

# Committee of the Whole (1) Report

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**DATE:** Tuesday, January 23, 2024

**WARD:** 4

**TITLE:** APPEAL TO SIGN VARIANCE APPLICATION SV23-001

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To present for Council to uphold Notice of Decision to REFUSE sign variance application SV 23-001.

**Report Highlights**

- Applicant is proposing a one-sided digital billboard sign which is,
  - located within 100 metres from a building containing residential units or lands zoned Residential.

**Recommendation**

1. THAT Council uphold the recommendation of the Notice of Decision to REFUSE sign variance application SV 23-001.

**Background**

The applicant is requesting to install one (1) single-sided digital billboard sign at 721 Westburne Drive which is located within 100 metres from a building containing Residential units and lands zoned Residential.

721 Westburne Drive is currently zoned General Mixed-Use (GMU) and subject to exception 411 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 not be located within 100 metres of a building containing Residential units or lands Zoned Residential.

**Previous Reports/Authority**

None

**Analysis and Options**

The proposed one-sided digital billboard sign is less than 65% of the required distance to a residential lands.

The applicant has proposed to replace an existing ground sign that was approved by Development Agreement (DA)19.035 with a billboard sign. The location of the proposed billboard sign is near the South-East corner of Westburne Dr and Rutherford Rd, near the location of the approved ground sign. It should be noted that the installed ground sign under DA.19.035 is approximately 6.28 m<sup>2</sup> in area, whereas the proposed billboard sign will be 18.6 m<sup>2</sup> in area, taller, different in appearance and will display third party advertisements.

Summary Analysis of Variances Requested				
No.	Issue	Permitted	Proposed	Variance
1	Distance to a building containing Residential units or lands Zoned Residential	Minimum 100m	64.6m to lands Zoned Residential	Achieves 64.6% of the requirement

The applicant appeared before the Sign Variance Committee on August 17, 2023. The Sign Variance Committee reviewed the application and recommended that Sign Variance application SV 23-001 be APPROVED with the following conditions:

- (a) That the sign be dimmed to 150 nits from sunset to sunrise, and
- (b) The digital sign be turned off entirely between 11 pm and 7 am.

The Sign Variance Committee noted that the applicant has an existing ground sign near the proposed location of the billboard sign and is hoping to erect it elsewhere on their property at Rutherford Go station. The Sign Variance Committee advised the applicant that a building permit will be required to do so.

Section 21.4 of the Sign By-law states that the Committee (i.e., Sign Variance Committee) shall consider all applications respecting a minor variance to the Sign By-law and make recommendations to the Director of Building Standards, or in his or her absence, the Director of By-law and Compliance, Licensing and Permit Services, on the disposition of the applications.

As authorized by Section 21.5 of the Sign By-law, both the Director of Building Standards and the Director of By-law and Compliance, Licensing and Permit Services Department reviewed the application and determined that the variance requested was not minor in nature and therefore refused the application.

### **Financial Impact**

None

### **Operational Impact**

None

### **Broader Regional Impacts/Considerations**

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

### **Conclusion**

The Director of Building Standards Department and Director of By-law and Compliance, Licensing and Permit Services Department do not support this application.

Section 21.4 of the Sign By-law states that the Committee (i.e. Sign Variance Committee) shall consider all applications respecting a minor variance to the Sign By-law and make recommendations to the Director of Building Standards or in his or her absence, the Director of By-law and Compliance, Licensing and Permit Services, on the disposition of the applications.

Section 21.5 states that the power and authority to grant or refuse a Sign variance application is hereby delegated to the Director of Building Standards, and in his or her absence, the Director of By-law and Compliance, Licensing and Permit Services.

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 Plans
2. Sign Variance Application and Rationale
3. Sign Variance Committee Minutes
4. Notice of Decision

## **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