

Committee of the Whole (2) Report

DATE: Tuesday, April 18, 2023 **WARD(S):** 4

TITLE: APPEAL TO SIGN VARIANCE APPLICATION SV 22-001

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To present for Council to uphold Notice of decision as informed by the recommendation of the Sign Variance Committee to REFUSE sign variance application SV 22-001.

Report Highlights

- Applicant is proposing a two-sided digital billboard sign which is,
 - not located within Employment Areas,
 - larger than permitted,
 - higher than permitted,
 - closer to an existing billboard sign than permitted,
 - located on a lot that abuts a Residential zone and
 - located within 100 m from a building containing residential units or lands zoned Residential.
- The Sign Variance Committee recommended that sign variance application SV 22-001 be REFUSED.

Recommendations

1. THAT Council uphold the recommendation of the Sign Variance Committee and Notice of Decision to REFUSE sign variance application SV 22-001.

Background

The applicant is requesting to install one (1) two-sided digital billboard sign at 9200 Bathurst Street which is:

1. not located within Employment Areas shown in Schedule “E” of the Sign By-law,
2. larger than permitted,
3. higher than permitted,
4. closer to an existing billboard sign than permitted,
5. located on a lot that abuts a Residential Zone and
6. located within 100 m from a building containing residential units and lands zoned Residential,

9200 Bathurst Street is currently zoned General Mixed Use (GMU) and subject to exception 740 under Zoning By-law 001-2021 as amended which permits commercial uses. According to Sign By-law 140-2018 as amended, billboard signs in Industrial Use or Commercial Use zones shall:

- be located within the within the limits of the Employment Areas as shown in Schedule “E” of the Sign By-law;
- not exceed a maximum *Sign Area* of 20.0 square metres for any single *Sign Face* with a total *Sign Area* of 40 square metres for all *Sign Faces* combined;
- not exceed 8.0 metres in height measured from the finished grade level at the base of the supporting structure;
- be set back a minimum of 600 metres from any other *Billboard Sign* located on the same side of the street;
- not be permitted on a lot that abuts a Residential Zone and
- not be located within 100 metres from a building containing Residential units or lands Zoned Residential.

Previous Reports/Authority

None.

Analysis and Options

The proposed two-sided digital billboard sign is 3.5 km from the Employment Areas identified in Schedule “E” of the Sign By-law, more than 10% larger than permitted, more than 25% higher than permitted, less than 1/3 of the distance to another existing billboard sign, located on a lot that abuts a residential zone and less than 1/2 permitted distance to a residential lot.

Section 6.1 of the Sign By-law permits two ground signs on a property under certain conditions as prescribed in the Section. However, Section 6.1 limits the maximum size of the sign to 4m² for third party advertising. A third ground sign was approved in the Development Agreement for the site that allows for a pylon sign with size of 3.0m x 3.0m x 9.0m high. A billboard sign with third party advertising has been proposed instead of a pylon sign in the approximate location of the third ground sign that was approved in the Development Agreement.

Summary Analysis of Variances Requested				
No.	Issue	Permitted	Proposed	Variance
1	Location within Employment Areas per Schedule "E"	Within Employment Areas	Not within Employment Areas	More than 3.5 km from an Employment Area
2	Maximum Sign Area (combination of all Sign Faces)	40 m ²	45 m ²	5 m ² = 12.5% increase
3	Maximum Sign Height	8m per Sign By-law 9 m per Development Agreement	10.25 m	2.25 m = 28% increase from Sign By-law 1.25 m = 13.9 % increase from Development Agreement
4	Minimum setback to another Billboard Sign on the same side of the street	600 m	Approximately 100 m	Achieves 17% of the requirement.
5	Lot abutting a Residential Zone	Not permitted	Lot abuts a Residential Zone	Lot abuts a Residential Zone
6	Distance to Residential units of lands Zoned Residential	Minimum 100 m	40 m	Achieves 40% of the requirement

The applicant appeared before the Sign Variance Committee on August 18, 2022 (deferred) and November 17, 2022. On November 17, 2022 the Sign Variance Committee reviewed the application and recommended that Sign Variance application SV 22-001, be REFUSED.

Financial Impact

None.

Broader Regional Impacts/Considerations

Region of York Engineering approval is not required for the proposed sign.

Conclusion

The Sign Variance Committee and Director of Building Standards do not support this application. Section 21.4 of the Sign By-law states that the Committee (i.e. the Sign Variance Committee) shall consider all applications respecting minor variances to the Sign By-law and make recommendations to the Director of Building Standards. The proposed variances are not considered minor variances.

If Council, however, finds merit in the application, a permit issued by the Building Standards Department is required.

For more information, please contact Jutta Court, Coordinator – Programs and Projects, ext. 8343.

Attachments

1. Submission Site Plan
2. Revised Variance Submission
3. Sign Variance Committee Minutes
4. Notice of Decision
5. Sign Variance Appeal Letter

Prepared by

Jutta Court, Coordinator – Programs and Projects, ext. 8343

Elvio Valente, Manager of Zoning Services and Zoning Administrator, ext. 8374

Ben Pucci, Director of Building Standards and Chief Building Official, ext. 8872

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager