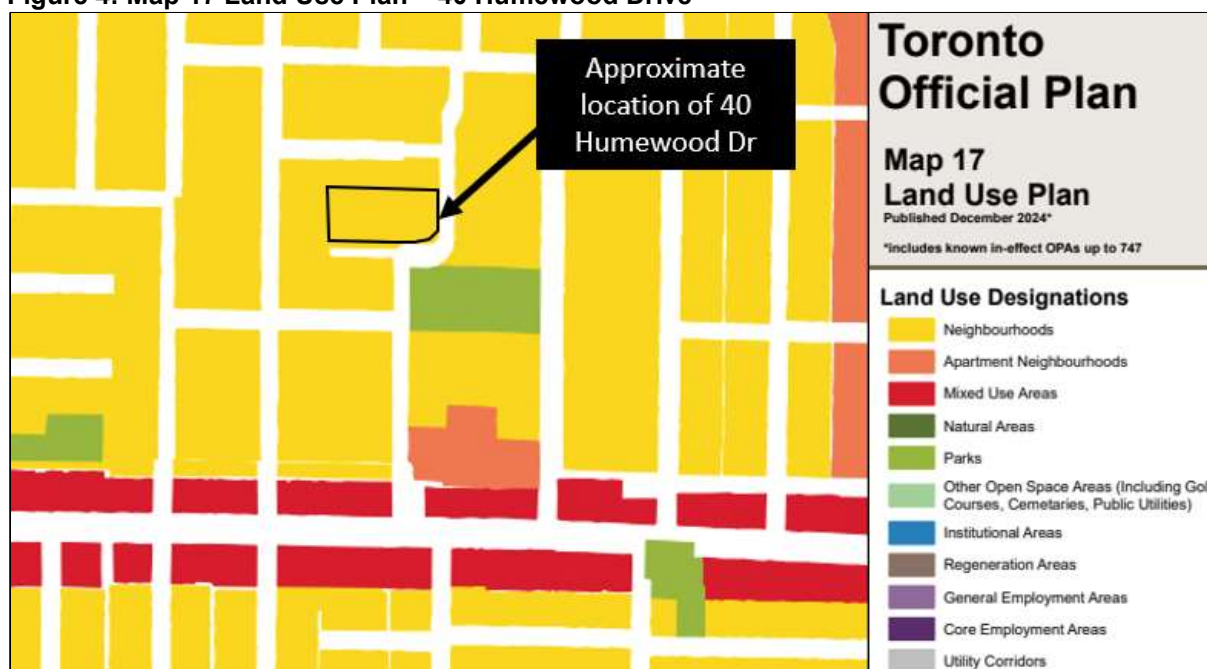
The property located at 40 Humewood Drive is designated as a "Neighbourhoods" area within the Official Plan. It is surrounded by various Neighbourhood and Parks uses (see Figure 4). Neighbourhoods are characterized as physically stable areas predominantly composed of residential uses in low-rise buildings, which aligns with the current uses identified in the area. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

According to the Official Plan, low scale local institutions, like schools, community centres and daycare, play an important role in the rhythm of daily life in Neighbourhoods. The Centre located on the Subject Premises provides services that are in line with the uses expected for Neighbourhoods, such as education programs and childcare.

As a result, a sign providing identification and information for Abiona Centre's users could align with the Official Plan policies local institutions in Neighbourhoods. However, the Official Plan also stipulates that:

"Physical modifications to established Neighbourhoods must be sensitive, gradual, and compatible with the existing physical character. A primary objective of this Plan is that new developments respect and reinforce the general physical patterns within a Neighbourhood."

Figure 4: Map 17 Land Use Plan – 40 Humewood Drive



Staff believe that, considering the number of objections received from the surrounding community and the potential impact of the copy displayed on the existing surroundings, the submissions for the Proposed Sign Variance do not sufficiently demonstrate that the Proposed Sign supports the objectives of the Official Plan. However, by implementing the conditions, as proposed by the CBO-Designed Variance the goals of the Official Plan could be achieved.

Implementing limitations on brightness levels and operational hours will mitigate the potential impacts of The proposed Sign's illumination on adjacent residential and park areas. Additionally, restricting the frequency of readograph content changes to once per day will ensure compliance with the R sign district regulations for permissible readograph displays on ground signs. Furthermore, incorporating landscaping around the Proposed Sign will reduce its visual impact. Subject to these conditions, the Proposed Sign will represent a more gradual and compatible modification to the existing physical character of the area supporting the objectives of the Official Plan for Neighbourhoods, while still fulfilling its intended purpose.

Therefore, the CBO is of the opinion that the criterion has not been met for the Proposed Sign Variance, but it has been met for the CBO-Designed Variance.

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

The Subject Premises houses Abiona Centre, a mental health organization that is a registered charity. It is designated as an R Sign District and immediately surrounded by other R Sign Districts. The surrounding area is predominantly comprised of low-rise single-family dwellings, with Humewood Park located to the southeast of the Subject Premises. These identified uses are considered sensitive in nature.

Although first-party ground signs are permitted in R Sign Districts, the Sign By-law stipulates that if such signs contain readograph copy, the copy must be displayed and changed manually. A variance is being sought to allow for the Proposed Sign to display readograph copy that is changed electronically.

Various parties to the hearing raised concerns that illumination from the Proposed Sign would adversely affect adjacent premises. Upon reviewing all submissions, the Chief CBO concurs that the Applicant did not adequately address the issue of illumination in the Proposed Sign Variance.

Figure 6: Location of the Proposed Signs in relation to the Residential Area



However, the CBO has concluded that if the Proposed Sign were subject to specific conditions, such as restricting operation hours at nighttime, reducing brightness by fifty percent of the maximum permitted by the Sign By-law, and limiting the change of the readograph copy to once per day, any potential adverse impacts on adjacent premises, such as brightness, variable levels of illumination, and driver distraction, would be significantly reduced. Staff believe that, subject to the conditions proposed by the CBO-Designed Variance, the adverse impacts of the Proposed Sign should not generate any disruptions that could impact neighboring lands.

Therefore, the CBO is of the opinion that the criterion has not been established for the Proposed Sign Variance. However, it has been established for the CBO-Designed Variance, subject to the specified conditions.

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

The City's Sign By-law regulations are designed to ensure that there are no adverse impacts on public safety for signs which meet the requirements. These regulations are designed to work in conjunction with other regulations which would also apply to signs. The current criterion is intended to ensure that variances are not granted where they would result in signs that would have adverse impacts on public safety.

The Sign By-law has requirements for signs not to be within a "Visibility Zone" – defined as the area within three metres of the outermost points of a vehicular ingress or egress of a property where it intersects with a street. The Proposed Sign would be situated entirely outside this prohibited zone for signs. While the Proposed Sign is located in proximity to sidewalks, it is the CBO's opinion that it would not be situated in proximity to sidewalks or driveways in a manner that could create impact on pedestrian safety.

The City has existing regulations to adequately address the potential for adverse traffic safety (set back from intersections, distance from street lines, and pedestrian triangles) impacts for all signs, including signs displaying electronic copy. The submissions indicate that the Proposed Sign meets the setback requirements outlined in the zoning by-law and it does not obstruct any sight triangles for vehicular traffic.

With electronic displays that change from one message to the next, shorter message durations may result in drivers being more likely to observe a change in the message being displayed, which may result in a higher likelihood that a driver would glance at it for a longer duration. Some of the community members raised concerns regarding traffic safety. Although the Proposed Sign in the Proposed Sign Variance would comply with the Sign By-law provisions for a message duration of 10 seconds between changes in copy, the condition of restricting the readograph content to be changed once per day proposed in the CBO-Designed Variance would further reduce the potential for driver distraction.

Based on the available information with respect to the Proposed Sign, the requested deviations from the mandatory requirements of the Sign By-law, and the proposed location within the Subject Premises, staff does not foresee any reasonable expectations that the Proposed Sign would contribute to any issues affecting public safety, provided that the Proposed Sign is designed and installed in accordance with the requirements of the Ontario Building Code.

Therefore, the CBO has determined that, although submissions may not sufficiently demonstrate that this criterion has been met for the Proposed Sign Variance, subject to the copy change condition, this criterion has been established for the CBO-Designed Variance.

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

According to staff review, the Applicant's documents and drawings contains sufficient information to confirm that Proposed Sign of the Proposed Sign Variance does not meet

the description of any of the signs which are specifically prohibited by §694-15B. The CBO-Designed Variance does not differ in this regard from the Proposed Sign Variance.

As such, the CBO is of the opinion that this criterion has been established for both the CBO-Designed Variance and the Proposed Sign Variance.

Section 694-30A(7): The Proposed Sign does not alter the character of the premises or surrounding area

As previously mentioned, the Subject Premises is classified as an R Sign District and is surrounded by other R Sign Districts. The area is mostly comprised of single-family dwellings and there is a park to the southeast of the Subjected Premises.

Although first-party ground signs are allowed in R Sign Districts, they are only permitted if located on premises containing a school, place of worship, hospital, nursing home, or community centre. The centre located Subject Premises contains an use that meets the definition outlined in Chapter 694 for school. Staff review of the submissions revealed that the Proposed Sign would comply with the Sign By-law in terms of height, number of faces, sign face area and setbacks. However, the Sign By-law further contends that in R sign districts, readograph copy on ground signs must be displayed and changed manually. Applicant requested variance to allow for the readograph copy display to be changed electronically.

During the consultation period, community feedback indicated concerns that the Proposed Sign as outlined in the Proposed Sign Variance, may not fully align with the character of the area due to its illumination and type of copy displayed. To address the identified concerns, the CBO proposed the CBO-Designed Variance, which involves the installation of a similar sign at a comparable location, subject to specific conditions.

By introducing the condition of reducing the brightness levels and restricting the hours of operation of the Proposed Sign, the potential impacts of illumination on residential and open space lands would be minimized. Limiting the readograph content changes to once per day would ensure that the Proposed Sign aligns more closely with the regulations for permissible ground signs containing readograph displays in R Sign Districts, thereby bringing it closer to compliance. Additionally, incorporating landscaping around the Proposed Sign would reduce its visual impact, making it more aesthetically pleasing and less obtrusive. These conditions collectively would ensure that the Proposed Sign be more in keeping with the character of the Subject Premises and surrounding area.

As such, the CBO is of the opinion that the criterion for the Proposed Sign Variance has not been met. However, the criterion has been satisfied for the CBO-Designed Variance, subject to the specified conditions.

Section: 694-30A(8): The Proposed Sign is not contrary to the public interest

The Proposed Signage Variance for one ground sign on the south frontage of the property at 40 Humewood Drive sought approval to display readograph copy changed electronically instead of displaying readograph copy changed manually as permitted for ground signs in the R Sign District.

The Applicant's submission states that the Proposed Sign is crucial to the success of their organization as it allows them to share timely information about healthcare programs and supports, while directing clients to the right area without adding unnecessary pressure or stress.

During the hearing, other parties expressed concerns about the Proposed Sign's illumination, the adverse effects of electronically changing readograph content, its potential impact on public safety, and its compatibility with the area's development and neighborhood character. Feedback also raised concerns about the historical relevance of the building, although staff confirmed that the property is not listed as heritage. Some communications indicated that the Proposed Sign could be disruptive due to the display of electronic content featuring changing images, light effects, fade effects, and changing messages on the double-sided digital display. However, the Proposed Sign Variance application submitted to the City requested only a variance to change the method of readograph content alteration from manual to electronic. The review conducted by the CBO considered only this single request, and any other deviation from the Sign By-law, for example seeking an electronic ground sign, would require a new variance application.

The CBO concluded that the applicant's submissions did not sufficiently address these concerns to ensure that the Proposed Sign, as outlined in the Proposed Sign Variance, was not contrary to the public interest. The CBO also determined that a sign variance for a similar sign, subject to specific conditions, could address these concerns.

To mitigate illumination impacts, the CBO-Designed Variance established conditions requiring the sign to remain unlit between 11:00 p.m. and 7:00 a.m., with illumination not exceeding 150 nits at any time. Additionally, the condition requiring the portion of the sign displaying electronically changing readograph copy to be changed only once per day would ensure that the sign operates similarly to a permissible ground sign with manually changed readograph copy, while still allowing for easier content replacement. Without constant changes in copy, as permitted under Chapter 694, the Proposed Sign would be less distracting to drivers along Humewood Drive, and the light levels would remain constant, further reducing impacts on the surroundings. Finally, requiring evergreen landscaping around the proposed sign would help it blend better with the area, reducing its visual impact. The CBO believes that these conditions would be sufficient to mitigate any potential impacts of the Proposed Sign that might be considered contrary to the public interest.

Consequently, in the CBO's opinion, this criterion has not been established for the Proposed Sign Variance, but it has been established for the CBO-Designed Variance

CONCLUSION

The CBO has determined that the Applicant's submission, submissions received from other parties to the hearing, followed by a review of the application, and an analysis of the Premises and surrounding area, provided sufficient information to establish that the Proposed Sign Variance did not meet all eight of the criteria set out in §694-30A of the Sign By-law. However, the CBO has concluded, based on this same material and review, that a different sign variance, consisting of the similar Proposed Sign, in the same location, but subject to specific conditions, would meet all eight of the criteria set out in §694-30A of the Sign By-law.

As a result, the CBO is of the opinion that the materials presented are insufficient to establish that all eight criteria have been met with respect to the Proposed Sign Variance and the requested variances should not be granted. Additionally, the CBO is of the opinion that the CBO-Designed Variance does meet all eight criteria, and that the SVC should grant the variance subject to the specified conditions as detailed in Attachment 2.

CONTACT

Fernanda Patza, Policy Development Officer, City Wide Priorities, Toronto Building
Email: Fernanda.Patza@toronto.ca; Tel: 416-392-6987

SIGNATURE

Ted Van Vliet
Project Director, Business Transformation and Citywide Priorities
Toronto Building

ATTACHMENTS

Attachment 1 – Description of Proposed Sign Variance
Attachment 2 – Description of CBO-Designed Variance
Attachment 3 – Appellant's Submission Package
Attachment 4 – Applicant's Submission Package
Attachment 5 – Submissions from other Parties to the Hearing
Attachment 6 – Decision of CBO to Refuse the Proposed Sign Variance, and to Approve CBO-Designed Variance