

Application for One Variance, Each Subject to Three Conditions, Respecting One Third Party Electronic Ground Sign - 3493 Kingston Road

Date: May 30, 2025

To: Sign Variance Committee

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

Wards: Scarborough Southwest (Ward 20)

SUMMARY

JOLT Charge Inc (the "Applicant") has submitted a sign variance application requesting one variance 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 3493 Kingston Road (the "Subject Premises").

The portion of the Subject Premises where the Proposed Sign would be placed is designated Commercial Residential ("CR") Sign District, which allows 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 northeast and southwest, perpendicular to Kingston 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.

The Applicant's 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 associated to 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 one variance, subject to three conditions, as described further in Attachment 1 of this report. Specifically, based on the CBO's assessment the submitted materials do not adequately demonstrate that the Proposed Sign is compatible with the development of the premises and surrounding area, supports the objectives of the Official Plan, not alters the character of the area, or aligns with the public interest, and not be a sign prohibited by §694-15B. The latter criterion - prohibition under §694-15B - is evaluated on a binary (yes/no) basis, and failure to meet this single requirement constitutes sufficient grounds for refusal of the variance application.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse to grant the requested variance to section 694-15.A, 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
694-15.A	Anything not expressly permitted by Chapter 694 is prohibited.	The Proposed Sign is a third party electronic ground sign, which is a sign type not expressly permitted in CR-Sign Districts.

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 3493 Kingston Road near the northwesterly 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 northeast and southwest, targeting commuters on Kingston Road travelling in both directions. The Proposed Sign is described further in Attachment 1.

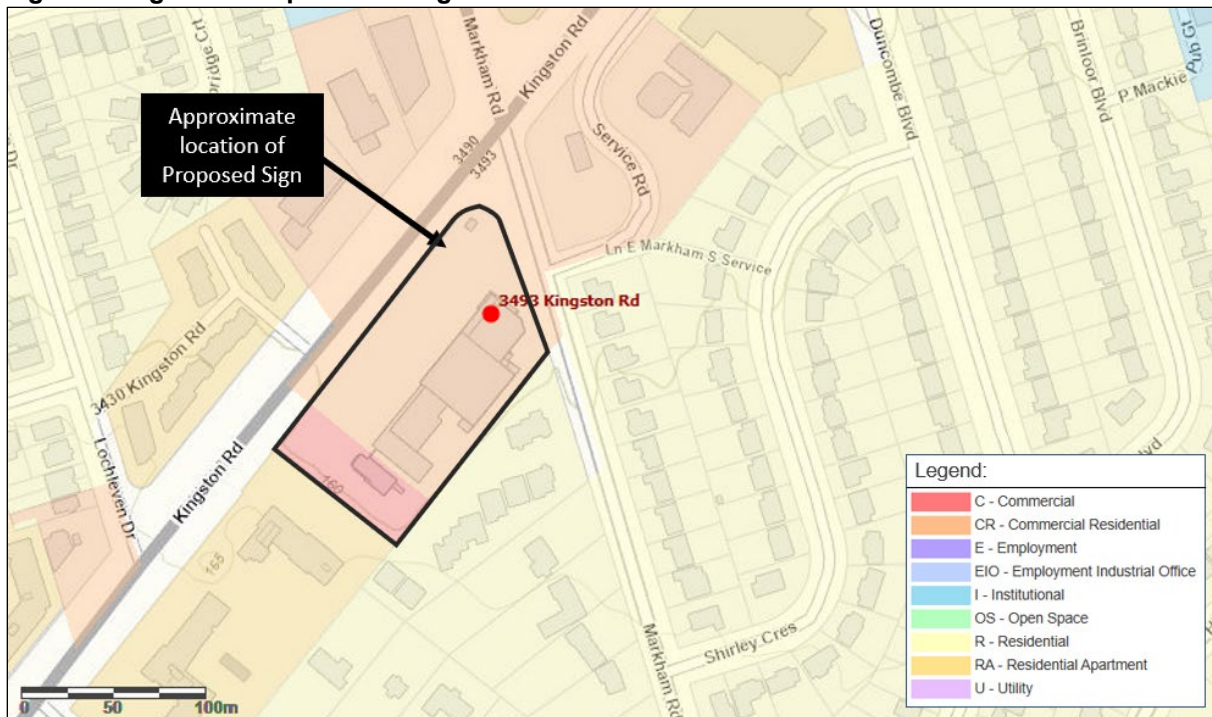
Figure 1: Render of Proposed Sign (from Submissions)



The Subject Premises operates as a retail plaza, featuring three low-rise buildings with various commercial uses. There are also three static copy first party ground signs identifying the businesses operating on the Subject Premises (the "Existing Signs"). The Proposed Sign would be erected on the same frontage as two of the Existing Signs, with the closest one being located 24.0 metres to the northeast.

The Subject Premises is located east of Kingston Road and west of Markham Road, in Ward 20 - Scarborough Southwest. Staff have confirmed that the Subject Premises falls into two different Sign Districts: Commercial ("C") and Commercial Residential ("CR"). The Proposed Sign would be in the portion of the Subject Premises designated as a CR Sign District, see SignView Map in Figure 2.

Figure 2: SignView Map - 3493 Kingston Road



Surrounding premises:

North: CR Sign District, one-storey commercial building

East: CR Sign District, one-storey auto service centre

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

West: RA (Residential Apartment) Sign District, eight-storey residential building

COMMENTS

Applicant Information

The Applicant has stated they have been authorized by E-lar Inc. (the "Owner") to apply for one variance, 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 northwest frontage of the Subject Premises, perpendicular to Kingston 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 northeast and southwest, allowing visibility for commuters travelling in both directions along Kingston Road.

According to the Applicant's Submissions, the Proposed Sign would be affixed to a structure also containing an electric vehicle charging station ("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 an 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 is 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.

The CBO also conducted an additional virtual community consultation session on the evening of May 22, 2025 to provide more information regarding the proposal and collect feedback of area residents and interested parties.

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, has 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 the review of staff, the Subject Premises falls into two different Sign Districts: C and CR. The Proposed Sign would be in a portion of the Subject Premises 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 portion of the Subject Premises where the Proposed Sign would be placed is designated as a CR Sign District and is surrounded by other CR Sign Districts to the north and east. These properties mainly serve commercial purposes, consistent with the uses expected in CR Sign Districts. The properties to the south are designated as R Sign Districts and feature low-rise single-family houses. The property to the southwest is designated as an RA Sign District where an eight-storey residential building is located.

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, like 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 of the Subject Premises is CR, there is no residential land use that would be negatively impacted by the Proposed Sign. They have also stated, as per Owner's advice, that there are no plans to redevelop or change the use of the property in the future, and if this changes, the Proposed Sign 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.

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 a 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 in terms of sign face area, height, and setback from the intersection.

Figure 3: Aerial View - Adjacent Properties Uses



The Applicant's Submissions suggest that the regulations in the Sign By-law are for larger signs, and throughout the City, there are transit shelters containing digital displays of the same make and model as the Proposed Sign's, located in proximity to residential properties, setting a precedent for these types of displays. 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. It also relevant to note that signs on bus shelters do not fall in the scope of Chapter 694, as they are displayed wholly within the public right of way and governed by an agreement with the City enforced by Transportation Services Division.

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 submissions do not indicate how an electronic ground sign, like the Proposed Sign, would align with these objectives.

Staff is of the opinion that the submissions do not sufficiently demonstrate how allowing a sign type not permitted in CR Sign Districts would be compatible with the development

of the area or with the broader objectives of the Sign By-law for signs in CR Sign Districts.

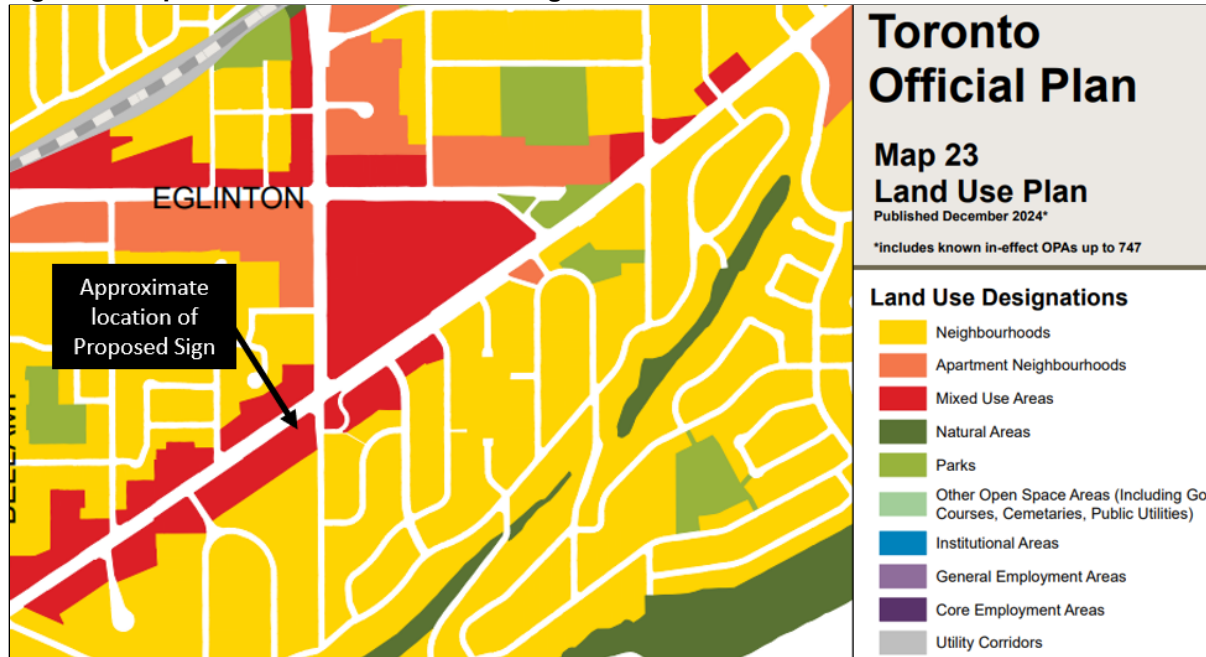
As a result, the CBO is of the opinion that this criterion has not been established.

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 3493 Kingston Road and surrounding lands to the north, east 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 area. The Subject Premises houses three low-rise commercial buildings, aligning with the Sign District's and the Official Plan's designations for the property.

The lands to the south are designated as Neighbourhoods in the Official Plan. Although third party signs are generally not compatible with the Official Plan policies for Neighbourhoods, staff investigation revealed that, given its attributes and location, combined with the existing buildings on the Subject Premises situated between the Proposed Sign and the residences to the south, the relationship between the Proposed Sign and the Neighbourhoods lands should be minimal.

Figure 4: Map 23 Land Use Plan – 3493 Kingston 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 also 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 combined or not with an EV Charging Station, so long it meets the specified attributes and conditions. Submissions do not identify any specific policy that the Proposed Sign would support.

The Zoning By-Law is the primary way in which the City implements its Official Plan. 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 in CR Sign Districts.

In sign 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 from a street. The Proposed Sign, positioned 1.0 metre of the property line, would not meet the required setback, which must be the greater of 21.0 meters from the centre line of Kingston Road or 3.0 metres from a lot line abutting Kingston Road. Additionally, the Proposed Sign would be situated within an existing parking space. As indicated in the Zoning bylaw Notice issued on May 28, 2025, the proposed modifications to the parking area do not conform to the applicable by-law provisions.

The Zoning By-law governs the built form of the city in a way that is consistent with the Official Plan objectives for properties throughout the city. Non-compliance with the applicable Zoning By-law could be an indicator that the Proposed Sign does not support the Official Plan objectives for the premises, particularly objectives that are intended to guide built form and the mitigation of impacts through separation distances from adjacent properties or land uses.

After reviewing the Applicant's submission materials, the CBO is of the opinion that not sufficient evidence was provided to demonstrate that the Proposed Sign would support the Official Plan objectives for the Subject Premises and surrounding area. As a result, this criterion has not been established.

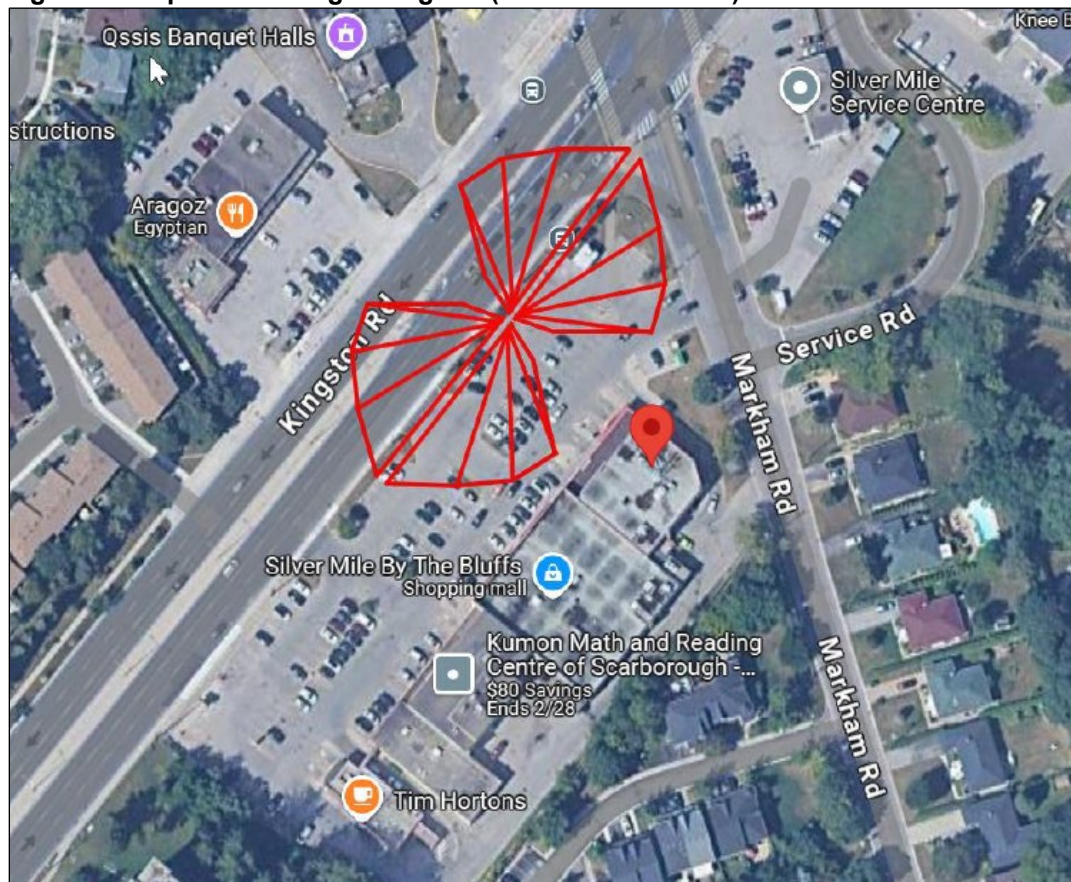
Section 694-30A(4): The Proposed Sign does not adversely affect adjacent premises

The Proposed Sign, located in a CR sign district, would be facing premises in the R sign district approximately 90 metres to the south, and in the RA sign district 150 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 would not meet this requirement.

Staff have confirmed that visibility of the Proposed Sign from the properties to the south, would be entirely obstructed by the existing buildings on the Subject Premises, which are taller than the Proposed Sign. Additionally, the sign faces would not be oriented towards these properties.

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 approximately 50 meters. At this distance, the intensity of light emitted would be roughly equal to that emitted from a full moon, which is suggested by the applicant as the threshold at which emitted light becomes negligible. The Applicant asserts that any amount of light outside the light shed cone represented in Figure 5 will be less than what a full moon emits, and as a result, there would be no light trespass into the existing residential properties along Kingston Road and Markham Road.

Figure 5: Dispersion of Light Diagram (from Submissions)



Staff agree that, based on the details provided in the submissions and subject to the 60-metre separation and maximum height conditions, the illumination impacts of the Proposed Sign on the nearby residences 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.

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. Additionally, the Proposed Sign would not be situated in proximity to sidewalks, roadways, or driveways in a manner that could create impact on pedestrian or traffic safety.

Although there are concerns about driver distraction, 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 located more than 30 metres away from the closest traffic controlled intersection and it would not obstruct any sight triangles for vehicular traffic.

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.

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 there is no reasonable basis for any concern regarding public safety arising from the Proposed Sign. As such, the CBO is of the opinion that this criterion has 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(6), (7) and (9).

Since the Sign By-law only regulates signs, matters related to the EV charging station's component fall outside the scope of this review. To ensure that any granted variances 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.

Submissions further indicate that the Proposed Sign is to be located within an existing parking space. As outlined in the Zoning bylaw Notice issued on May 28, 2025, the proposed alterations to the parking area do not comply with the applicable by-law requirements. Based on the documentation reviewed as of the date of this report, the placement of the Proposed Sign would contravene subsection §694-15B(5) of the Sign By-law, which prohibits signage that obstructs or interferes with the use of any required parking space.

As a result, the Proposed Sign would be prohibited by §694-15B, and this criterion has not been established.

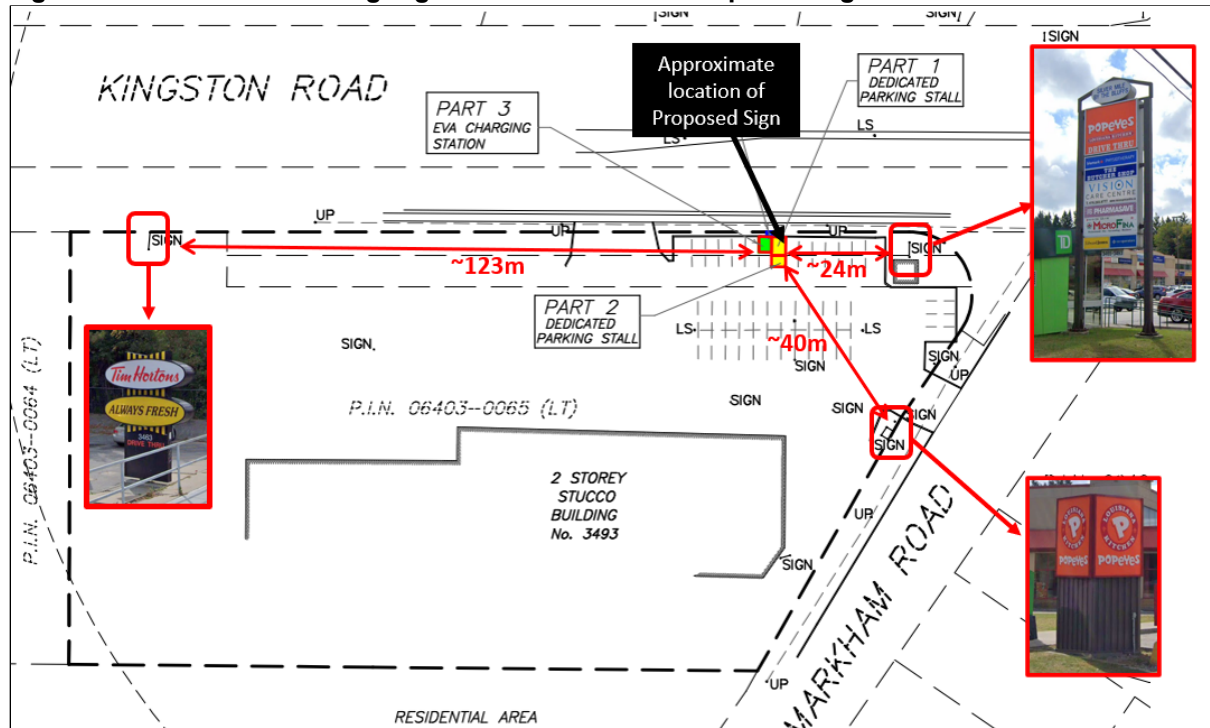
Section 694-30A(7): The Proposed Sign does not alter the character of the premises or surrounding area

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. 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 are three first party ground signs on the Subject Premises, all displaying static copy. The Proposed Sign would be erected on the same frontage as two of the Existing Signs, with the closest one being located 24.0 metres to the northeast (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. Although one of the Existing Signs is on a different frontage, the total number of signs on the Subject Premises would significantly exceed this limit.

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



Moreover, the Sign By-law regulations for CR Sign Districts allow for two first party ground signs on the same frontage, provided they are separated by a distance of 100 metres. The Applicant asserts that the separation between the Proposed Sign and one of the Existing Signs on the same frontage would sufficiently mitigate concerns regarding clutter.

Despite this, concerns regarding sign clutter remain. The Proposed Sign is situated at a separation distance from an Existing Sign that is approximately four times less than the minimum distance typically required. This, combined with the likelihood of multiple sign faces being visible simultaneously, the use of electronic copy on a sign of the third party sign class (both prohibited in CR sign districts), and the number of signs on the same frontage as well as 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 requirements for the 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.

Regarding the requested variance to 694-15A, the Subject Premises, designated as a CR sign district under Chapter 694, is also designated as Mixed Use Areas in the Official Plan and CR zone under the Zoning By-law. 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 designations of the Subject Premises remains unclear. The Proposed Sign would be erected on a property already containing three first party ground signs, as well as it would be visible at the same time as at least one of the Existing Signs, raising concerns of sign clutter.

The Proposed Sign, located on a parking space, would also be placed within the zoning-required building setback. Non-compliance with the Zoning By-law could be an indicator of a misalignment with the objectives of the Official Plan. The submissions lack adequate information to confirm zoning compliance.

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. As a result, 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 requested variance, subject to three conditions, have been met.

The Proposed Sign would be a sign prohibited by § 694-15B, and failure to meet this single criterion is sufficient grounds for refusal of the variance application. Additionally, the CBO has expressed concerns that the submitted materials do not adequately demonstrate that the Proposed Sign is compatible with the development of the premises and surrounding area, supports the objectives of the Official Plan, not alters the character of the area, or aligns with the public interest.

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

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