

103-111 Ingram Drive – Site Plan Approval and Building Permit History

Date:	June 16, 2008
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 12 – York South
Reference Number:	pg080039

SUMMARY

This report provides information on the Site Plan Approval application activity and building permit application activity for the structures and trailers, all relating to the existing businesses on the property municipally identified as 103 Ingram Drive (also referred to as 103 -111 Ingram Drive).

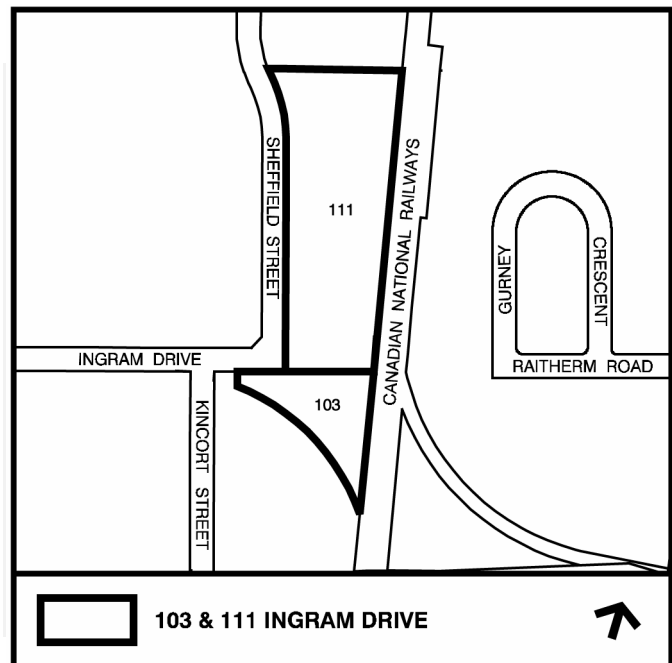
Financial Impact

*There are no financial implications.

DECISION HISTORY

Two information reports have been considered by Community Council and City Council in relation to the land use regulations applicable to the lands at 103 and 111 Ingram Drive.

A joint Information Report from the Acting Director, Community Planning, North District and Director and Deputy Chief Building Official, North District dated May 2, 2003 provided information on the zoning status, the zoning exception regulations and the options to restrict uses and improve



conditions on the lands at 103 and 111 Ingram Drive.

A Supplementary Information Report from the Director and Deputy Chief Building Official, North District dated June 20, 2003, provided further information on the site specific zoning exemptions applicable to the site, the composition of material stored outdoors, the level of separation of material stored on-site and the outcome of a meeting among City staff, Ministry of the Environment staff and the owner of the property to explore solutions to address adverse impacts created by the recycling and manufacturing on properties in the vicinity of the site.

The outcome of these reports to further Confidential Reports and communications from the City Solicitor and City Clerk that were subsequently considered by Toronto West Community Council and City Council in March and April 2004.

ISSUE BACKGROUND

City Council, at its meeting on March 3, 4, and 5, 2008 approved the following motion:

1. The Acting Chief Planner and Executive Director, City Planning, in consultation with the Executive Director and Chief Building Official provide a report to the Planning and Growth Management Committee, on an urgent basis, outlining whether:
 - a. the owner has an approved site plan that accommodates the existing business on the site; and
 - b. the necessary building permits for new structures and trailers on the site were issued prior to the beginning of operations.
2. The City give favourable consideration to an application for recycling of wood on the site, provided the non-conforming asphalt use is removed.

COMMENTS

Site and Surrounding Area

The 6.97 acre site is in one ownership with a municipal property address of 103 Ingram Drive. However, it is commonly referred to as 103 and 111 Ingram Drive. The site was owned by York Steel Construction Limited, a manufacturer of steel products, from approximately 1970 to 1988, The current owner, Ex-L Sweeping and Flushing Ltd., acquired the lands in April 1999.

Recently there have been two uses on the site. At the south end of the site at 103 Ingram Drive is an asphalt plant, which utilises part of the lands along the Sheffield Street frontage for high stockpiling of materials including concrete and materials from road

construction. There is a chain-link fence and a berm with some plantings along part of the frontage towards the north end of the site, but the materials are not screened from view. A cursory overview of asphalt plant operation identified the following processes: delivery of materials, including used asphalt shingles and concrete, which are stored both outside and inside; grinding and crushing materials outside; and the manufacture of asphalt utilizing these materials. Ministry of Environment (MOE) staff indicated that a Certificate of Approval was issued for the asphalt plant, which began operating in early 2000.

The north half of the site has been leased to a recycling operation, Optimum Disposal Services and York Resource Recovery. A Certificate of Approval has been issued by the MOE for this recycling operator. Other recycling businesses previously occupied the site.

The properties immediately surrounding the site are zoned for industrial uses and support a range of uses including the City of Toronto's Ingram Yard on the west side of Ingram Drive. There are residential neighbourhoods located southwest of the site and east of the rail line, on Caledonia Road. A long-term care facility is also located southwest of the site, at the corner of Kincort and Northwestern Avenue. East of the site, on the opposite side of the rail line is the Castlefield Design District.

Zoning – Overall Site

The site is currently zoned Industrial Zone Three (M3), with site-specific exceptions M3 (6) and M3 (5), which apply to 103 and 111 Ingram Drive respectively (see Attachment 1 – Zoning). The M3 zone permits outside storage and operations, subject to certain conditions, and heavier industrial uses including manufacturing, recycling facilities and transfer stations. In the M3 zone, manufacturing uses are permitted to have outside storage and processing, whereas recycling facilities are required to be within a building and are not permitted to store source-separated materials outside. The M3 zone requirements set out minimum front yard, side yard, and rear yard, setback provisions; front yard landscaping provisions and open storage provisions. The parking regulations for industrial zones limit the amount of parking permitted in the front yard area.

Site-specific exception M3(5) exempts 111 Ingram Drive from the yard setback provisions, parking requirements, landscaping and open storage requirements and exception M3(6) exempts 103 Ingram Drive from yard setbacks and open storage requirements.

Asphalt Plant Use

At the time the asphalt plant operation was established in 1999 and early 2000, the City of Toronto Building Division issued a zoning letter advising that an asphalt plant operation was considered a manufacturing use. A manufacturing use is a permitted use in the M3 zone with outside storage and processing permitted.

Recycling Facility

Ministry of the Environment records indicate that a recycling facility operating as Target Transfer was established in early 2000. The Zoning By-law permits recycling facility uses within the M3 zone with a provision that a recycling operation is required to be within a building and source-separated materials are not permitted to be stored outdoors. The recycling facility use on the site appears to have continued since 2000 under different businesses, the current being Optimum Disposal and York Resource Recovery.

Building Permits

A building permit was not required at the time the asphalt plant use occupied the site since no change of use took place from the previous manufacturing use operating as York Steel Construction Limited. In February 2001, a building permit was issued to construct a scale house for the asphalt plant. Building permits are not required for support systems or structures related to equipment and machinery used for the asphalt plant operation.

The recycling facility has occupied the existing one-storey steel clad building previously occupied by York Steel. A building permit was not required for the current recycling facility. A building permit was issued for a previous construction material recovery facility to construct an interior fire wall separation wall within the building in 1993. However, it appears that the wall was not constructed.

An application to the Ministry of the Environment was made in November 2004 by the current recycling tenant, Optimum Disposal Services and York Resource Recovery to amend an existing Certificate of Approval to allow for expansion of the recycling facility.

The Site Plan that was submitted with the application to the Ministry of the Environment was provided to the City for its review and comment to the Ministry of Environment. The Site Plan labelled and located all the on-site elements, equipment and buildings and structures that comprised the recycling operation including two office trailers adjoining the existing weigh scale. Building permits were not required for the trailers as they were not deemed to be buildings under the Building Code Act. Similarly, other equipment such as a generator compactor and storage bins also were not subject to the Building Code and did not require a building permit.

Site Plan Approval

The establishment of the asphalt plant in 1999 as a permitted manufacturing use at 103 Ingram Drive did not require site plan approval. Building permit drawings dated February 9, 2001 for the construction of one storey 49 m² scale house building for the asphalt plant operation indicates that the development was not subject to site plan control approval. Site Plan approval was not required for the scale house pursuant to the former City of North York Site Plan Control by-law and administrative practice.

The current recycling facility at 111 Ingram Drive was not required to obtain site plan approval since the operation has involved the reuse of the existing metal clad building on-site previously occupied by York Steel for an industrial use. The survey and site plan submitted for the asphalt plant scale house building permit indicates that a scale house office existed for the recycling operation at 111 Ingram Drive in early 2001 adjacent to the weight scale at the north entrance to the recycling operation. Since that time another office trailer was added on the site as indicated on the Site Plan dated February 2006 that was submitted to the Ministry of the Environment for the Certificate of Approval amendment application to expand the waste processing capacity of the recycling facility. The placement of the two office trailers on-site are not buildings or structures and therefore are not deemed to be development for the purpose of site plan control. In addition, no new buildings have been constructed on the site, nor have additions or alterations been made to any existing building or structure to warrant Site Plan Approval.

Application for Wood Recycling

An application for recycling wood on the site in place of the asphalt plant has not been received. A recycling facility is permitted under the M3 zoning of the site so long as the recycling facility meets the following definition as contained in the North York By-law.

Recycling Facility means the use of land, building or structure for processing source separated material into recyclable or reusable material, and without limiting the generality of this definition includes such activities as sorting, baling, treating, altering and other forms of material recovery; but does not include a works yard, salvage yard, transfer station or waste incinerator.

If such an application was received it would need to be assessed based on the level of development associated with the application to determine if it would be subject to Site Plan Approval.

CONCLUSION

Site Plan Approval has not been required for the existing asphalt plant and the recycling facility that currently operate on the site. There has been no new construction of buildings or structures on the lands or any alteration or addition to existing buildings or structures relating to each business to warrant site plan control application and approval.

Similarly, the only building permit that has been issued on the site for the current businesses has been a building permit issued in February 2001 for a scale house relating to the asphalt plant. Building permits are not required for trailers, equipment or machinery associated with the recycling use or asphalt plant operation.

The Chief Building Official has been consulted in the preparation of this report.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Zoning

Attachment 1: Zoning



103 & 111 Ingram Drive

- M1 Industrial Zone One
- M2 Industrial Zone Two
- M3 Industrial Zone Three
- RM6 Multiple-Family Dwellings Sixth Density Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑ Not to Scale
Zoning By-law 7625
Extracted 5/5/03 - AK