



Report to: Development Services Committee

Meeting Date: January 31<sup>st</sup>, 2023

---

**SUBJECT:** Menu Board Sign Variance – 2048833 Ontario Incorporated  
8310 McCowan Road  
Application No. 22.261422.000.00.SP

**PREPARED BY:** Cristin Miller, Supervisor of Zoning  
Ext. 3980

---

**RECOMMENDATION:**

1. THAT the menu board sign variance application by 2048833 Ontario Incorporated at 8310 McCowan Road, Application No. 22.261422.000.00.SP, BE APPROVED subject to the following conditions:
  - a. That the proposed menu board sign be restricted to a maximum height of 2.5 metres and a maximum sign area of 2.0 square metres; and
  - b. Where two (2) menu board signs are provided on-site, zero (0) pre-menu boards be permitted in association with the drive-through service facility.
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**BACKGROUND:**

The subject property is located on the west side of McCowan Road, south of Highway 7 East (FIGURE 2), in lands zoned CCA – Commercial Corridor Area, under By-law 1229, as amended.

The site is the location of a single building, with multiple tenants, including a fast food restaurant with an accessory drive-through. The property is connected via shared access/parking lot with the properties to the north (municipally known as 5221 & 5225 Highway 7 E).

The applicant is seeking permission to add a second menu board sign to a single drive-through lane possessing only one service window. The proposed sign does not comply with By-law 2002-94, as amended, in the following ways:

Sign By-Law Section and Requirements	Applicant's Proposal	Required Variance
<u>Section 12.1</u> One menu board shall be permitted in association with a drive-through facility in a commercial zone, provided the menu board is a maximum height of 2.5 metres and a maximum sign area of 4 square metres.	Two menu board signs.  Refer to FIGURE 3	To permit two menu board signs; whereas the by-law permits one menu board sign in association with a drive-thru facility.

---

**OPTIONS/ DISCUSSION:**

Section 19.0 of Sign By-law 2002-94, as amended, states that when considering an application for a variance the Development Services Committee and Council shall have regard for items a) to d) below. Staff has highlighted each section and provided commentary on the provisions of these sections.

- (a) *Special circumstances or conditions applying to the land, building or use referred to in the application:*

It is the opinion of staff that there are no special conditions or circumstances currently applicable to the site. However, two conditions are recommended, should this application for sign variance be approved.

- Condition 1: That the proposed menu board sign be restricted to a maximum height of 2.5 metres and a maximum sign area of 2.0 square metres; and
- Condition 2: Where two (2) menu board signs are provided on-site, zero (0) pre-menu boards be permitted in association with the drive-through service facility.

Sign By-law 2002-94, as amended, permits a total of two signs (one menu board, and one pre-menu board) for each drive-through service facility. It further restricts the permitted height and size of each sign as follows:

<b>Sign Type</b>	<b>Permitted Height and Area</b>
<b>Pre-Menu Board</b> means a sign erected as part of a drive-through facility and only used to display products and services available at the drive-through business.	Height = 2.5 metres Sign Area = 2.0 square metres
<b>Menu-Board</b> means a sign erected as part of a drive-through facility and used to display and order products and services available at the drive-through business.	Height = 2.5 metres Sign Area = 4.0 square metres

If the recommended conditions are applied, the quantity of signs and proposed sign area/height will be consistent with what is permitted as-of-right under the by-law. However, the proposed signage will be permitted to display and order products/services, rather than display only.

- (b) *Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law:*

Where appropriate conditions are applied, staff believe the proposal maintains the general intent and purpose of the by-law.

- (c) *Whether such special circumstances or conditions are pre-existing and not created by the owner or applicant:*

---

There are no special circumstances or conditions created by the owner or applicant. This section is not applicable.

(d) *Whether the sign that is the subject of the variance will alter the essential character of the area:*

If the proposed signage is approved subject to the conditions identified below, staff believe impacts will be appropriately mitigated, and will not alter the essential character of the area.

- Condition 1: That the proposed menu board sign be restricted to a maximum height of 2.5 metres and a maximum sign area of 2.0 square metres; and
- Condition 2: Where two (2) menu board signs are provided on-site, zero (0) pre-menu boards be permitted in association with the drive-through service facility.

To conclude, staff have reviewed the application with respect to Section 19.5 of the Sign By-law and are of the opinion that the variance requested meets the purpose and intent of the Sign By-law. The Building Department recommends that the ground sign variance be approved, subject to conditions.

**INTER-DEPARTMENTAL IMPLICATIONS:**

By-law Enforcement and Regulatory Services is responsible for the inspection and enforcement of the Sign By-law.

**ATTACHMENTS:**

Figure 1 – Applicant

Figure 2 – Site Location

Figure 3 – Proposed Ground Sign Drawing

Figure 4 – Photograph of Existing Menu Board Sign and Drive-Through

Figure 5 – Existing Menu Board Sign Drawing

Figure 6 – Letter of Support from EXP Services Incorporated

**RECOMMENDED BY:**

---

Stephanie Di Perna,  
Director of Building Standards

---

Arvin Prasad,  
Commissioner of Development Services

**FIGURE 1 – Applicant**

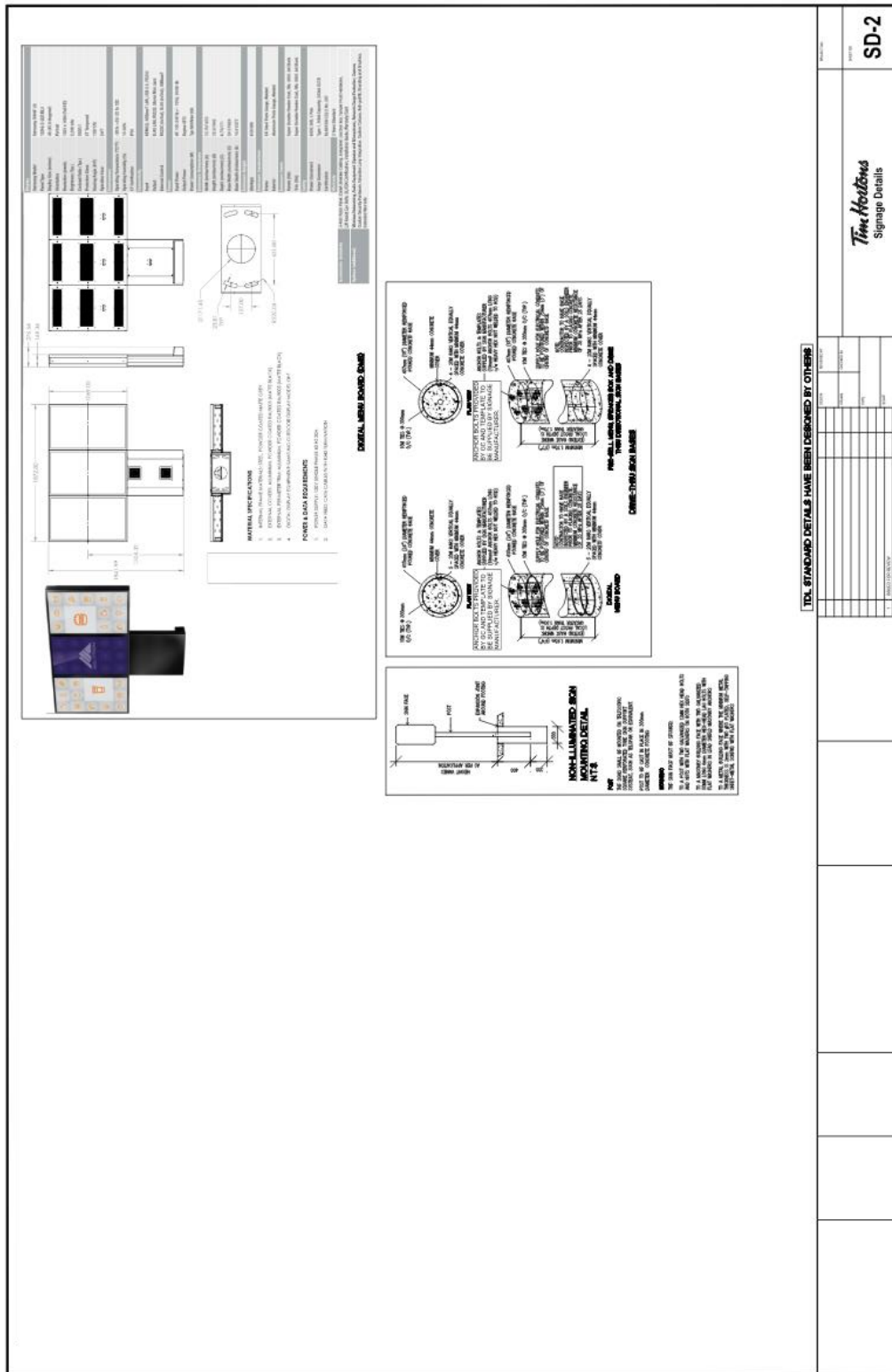
EXP Services Incorporates  
C/O Pedram Varjavand  
1595 Clark Boulevard  
Brampton, Ontario  
L6T 4V1

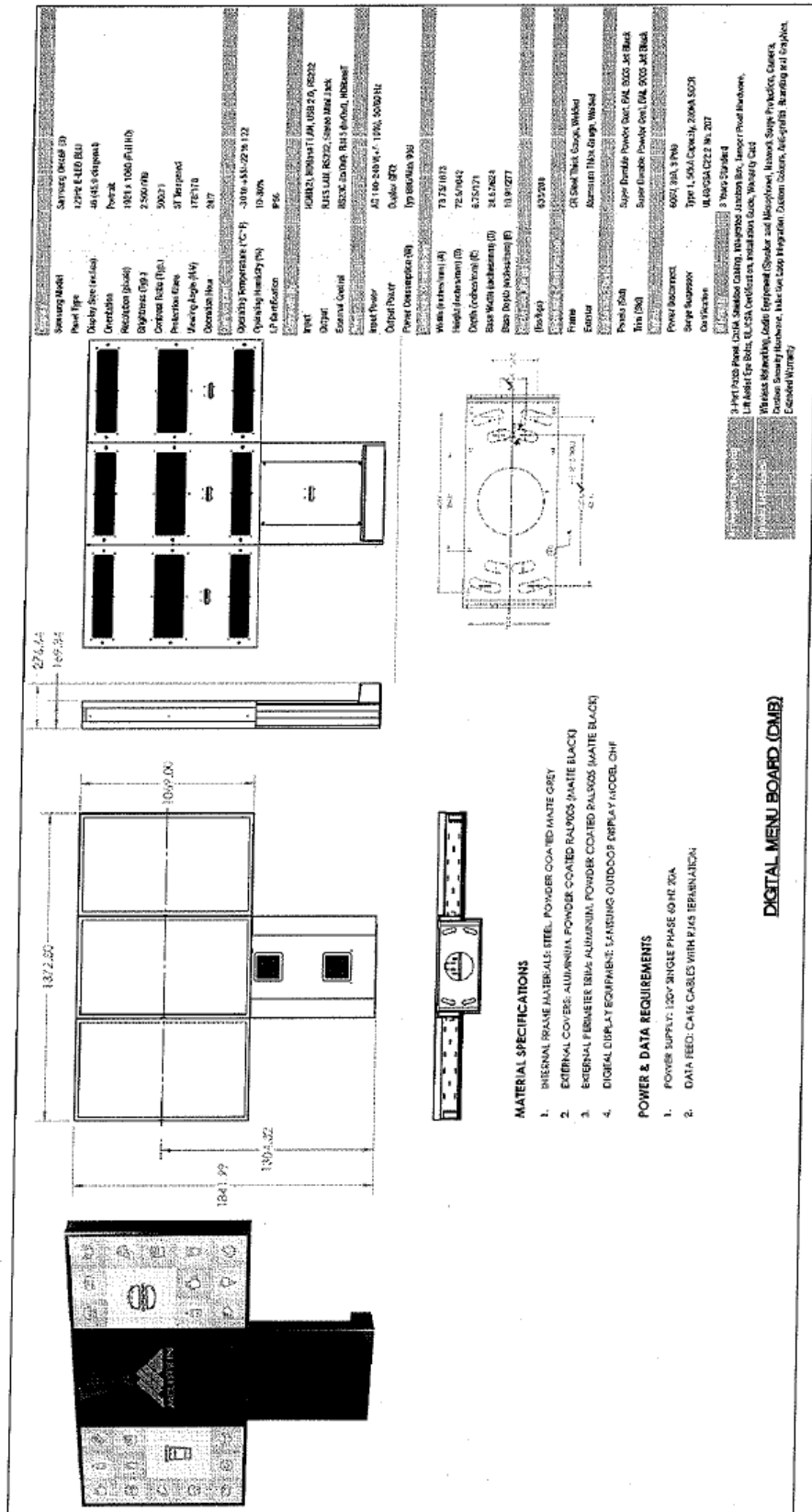
**FIGURE 2 – Site Location**

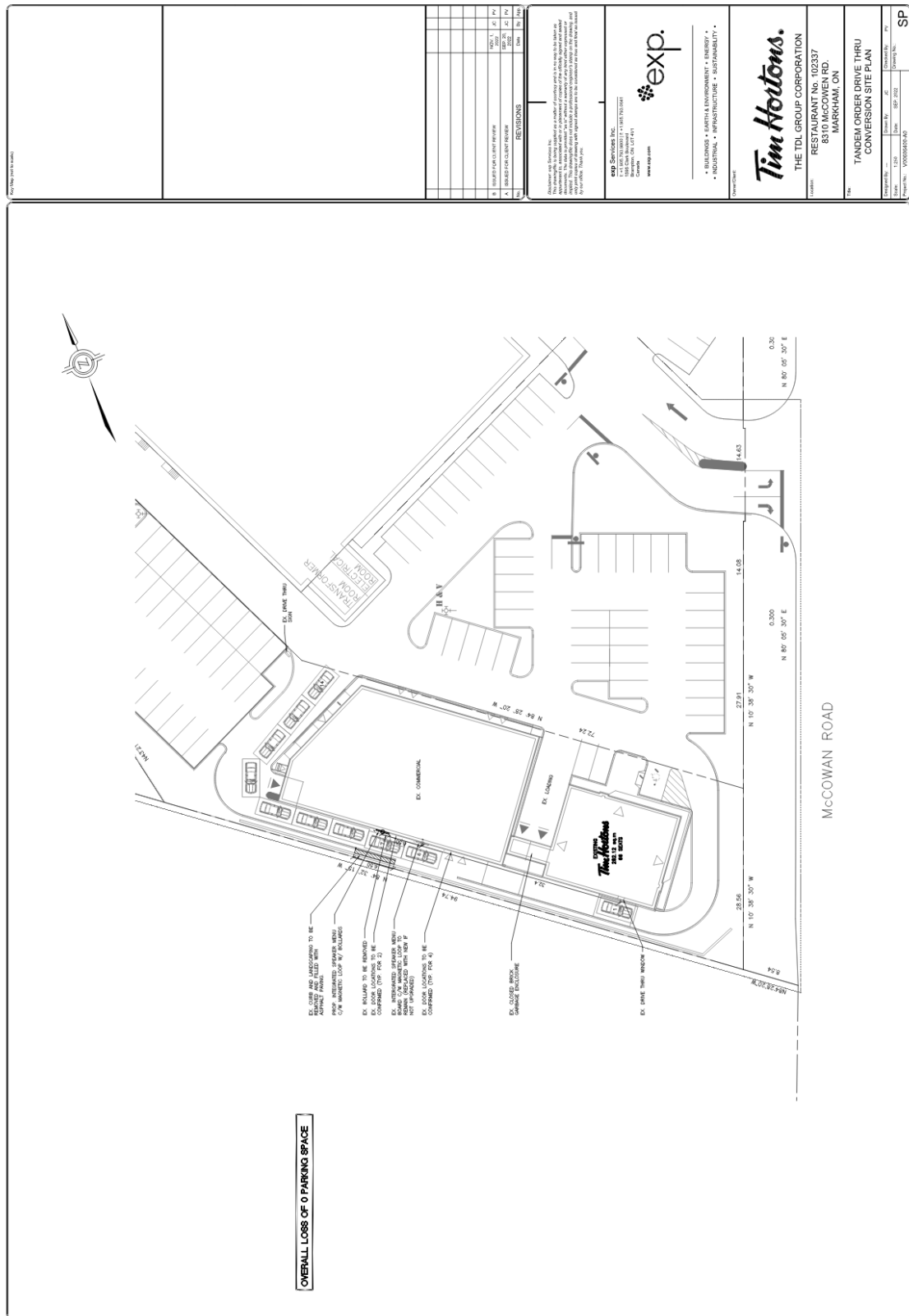




FIGURE 3 – Proposed Menu-Board Sign Drawing



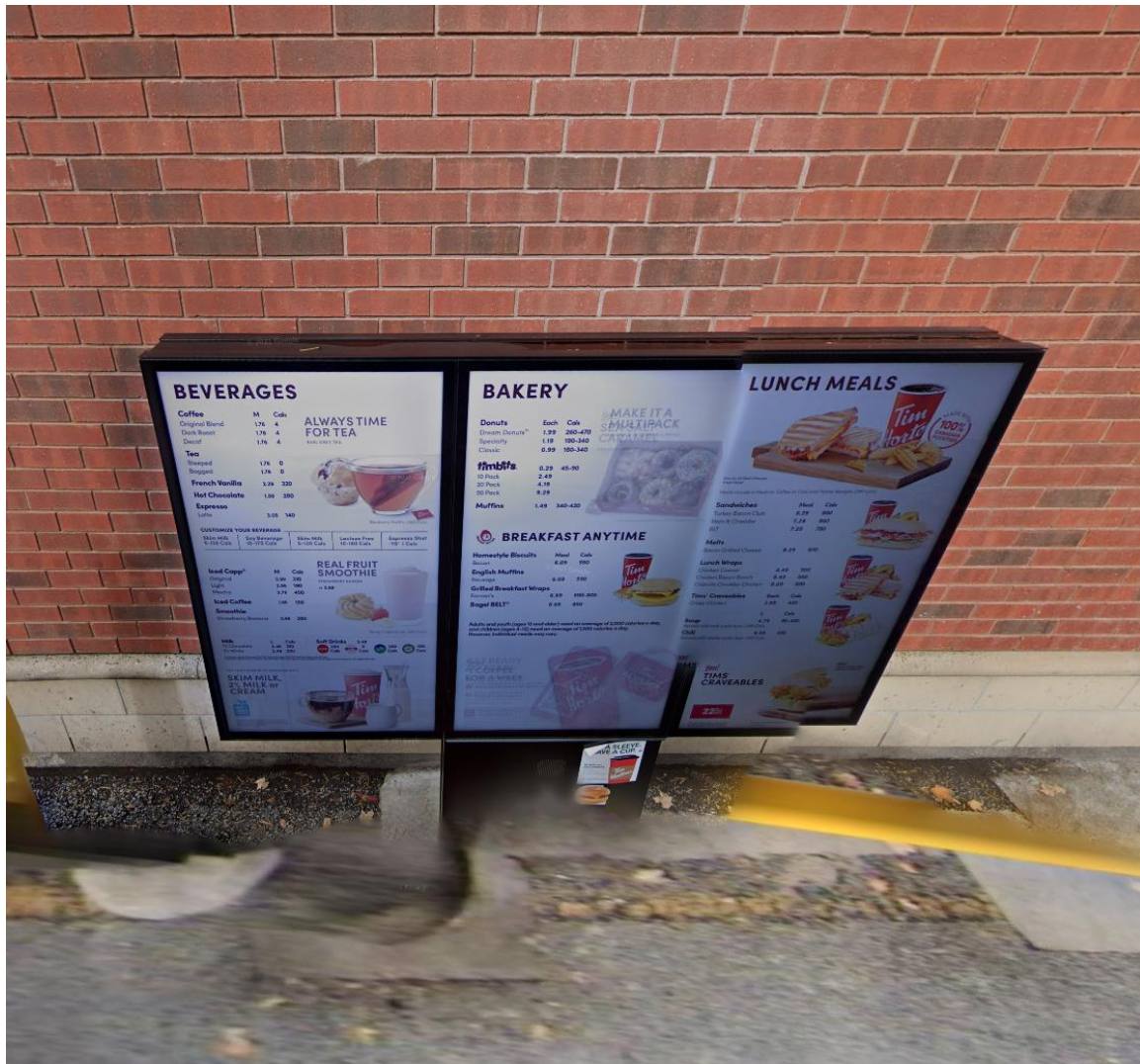






**FIGURE 4 – Photographs of Existing Menu Board Sign and Drive-Through**











**FIGURE 6 – Letter of Support from EXP Services Incorporated**

October 31, 2022

BRM00606400-F2

City of Markham – Building Standard Department  
101 Town Centre Boulevard,  
Markham, Ontario, L 3R 9W3

Attn: Zoning/ Planning Examiner

Re: Rationale Letter – Sign Variance  
For Drive-Thru Menu Sign at the Tim Horton's Drive-Thru  
At 8310 McCowan Rd, Markham, ON (Restaurant #102337)

Sign Permit Application #: 2022 261422 000 00 SP

To Whom it May Concern,

Please accept this letter as the rationale to support the application for variance from the Sign By-law for the new drive-thru menu sign at the Tim Horton's located at 8310 McCowan Rd, Markham.

The proposed sign requires a sign variance because the City's Sign Bylaw states that only one (1) menu-board is permitted per drive-thru facility. The proposal is adding a second menu-board and converting the single order drive-thru to tandem order option. The proposed sign is a digital order menu sign, which will go beside the existing order menu sign to allow two vehicles to complete ordering simultaneously, thereby expediting the speed at which vehicles can get through the drive-thru. This increase in service will enhance the experience for customers by reducing wait times, as well as improving traffic flow through the site by reducing the length of the queuing stack.

This concept was developed as a program across Canada due to the high drive-thru service demand during and after the Covid-19 pandemic. Other franchise restaurant / drive-thru facilities have implemented the same concept, including the McDonald's adjacent to the subject site (Tim Horton's)

I trust that this letter clearly explains why this sign shall be permitted to be installed at this location, but please do not hesitate to reach out if you require further clarification.

Thank you for your time and consideration,

Sincerely,

Pedram Varjavand, B.Arch  
Infrastructure Group

**EXP Services Inc.**