



**TOWN OF MARKHAM  
REPORT TO DEVELOPMENT SERVICES  
COMMITTEE**

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**TO:** Mayor and Members of Council

**FROM:** Jim Baird, Commissioner of Development Services  
Tim Moore, Director of Building Standards

**PREPARED BY:** Andrew Hordylan, Zoning Examiner

**DATE OF MEETING:** April 24, 2012

**SUBJECT:** Billboard Variance  
CBS Outdoor Canada.  
Steeles Ave. E. n/s e/o Tapscott Rd., Markham,  
Mile 177.6, Havelock Subdivision  
Application # 11-133847

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**RECOMMENDATION:**

THAT the billboard sign variance, application # 11-133847, submitted by CBS Outdoor Canada., BE APPROVED.

**BACKGROUND:**

The subject lands are located within the Canadian Pacific Railway right-of-way located on the north side of Steeles Avenue East, west of 9<sup>th</sup> Line, in lands zoned A1 – Agriculture One, under Zoning By-law 304-87, as amended. The subject lands are owned by Canadian Pacific Railway and are further governed under the rules and regulations of Transport Canada.

The applicant is seeking permission to erect a billboard within the rail right-of-way with a reduced lot boundary setback of 2.3 metres, whereas the sign by-law requires a setback of 8.0 metres from a boundary with an adjacent lot. A permit was issued in January 2011 for this billboard which was in compliance with the Town's billboard requirements within a Railway land and was within the maximum number of billboards permitted within the Town. However, the sign's location did not comply with Federal safety regulations governing sightlines for grade crossings with a grade crossing warning system, as such, the sign needs to be relocated.

The sign does not comply with By-Law 2002-94, as amended, in the following way:

Sign By-Law Section and Requirements	Applicant's Proposal	Required Variance
(1) Section 9.1, Table D. A billboard is to be located 8.0 metres from a boundary with an adjacent lot.	A billboard to be located 2.3 metres from a boundary with an adjacent lot	To permit a billboard to be located 2.3 metres from a boundary with an adjacent lot

### OPTIONS/DISCUSSION:

According to the Sign By-law, when considering an application for a variance the Development Services Committee and Council shall have regard for:

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

Subject lands are owned by Canadian Pacific Railway and at this crossing billboards are required to meet a minimum distance from the nearest portion of the sign to track centerline of 25 feet as per Federal safety regulations governing sightlines for grade crossings with a grade crossing warning system, as mandated by Transport Canada.

- (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:*

Strict application of the provisions of Sign By-law 2002-94, as amended, would prohibit the proposed location of the billboard and make it impossible for the applicant to erect the billboard in an approved location. As noted earlier, the applicant has to meet the siting requirements of both the Town of Markham and the Federal government.

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

The Federal sightline guidelines for grade crossings with a grade crossing warning system are pre-existing and not created by the owner.

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

The site is located within a railway right-of-way north of Steeles Avenue East and west of 9<sup>th</sup> Line. The lands to the north-west of the right-of-way are known as the Parkview Golf Course, zoned CR – Commercial Recreation Zone as governed under Zoning By-law 304-87, as amended whereas the lands to the south-east are zoned A1 and O1 – Agriculture One and Open Space One zones, also governed by 304-87, as amended. Figures 4 a), b) and c) illustrate the general unpopulated, rural nature of the lands that fall within the limits of Town of Markham.

The lands on the south side of Steeles Avenue East are part of the City of Toronto and are governed under the rules and regulations of the City of Toronto.

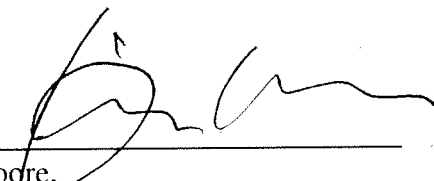
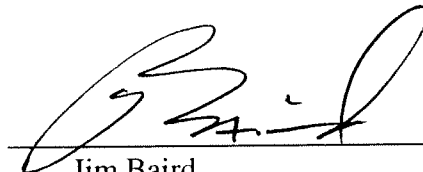
Therefore the Building Department recommends that the billboard sign variance be approved.

**INTER DEPARTMENTAL IMPLICATIONS:**

The By-law Enforcement and Licensing Department 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
- Figure 4 - Photographs

  
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Tim Moore,  
Director of Building Standards  
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Jim Baird,  
Commissioner of Development  
Services

**FIGURE 1 - Applicant**

Roy Dzeko  
CBS Outdoor Canada  
377 Horner Avenue  
Toronto, ON  
M8W 1Z6

**FIGURE 2 – Site Location**

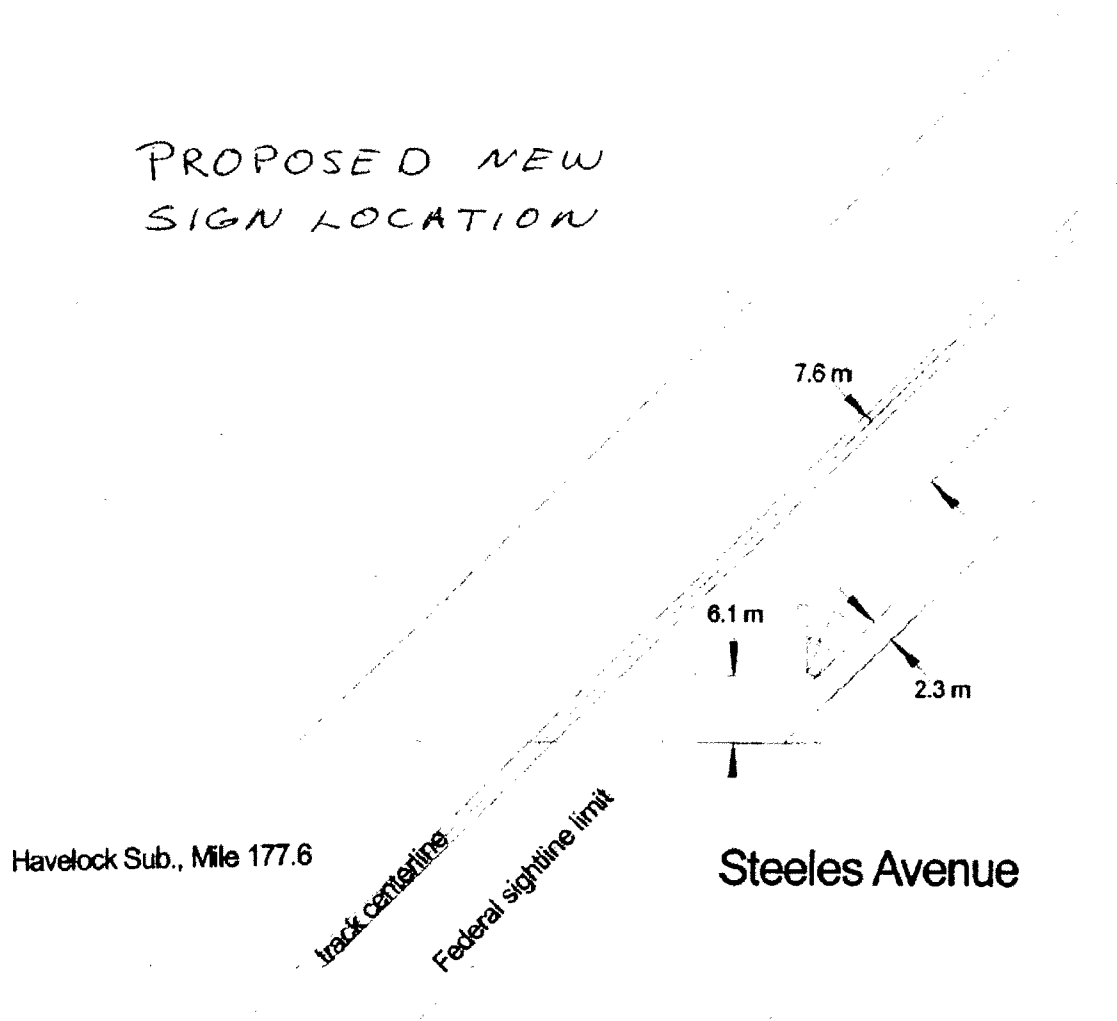
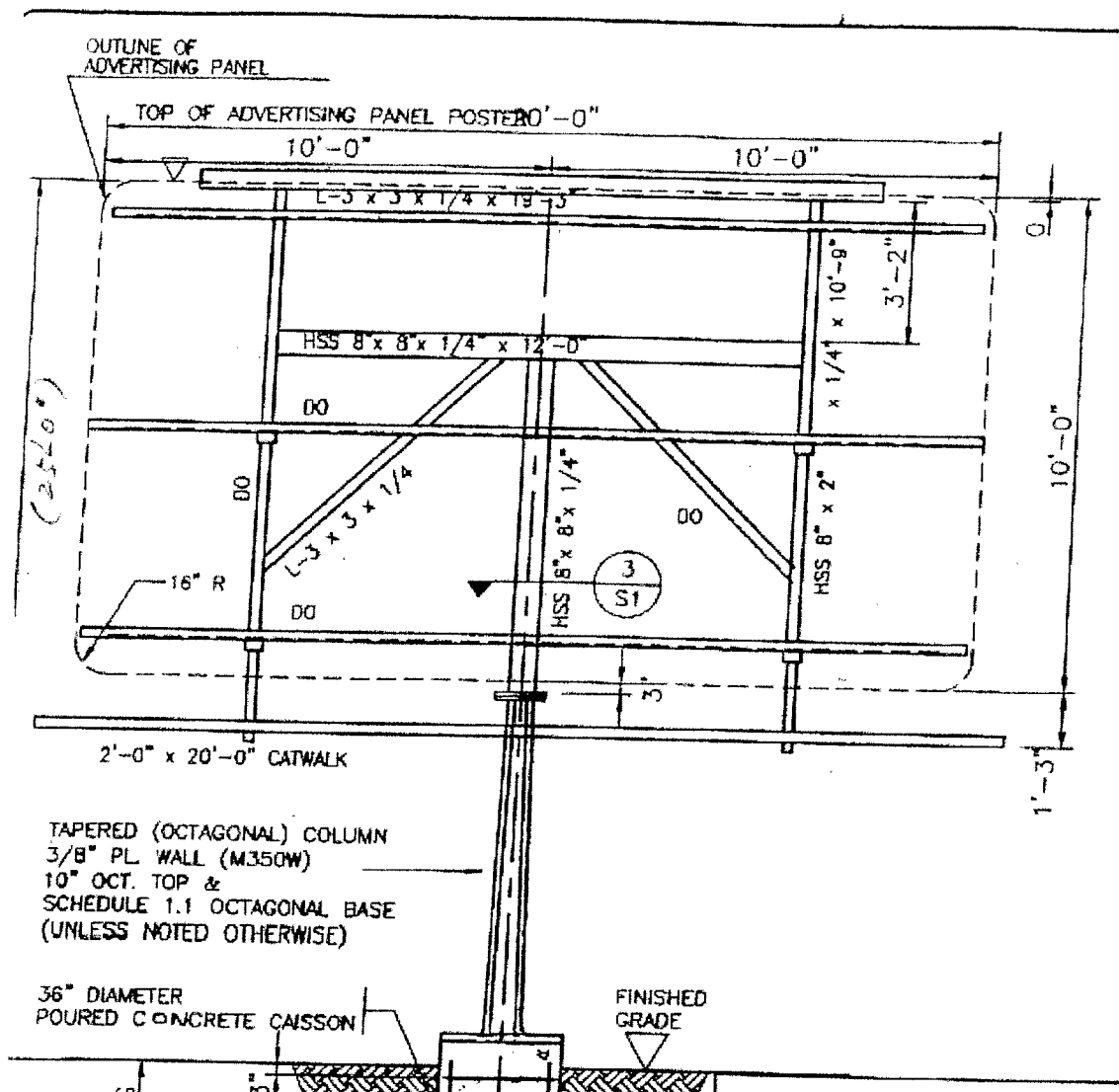
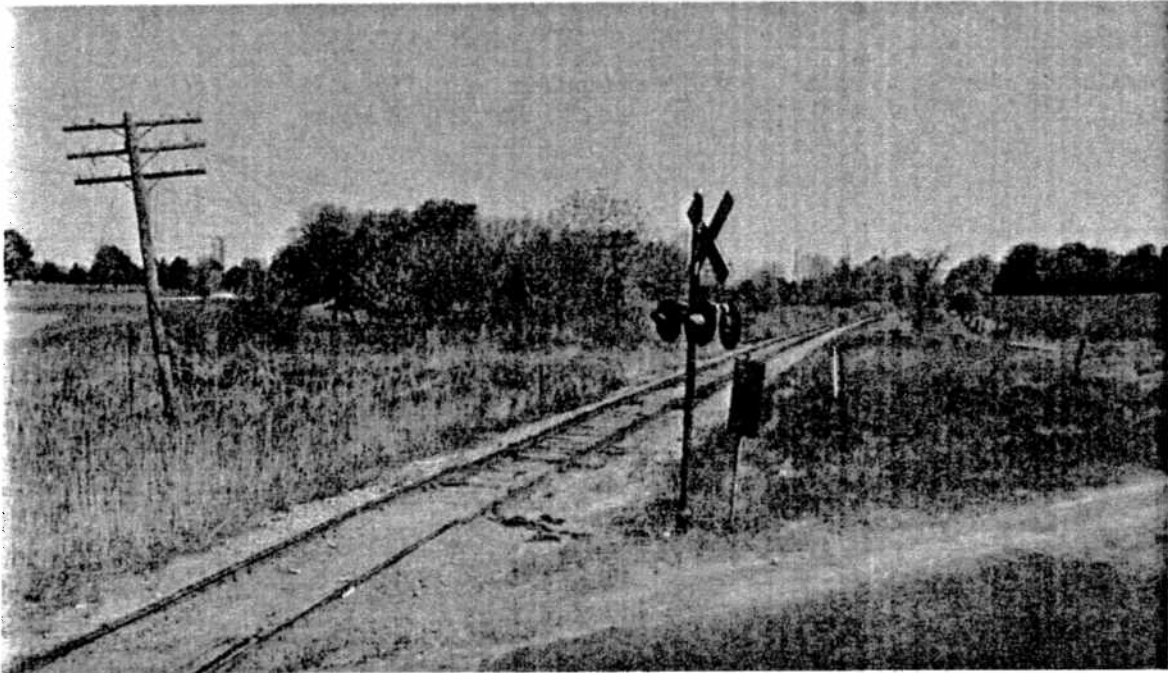


FIGURE 3 – Proposed sign



a) Architectural representation of the proposed billboard

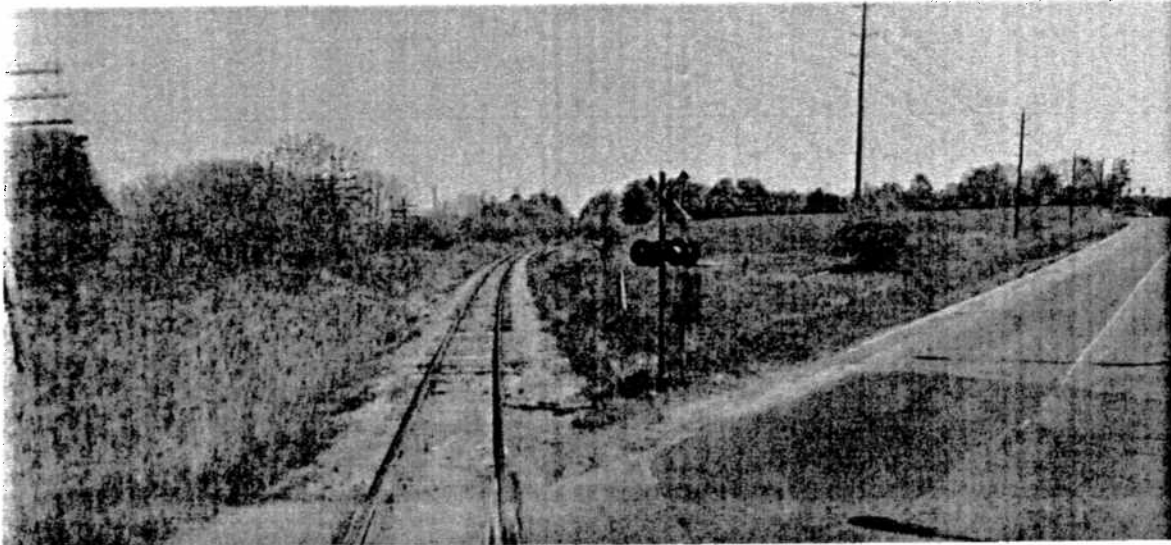
**FIGURE 4 - Photographs**



**a) Facing north-east along the railway right-of-way, north of Steeles Ave. E., west of 9<sup>th</sup> Line**



**b) Facing west along Steeles Ave. E., through the subject lands**



**c) Facing east along Steeles Ave. E., through the subject lands**