

Application for Two Variances, Each Subject to Three Conditions, Respecting One Third Party Electronic Ground Sign - 700 Markham Road

Date: May 30, 2025

To: Sign Variance Committee

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

Wards: Scarborough-Guildwood (Ward 24)

SUMMARY

JOLT Charge Inc (the "Applicant") has submitted a sign variance application requesting two variances required to allow the Chief Building Official ("CBO") to issue a sign permit to erect and display a double-faced third party electronic ground sign, displaying electronic static copy (the "Proposed Sign"), on the property municipally known as 700 Markham Road (the "Subject Premises").

The Subject Premises is designated a Commercial Residential ("CR") Sign District, which allows for third party signs, however, does not expressly permit electronic ground signs. A variance is required to permit the erection and display of a sign type that is not permitted in the CR Sign District.

The Proposed Sign would have a maximum height of 2.65 meters from grade. It would contain two rectangular sign faces in a back-to-back configuration, oriented north and south, perpendicular to Markham Road. Each sign face would measure 0.93 metres by 1.65 metres, resulting in a sign face area of 1.54 square metres. Further details of the Proposed Sign are provided in Attachment 1.

Submissions indicate that the Proposed Sign would be affixed to a structure that also features an electric vehicle charging station (the "EV charging station"). As Chapter 694 exclusively regulates signs, this report focuses solely on the components of the Proposed Sign. All aspects related to the EV charging station, including relevant laws and regulations, are excluded from the scope of this report.

Following a review of the Applicant's submissions and additional information provided by staff, the CBO has determined that there is not a sufficient basis to conclude that the eight required criteria in §694-30A of the Sign By-law have been established with respect to the two variances, each subject to three conditions, as described further in Attachment 1 of this report.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse to grant the requested variances to sections 694-14.R and 694-15.A, each subject to three conditions, as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign, as further described in Attachment 1 to this report.

FINANCIAL IMPACT

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

DECISION HISTORY

PH11.6 - Improvements to the Sign By-law Amendment and Sign Variance Process

On its meeting of April 18, 2024, the City Council adopted amendments to Toronto Municipal Code Chapter 694, Signs, General, to modify the provisions concerning the processing of applications for amendments to, and variances from the provisions the Sign By-law, and delegate authority to the Chief Building Official and Executive Director, Toronto Building to implement amendments to sign district designations contained in Schedule A, Maps, and related matters.

(<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH11.6>)

ISSUE BACKGROUND

Required Variances and Conditions

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694-14.R	No sign shall be located in a visibility zone.	To allow the Proposed Sign to be located in a visibility zone.
694-15.A	Anything not expressly permitted by Chapter 694 is prohibited.	To allow the Proposed Sign, a third party electronic ground sign which is a sign type not expressly permitted in CR-Sign Districts, to be erected on the Subject Premises.

If granted, the requested variance, would be subject to the following conditions:

- 1) The Proposed Sign shall conform in all respects to the specifications set out in the Proposed Sign Description, including but not limited to the number of sign faces, configuration, orientation of sign faces, copy displayed, maximum height, maximum sign face area, and location.
- 2) The Proposed Sign shall not be erected within 60.0 metres of any premises located, in whole or in part, in an R, RA, I or OS sign district.
- 3) The sign structure of the Proposed Sign shall not be attached, affixed, combined with, or otherwise associated with, an electric vehicle charging station prior to all applicable approvals having been obtained for the erection, installation, display or utilization of the “electric vehicle charging station” being presented to the CBO; and that no permits for the erection and display of the Proposed Sign, or the modification of the Proposed Sign, shall be issued until such time as sufficient information is provided to the CBO demonstrating that all applicable approvals for the electric vehicle charging station have been obtained.

Sign Attributes and Site Context

The Proposed Sign is an electronic ground sign with two sign faces displaying electronic static copy. The Proposed Sign would be located at the property municipally known as 700 Markham Road near the easterly frontage of the Subject Premises. It would consist of two rectangular sign faces in a back-to-back configuration, each with a bisecting line measuring 0.93 metres (horizontal dimension) and centre line measuring 1.65 metres (vertical dimension), with a sign face area not exceeding 1.54 square metres. The sign faces would be oriented approximately north and south, targeting commuters on Markham Road travelling in both directions. The Proposed Sign is described further in Attachment 1.

The Subject Premises features a single-storey multi-tenant commercial building.

There is also one static copy first party ground signs identifying the businesses operating on the Subject Premises (the "Existing Sign") roughly 18.0 metres to the north.

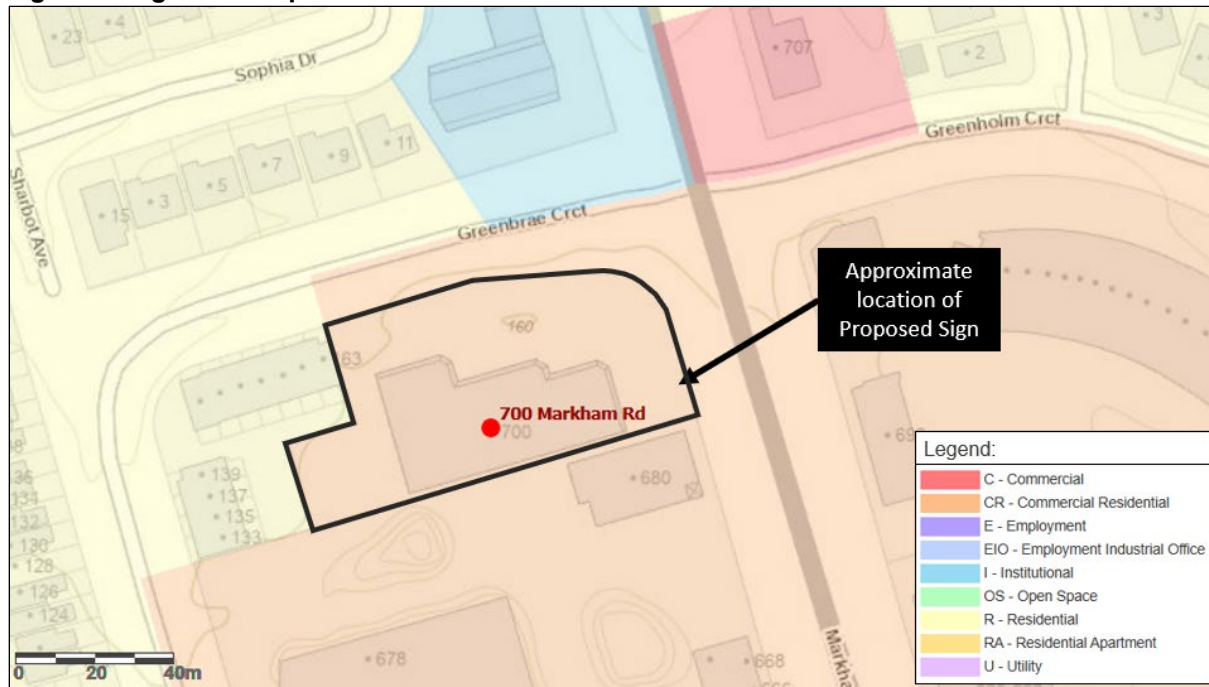
The Subject Premises is located west of Markham Road and south of Greenbrae Circuit, in Ward 24 - Scarborough-Guildwood. Staff have confirmed that the Subject

Figure 1: Render of Proposed Sign (from Submissions)



Premises is designated as a Commercial Residential ("CR") Sign District, see SignView Map in Figure 2.

Figure 2: SignView Map - 700 Markham Road



Surrounding premises:

North: I-Institutional Sign District, Place of Worship

East: R-Residential Sign District, low-rise dwellings

South: CR-Commercial Residential Sign District, two-storey commercial

West: CR-Commercial Residential Sign District, low-rise retail plaza

COMMENTS

Applicant Information

The Applicant has stated they have been authorized by 1704458 Ontario Inc. (the "Owner") to apply for two variances, each subject to three conditions, required to allow for a permit to be issued for one third party electronic ground sign with two sign faces, displaying electronic static copy at the Subject Premises.

Application Background

The Proposed Sign would be situated along the east frontage of the Subject Premises, perpendicular to Markham Road. It would feature two rectangular sign faces, displaying electronic static copy. Each face would measure 0.93 metres by 1.65 metres, resulting in a sign face area of 1.54 square metres. The sign faces would be directed towards the

north and south, allowing visibility for commuters travelling in both directions along Markham Road.

According to the Applicant's Submissions, the Proposed Sign would be affixed to a structure also containing an EV charging station. Given that Chapter 694 only governs signs, the matters subject to this report solely pertain to the Proposed Sign's components. Any matter related to the EV charging station component of the structure, including applicable laws and regulations, fall outside the purview of this review.

Community Consultation

The CBO has adopted a practice of engaging in enhanced consultation process concerning variance applications for electronic signs. Notice of the application required by the City's Sign By-law was served to premises within a 250-metre radius of the Subject Premises. Additionally, the Applicant was required to post a notice in a publicly visible location on the Subject Premises where the sign is proposed to be erected, for a minimum of 30 days prior to the Sign Variance's Committee's consideration.

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

The Sign By-law contains criteria to be used in evaluating variance application for proposed signs. Specifically, §694-30A states that an application for variance may only be granted where it is established that the Proposed Sign meet each of the eight established criteria.

The Sign Variance Committee (the "SVC") is required to conduct an evaluation and determine that party seeking the proposed variances meets all the mandatory criteria, on the basis of the information presented by the parties before the SVC. The CBO has determined that the information submitted by the Applicant, even supplemented by staff research, does not provide a sufficient basis to conclude that the eight required criteria established in §694-30A of the Sign By-law have been met.

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

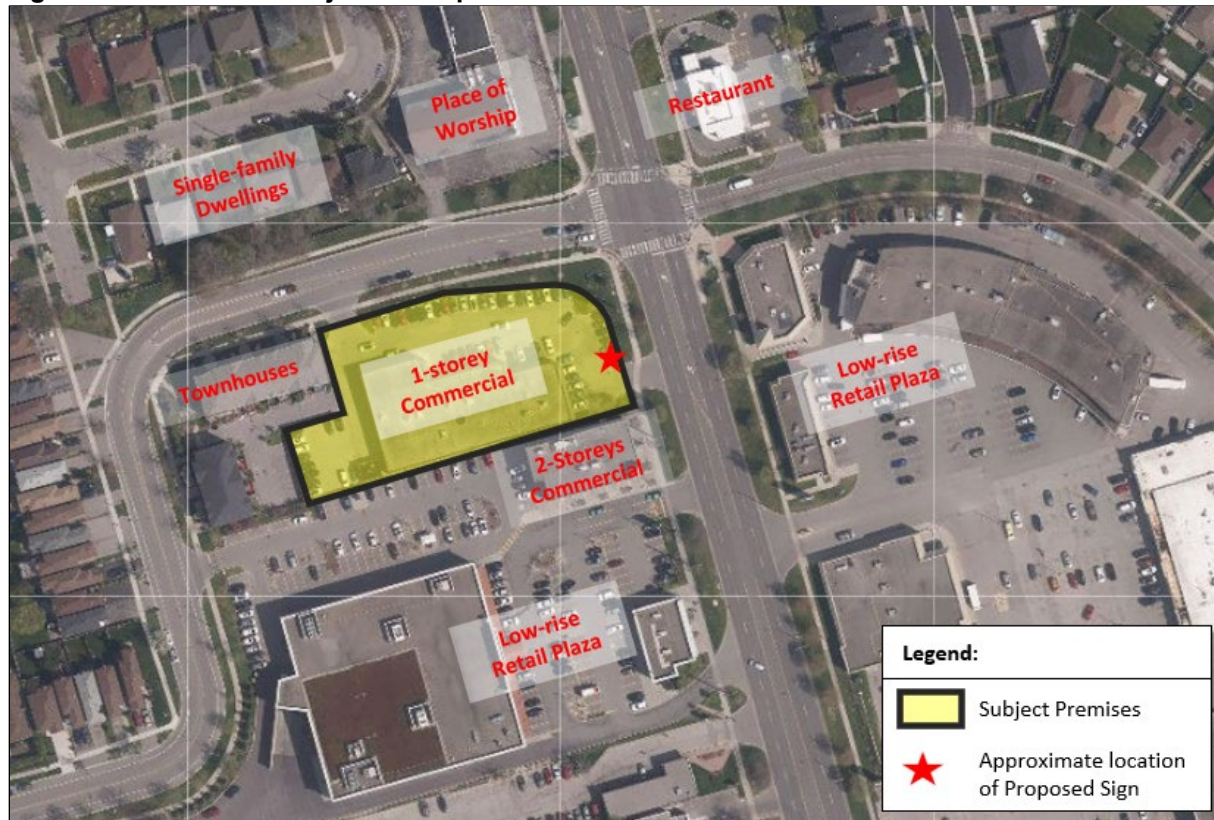
Based on staff review, the Subject Premises is designated as CR Sign District, where signs belonging to the third party sign class are permitted. The CBO has confirmed that, as per information contained in the Applicant's submission, the Proposed Sign belongs to the third party sign class because it would advertise, promote, or direct attention to businesses, goods, services, matters, or activities that would not be available at, or related to, the premises where the Proposed Sign would be located.

Therefore, the CBO is of the opinion that this criterion has been established.

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

The Subject Premises is designated as a CR Sign District and is surrounded by other CR Sign Districts to the east and south (see Figure 2). These properties mainly serve commercial purposes, consistent with the uses expected in CR Sign Districts. The properties to the west are designated as R Sign Districts and feature townhouses. The property to the north is designated as an I Sign District where a Place of Worship (Iglesia ni Cristo) is located.

Figure 3: Aerial View - Adjacent Properties Uses



While CR Sign District regulations permit third party wall signs, electronic ground signs are not expressly permitted. Consequently, there are no district-specific regulations for third party electronic ground signs, such as the Proposed Sign.

Since the Sign By-law was amended in 2024, removing the sign type from the criteria for granting a Sign Variance, Applicants must provide additional evidence and analysis to demonstrate the compatibility of the proposal with the existing and planned development of the area. Submissions indicate that, although the Sign District designation to the Subject Premises is CR, there are no residential land uses on the Subject Premises that would be negatively impacted by the Proposed Sign. They have also stated, as per the Owner's advice, there are no plans to redevelop or change the use of the property in the future, and if this changes the unit could be repositioned or removed altogether.

The Applicant also states that third party sign permits are issued for the period of five years, and that the City would be able to reassess any changes that may have occurred to the area when the sign permit expires. However, this rule does not apply to variances, which is the subject of this application, and if granted, variances remain valid for the Proposed Sign's lifetime and are not subject to expiration.

The Applicant's Submissions state that throughout the City, there are transit shelters containing digital displays of the same make and model as the Proposed Sign's placed in proximity to residential properties, setting a precedent for these types of displays. They indicate that the proximity of between the digital transit shelter signs and residential uses illustrates the negligible impact of such displays on the surrounding properties. While existing signs can be used to some extent to assess the compatibility of a new sign, precedent is not a criterion listed in Section 694-30A for granting or refusing a variance. Staff have also not identified any transit stop(s) displaying electronic copy in proximity to the Subject Premises.

Permitted third party signs in CR Sign Districts fall under one of the following sign types, as defined: wall sign and topiary wall sign. These permitted third party signs are limited to one sign face, with maximum sign face area of 3.0 square meters and a maximum height of 3.0 meters. CR Sign Districts further restrict these third party signs from facing a street and from being positioned less than 30 metres of an intersection. The Proposed Sign would comply with these provisions only in terms of sign face area and height.

The provisions of the Sign By-law regulating signs in CR Sign Districts are intended to promote more pedestrian-oriented signs and advertisements, primarily to identify local businesses. The Applicant's Submissions do not provide sufficient information to determine how an electronic ground sign, like the Proposed Sign, would align with these objectives.

Staff are of the opinion that the submissions do not sufficiently demonstrate how allowing the erection of a sign type not permitted in CR Sign Districts would be compatible with the development of the area or with the objectives of the Sign By-law for signs in CR Sign Districts.

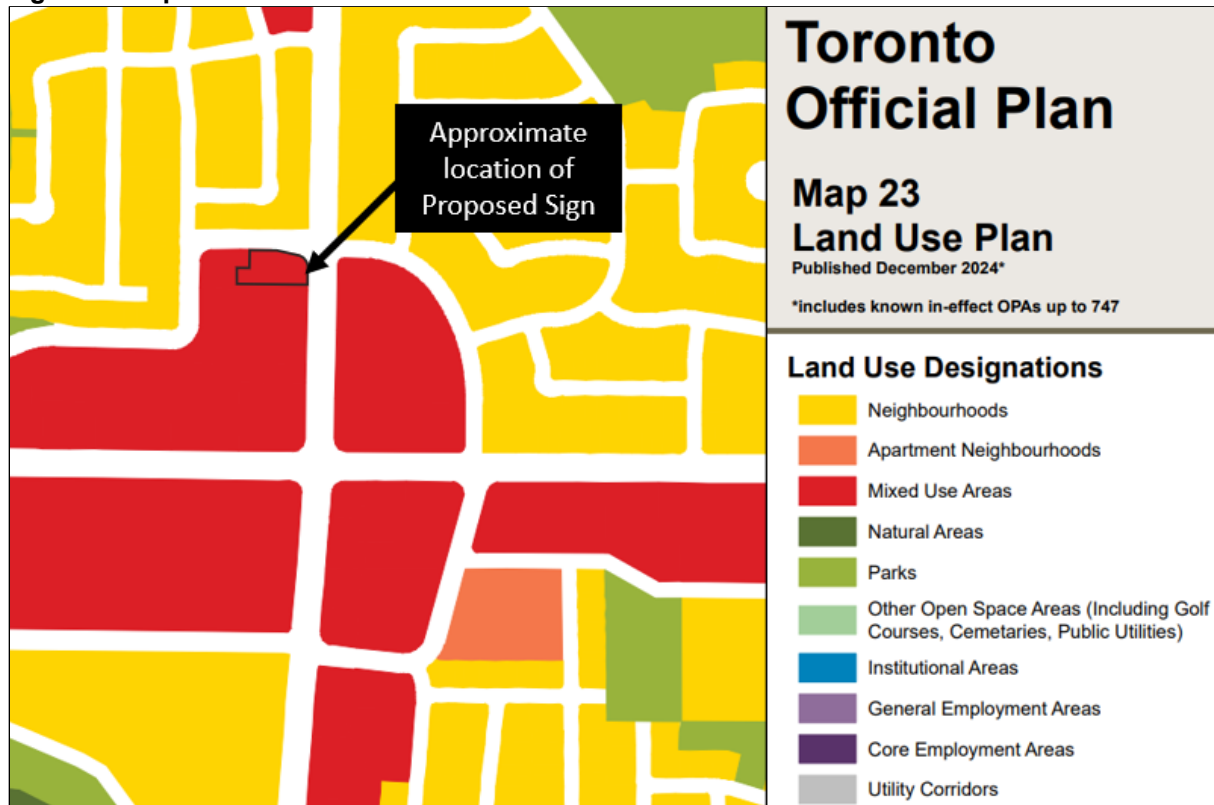
As a result, the CBO is of the opinion that this criterion has not been established.

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

The Official Plan land use designation for the property at 700 Markham Road, and surrounding lands to the east, south and west is Mixed Use (see Figure 4). Mixed Use Areas are intended to promote a balanced and dynamic community by accommodating diverse needs through a combination of commercial, residential, institutional, and open space uses, similar to the uses currently identified on the surrounding properties. The Subject Premises houses one multi-tenant commercial building, aligning with the Sign District's and the Official Plan's designations for the property.

The adjacent properties to the north are designated as Neighbourhoods in the Official Plan. Although third party signs are generally not compatible with the Official Plan policies for these land uses, the Applicant demonstrated that the light-related impacts of the Proposed Sign on properties to the north should be minimal, given its attributes and proposed location.

Figure 4: Map 23 Land Use Plan – 700 Markham Road



The Applicant's submissions indicate Official Plan policies and strategies that would be supported by the installation of an EV charging station. The CBO holds the view that even though the EV charging station and the Proposed Sign might share the same structure, the fact that the EV charging station may support Official Plan objectives does not necessarily imply that the Proposed Sign would support the same objectives. Moreover, as mentioned previously, this report speaks solely to the matters related to the third party electronic ground sign, which are subject to Chapter 694. It is also important to note that if granted, the variance would allow the installation of any third party electronic ground sign on the Subject Premises whether or not combined with an EV Charging Station, so long it meets the specified attributes and conditions.

The Applicant asserts that the Proposed Sign aligns with the objectives of the Official Plan by supporting the integration of commercial uses within mixed-use zones and contributing to an attractive, comfortable, and safe pedestrian environment. They argue that the scale and design of the Proposed Sign would complement the existing streetscape, enhance the pedestrian experience, and stimulate the local economy by promoting businesses, supporting small enterprises, and increasing foot traffic to nearby retail establishments.

However, staff note that the Proposed Sign is a third party sign, which by definition may advertise businesses not located on the Subject Premises. As such, its contribution to the promotion of local businesses is not guaranteed and may not directly support the objectives cited by the Applicant.

The Zoning By-Law is the primary way in which the City implements its Official Plan. It governs the built form of the city in a way that is consistent with the Official Plan objectives for properties throughout the city. Staff investigation confirms that the Subject Premises falls in a Commercial Residential Zone (CR), under the City of Toronto Zoning By-law 569-2013. Permitted uses in a CR zone generally align with those expected for CR Sign Districts. In districts where third party electronic ground signs are permitted, the Sign By-law mandates they shall not be erected within the zoning-required building setback. The Proposed Sign, positioned 0.16 meters from the property line, would fail to meet the 3.0 metres required setback.

The Applicant contends that the wide setback from Markham Road mitigates potential impacts on the roadway and pedestrian walkway. However, this assertion does not address the non-compliance with the prescribed setback requirement. Non-compliance with the applicable Zoning By-law could be an indicator that the Proposed Sign does not support the Official Plan objectives, particularly objectives that are intended to guide built form and the mitigation of impacts through separation distances from adjacent properties or land uses.

Based on a review of the submission materials, the CBO is of the opinion that the Applicant has not provided sufficient evidence to demonstrate that the Proposed Sign supports the Official Plan objectives for the Subject Premises and surrounding area. As such, the CBO is of the opinion that this criterion has not been established.

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

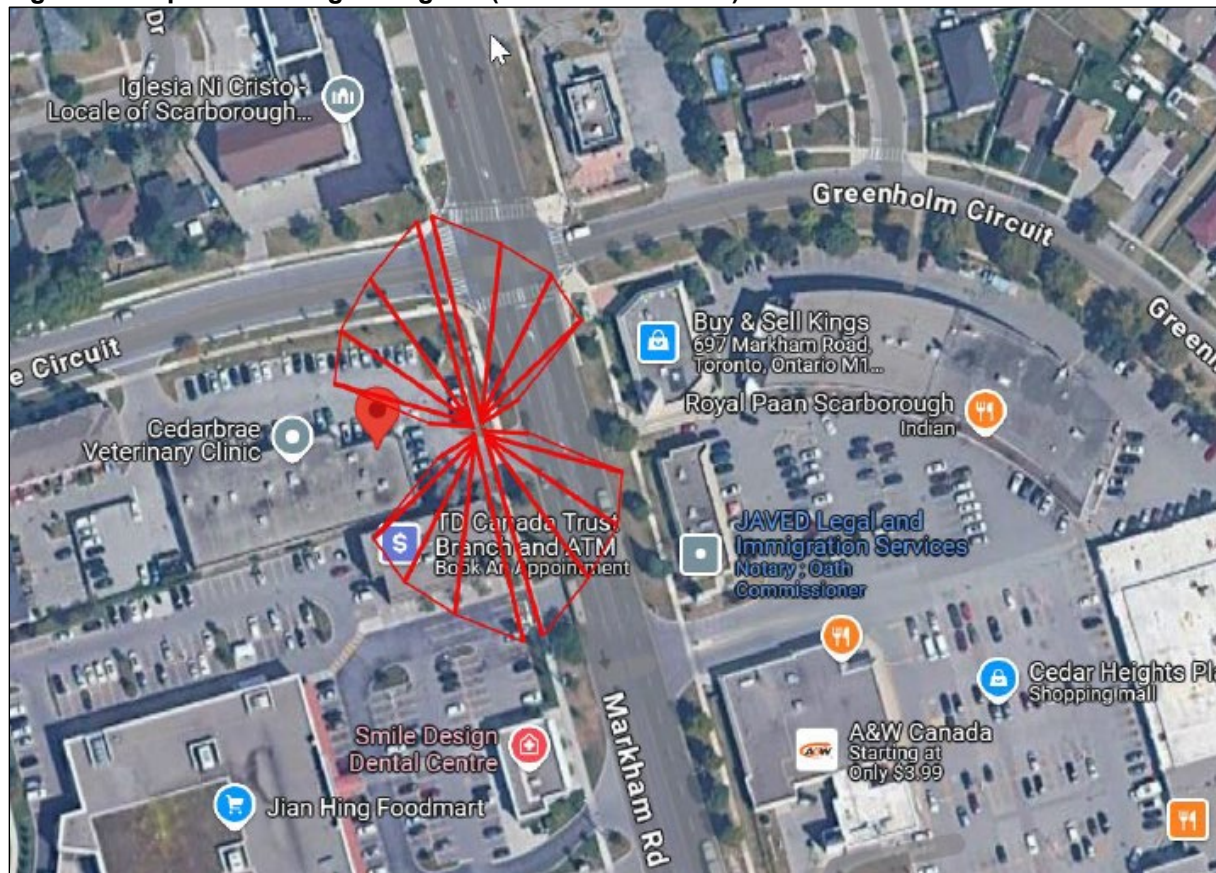
The Proposed Sign, located on a CR sign district, would be facing premises in the I sign district approximately 73 metres to the north, and in the R sign district 86 metres to the west. In sign districts where third party electronic ground signs are permitted, the Sign By-law requires that it shall not face any premises in the CR, I, OS, R or RA sign districts within 250 metres. The Proposed Sign, at the proposed location, would not meet this requirement.

Staff are of the opinion that there would be little relationship between the Proposed Sign the adjacent residential properties to the west. The sign faces, oriented north and south would not be directly facing these properties. Moreover, the existing building on the Subject Premises, much taller than the Proposed Sign, would obstruct its visibility.

The submissions indicate that the electronic static displays of the Proposed Sign, operating at the allowable Sign By-law brightness of 300 nits, would have a light reach of 50 meters. At this distance, the intensity of light emitted equates to that emitted from a full moon, which is the threshold at which emitted light should appear as negligible.

The Applicant asserts that any amount of light outside the light shed cone represented in Figure 5 would be less than what a full moon emits, and as a result, there would be no light trespass impacting the I Sign District to the north.

Figure 5: Dispersion of Light Diagram (from Submissions)



Staff agree that, based on the information presented in the supporting documentation and subject to compliance with the 60-metre separation distance and specifications conditions, the illumination impacts of the Proposed Sign on nearby sensitive land uses should be minimal.

Therefore, the CBO is of the opinion that the Applicant's submission materials, supplemented by staff's investigation, have provided sufficient information to confirm that the Proposed Sign, subject to the specified conditions, should have no adverse effects on adjacent premises, and that this criterion has been established.

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.

With electronic signs 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. The Proposed Sign would comply with the Sign By-law provisions for a message duration of 10 seconds between changes in copy. This regulation is intended to perform many functions, including reducing the potential for driver distraction, to a reasonable level.

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 within this prohibited zone for signs. The Applicant contends that the Proposed Sign's placement - around 10.0 meters from Markham Road and 4.0 meters from the adjacent sidewalk - should comply the regulation's objectives of maintaining safe and adequate visibility. However, the impacts on the driveway due to the changing display and potential distraction for pedestrians and drivers were not fully addressed.

The City has existing regulations (set back from intersections, distance from street lines, and pedestrian triangles) to adequately address the potential for adverse safety impacts for all signs, including signs displaying electronic static copy. The Proposed Sign would be placed approximately 21 meters from the intersection of Markham Road and Greenbrae Circuit, which is controlled by traffic lights, whereas the Sign By-law typically requires a setback of 30 meters.

The Applicant's Submissions suggest that the Proposed Sign meets the 30-metre setback; however, this claim is inconsistent with the Sign By-law provisions, which stipulates that setbacks shall be measured from the property line rather than from the curb. Upon review, staff determined that the Proposed Sign is situated approximately 28 metres from the nearest traffic signal.

Based on the review of 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 are of the opinion that concerns regarding public safety arising from the Proposed Sign have not been not fully addressed. As such, the CBO is of the opinion that this criterion has not been established.

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

According to §694-15B of the Sign By-law, the following signs are expressly prohibited:

- (1) A sign erected on a tree or a fence;
- (2) A roof sign, except a first party roof sign included in a Signage Master Plan consisting solely of first party signs, or a roof sign located in the Dundas Square Special Sign District;
- (3) A sign erected on a parked vehicle or trailer where the primary purpose of the vehicle or trailer is the display of the sign;
- (4) A sign erected on a vehicular, railway or pedestrian bridge;

- (5) A sign which obstructs or interferes in any way with the use of any fire escape, fire exit, door, flue, air intake, exhaust, or required parking space or window, but shall not include a window sign permitted by this chapter;
- (6) A sign which interferes with any electrical or telephone wires or associated supports;
- (7) A sign emitting sound or odour;
- (8) A sign discharging any gas, liquid, or solid;
- (9) A sign containing interactive copy.

The Applicant's Submissions indicate that the Proposed Sign would contain elements serving an accessory purpose of an EV charging station. As these elements are considered part of the Proposed Sign's structure, under the Sign By-law the entire structure must comply with §694-15B. The nature of these accessory elements of the sign structure raises potential concerns with respect to subsections §694-15B, specifically (6), (7) and (9).

Since the Sign By-law only regulated signs, matters related to the EV charging station's component fall outside the scope of this review. To ensure that any granted variance for the Proposed Sign does not conflict with the provisions of §694-15B, a condition requiring the Applicant to obtain all necessary approvals for the EV charging station before receiving a permit for the Proposed Sign was imposed. If the accessory elements of the sign structure interfere with electrical or telephone wires, emit sound, discharge any gas, liquid, or solid, or contain interactive sign content, the Proposed Sign would then be prohibited, and enforcement action would be initiated.

Based on the review of the available information pertain solely to the Proposed Sign's components, staff is of the opinion that the Applicant's documents and drawings contain sufficient information to confirm that Proposed Sign does not meet the description of any of the signs which are specifically prohibited by §694-15B.

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

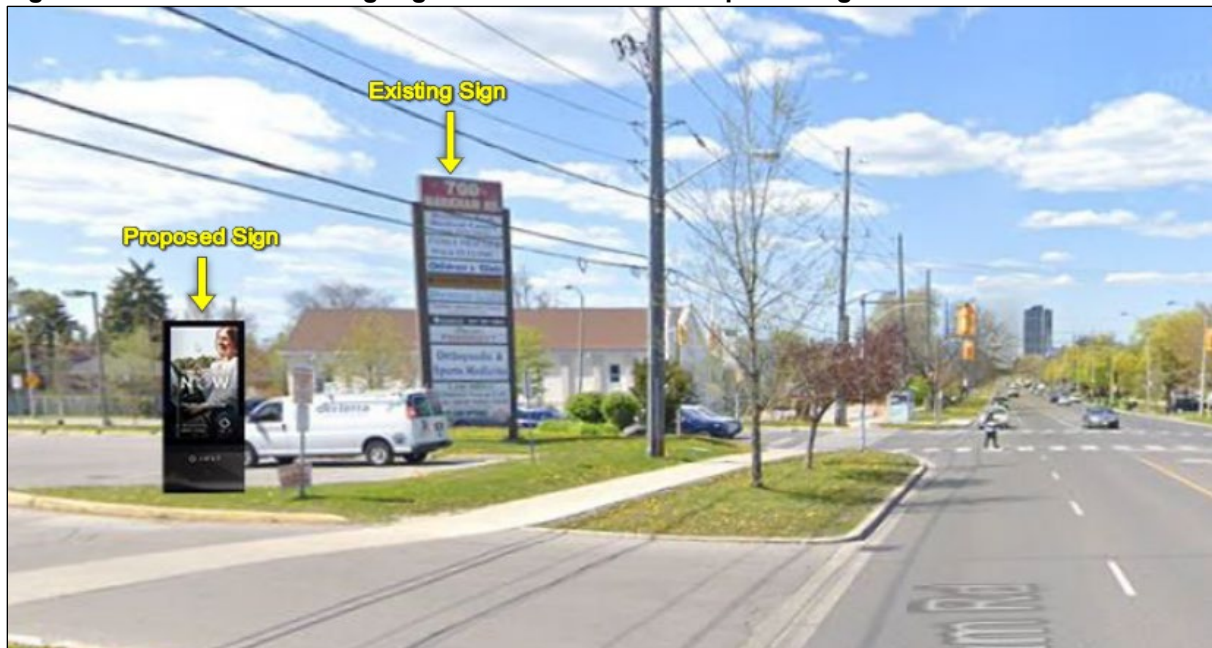
Section 694-30A(7): The Proposed Sign does not alter the character of the premises or surrounding area

The Applicant's submissions indicate that there are nearby transit shelters that display signs of similar same size and format as the Proposed Sign, and as such, the Proposed Sign would blend with the area to compliment and improve the man-made environment. Staff research revealed that signs on nearby transit shelters contain copy of the static type. There were no signs of the electronic type nor other third party signs identified the surrounding area. Additionally, while existing signs can be used to some extent to assess the character of an area, precedent is not a criterion listed in Section 694-30A for granting or refusing a variance.

As mentioned previously, there is a first party ground sign on the Subject Premises, displaying static copy (see Figure 6). In Sign Districts where third party electronic ground signs are permitted, the Sign By-law mandates that such signs be the only

ground sign on the Subject Premises. With the installation of the Proposed Sign, the number of ground signs on the Subject Premises would exceed this limit.

Figure 6: Location of Existing Signs in relation to the Proposed Sign



The Proposed Sign and the Existing Sign would be positioned approximately 18 metres apart. The Applicant states that the separation between the Proposed Sign and the Existing Sign would comply with the Sign By-law requirements and sufficiently mitigate concerns regarding clutter. However, where the Sign By-law allows for signs to be erected on the same frontage, it mandates a minimum separation of 100 metres. Given that the property frontage is, according to the Applicant's Submissions, 46 meters on Markham Road and 70 meters on Greenbrae Circuit, this separation would not be possible given the dimensions of the subject premises.

Staff believe that the proximity between the signs raises concerns of sign clutter. The separation between the Proposed Sign is approximately one-fifth of the minimum typically required. Moreover, the likelihood for multiple sign faces to be visible simultaneously, the inclusion of electronic copy on a sign of the third party sign class - both of which are prohibited in CR sign districts - and the overall number of signs on the Subject Premises further contributes to the issue.

As a result, it is the CBO's opinion that the Proposed Sign would alter the character of the Subject Premises or surrounding area, and this criterion has not been established.

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

The Proposed Sign will comply with the provisions set out in the Sign By-law for third party electronic ground signs in terms of requirement for use of renewable energy, message duration and transition (i.e. no distracting visual effects such as scrolling, flashing, blinking or full-motion video), and with the illumination and time-of-day regulations. Because third party electronic ground signs are not expressly permitted in

the CR sign district, there are no district-specific third party sign regulations for the Proposed Sign's type.

With respect to the requested variance to §694-14R, despite of the wide existing setback from both Markham Road and the adjacent sidewalk, staff are of the opinion that, the application materials provided do not contain sufficient information to confirm that the Proposed Sign will not pose a public safety risk, particularly given its proximity to the driveway and nearby intersection.

Regarding the requested variance to §694-15A, the Subject Premises, while the Applicant's submissions demonstrate that the Proposed Sign's illumination impacts should be negligible on the surrounding properties, the relationship between the Proposed Sign and the Commercial Residential designation of the Subject Premises remains unclear. The Proposed Sign would also be erected on a property already containing one first party ground sign, as well as it would be visible at the same time as the Existing Sign, raising concerns of clutter on the Subject Premises.

Therefore, it is the CBO's opinion that the Applicant's materials, even when supplemented by staff's research and subject to the conditions, have not provided sufficient information to confirm that the Proposed Sign will not be contrary to the public interest, and this criterion has not been established.

CONCLUSION

The Applicant's materials, even supplemented by staff's research and investigation, have not provided sufficient information for the CBO to establish that all eight criteria required to grant an approval for the two requested variances, each subject to three conditions, have been met.

As such, the CBO is not supportive of the Sign Variance Committee granting the requested variances.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1 – Description of Signs and Required Variances

Attachment 2 – Applicant's Submission Package