

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

Date:	September 26, 2008
To:	Planning and Growth Management Committee
From:	Chief Building Official and Executive Director, Toronto Building
Wards:	Ward 12 – York South
Reference Number:	P:\2008\Cluster B\BLD\CBO Office\BLD2008PGM006

SUMMARY

This report responds to the Planning and Growth Management Committee's request at its meeting of September 10, 2008 for a supplementary information staff report to clarify several issues, identified by the Committee, with respect to 103 Ingram Drive and 111 Ingram Drive.

The report (PG 18.6) considered by Committee on September 10, 2008 provided 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

103-111 Ingram Drive - Site Plan Approval and Building Permit History
<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-14606.pdf>
<http://www.toronto.ca/legdocs/mmis/2008/pg/decisions/2008-09-10-pg18-dd.pdf>

ISSUE BACKGROUND

On September 10, 2008, a staff information report from the Chief Planner and Executive Director, City Planning was considered by the Planning and Growth Management Committee providing information on the site plan approval and building permit activity for the structures and trailers, all relating to the businesses at 103-111 Ingram Drive. In considering this staff information report, the Chief Building Official was requested to submit a supplementary report for the Planning and Growth Management Committee meeting on October 14, 2008.

COMMENTS

The following comments respond to the questions posed by the Planning and Growth Management Committee in considering the previous report:

- a. *Question: Whether a letter stating that an asphalt plant is a manufacturing use constitutes a zoning review letter?*

Response: Toronto Building does not have a zoning review letter. Toronto Building does provide a standard service described as a permitted use letter in which the Division states whether or not a particular use is permitted, but does not comment on the zoning standards for that particular use. Permitted use letters are generated at the request of an owner or agent acting on their behalf.

In the case of 103 Ingram Drive, there is no record of a permitted use letter being sent in reference to the asphalt plant. However, if a permitted use letter was requested the response would be that an asphalt plant is a manufacturing use and is permitted in a M3(5) and M3(6) zone.

- b. *Question: Whether an assembly that is affixed to the ground and detached from the main building constitutes an accessory building that requires a building permit under the Building Code Act.*

Response: The Ontario Building Code requires a building permit to construct new buildings, additions, alterations to buildings and designated structures.

The asphalt plant at 103 Ingram Drive does not require building permits for assemblies such as manufacturing equipment because manufacturing equipment is not regulated by the Ontario Building Code, as the Code generally regulates buildings and structures, defined by the Code, but not equipment used in the manufacturing process.

- c. *Question: Whether the introduction of an accessory building on a site constitutes development under Sec. 41 of the Planning Act and requires site plan approval.*

Response: 103–111 Ingram Drive is in an area of site plan control. The introduction of a new accessory building would constitute development pursuant to Section 41 of the Planning Act, unless the applicable Site Plan Control By-law exempts accessory buildings from the requirement of Site Plan Control. As indicated in the staff report dated June 16, 2008 from the Chief Planner and Executive Director, City Planning to the Planning and Growth Management Committee, Site Plan Control was not required for the accessory scale house building pursuant to the former City of North York Site Plan Control By-law and administrative practice.

- d. *Question: Whether a site that is the subject of a previous site plan approval requirement is subject to site plan approval under the former City of North York Site Plan Control By-law.*

Response: In general, a new development or change in a development on a site that has a previous site plan approved could require a new site plan approval or an amendment to the existing site plan approval. However, it would not be necessary if it is determined that the new proposed development is of a degree and substance that would be considered minor, or substantially in accordance with the existing Site Plan Approved plans and drawings for the existing development.

In the case of 103-111 Ingram Drive there is no pre-existing Site Plan Approval for the existing development on site as the existing buildings either were in place prior to the introduction of the Site Plan Control provisions and used for uses permitted by the zoning for the site, or were deemed not to require Site Plan Approval pursuant to the former City of North York Site Plan Control By-law and administrative practice.

- e. *Question: Whether the application to the Ministry of the Environment in November 2004 involved an expansion of the recycling facility or an increase to the capacity of the Transfer Station operation at the site.*

Response: The application to the Ministry of the Environment did not make mention of any increase in the size of the recycling facility or an increase to the capacity of the Transfer Station. The application only addressed a proposed increase in the tonnage of materials proposed to be processed by the existing equipment located on site.

- f. *Question: The feasibility of instructing the owner of 103 Ingram Drive to submit an application to the Committee of Adjustment for relief because for the last eight years the scale house, as built, is in violation of Sec. 32(6)(b)(ii) of the former*

City of North York Zoning By-law 7625, as amended. In the alternative, the Chief Building Official be requested to enforce any zoning violations that may, in her opinion, exist respecting the site.

Response: At 103 Ingram Drive, the former City of North York Zoning By-law 7625 has a landscaping requirement in Section 32(6)(b)(ii) which reads:

Except for driveways entering and exiting from the lot directly onto the street, a minimum distance of 1.0 metre from all lot lines that abut a street shall be landscaped.

The by-law does not have a definition for landscaping. Due to the lack of a definition for landscaping it is very difficult to mandate what constitutes landscaping. Landscaping could range from grass, or bushes or natural vegetation to hard surfaced treatments.

In the case of 103 Ingram Drive, in the North York Zoning By-law 7625, the Exception Section M3(6) permits a building to be built right up to the property line. The M3(6) provisions override the general provision for the 1.0 metre landscaping requirement in Section 32(6)(b)(ii) with respect to any landscaping between the property line and any building built closer than one metre to the property line, as is the case for the scale house on this site.

It is for these reasons that the location of the scale house is in compliance with Section 32(6)(b)(ii) of the North York Zoning By-law 7625 and there is no basis upon which to request the owner to go to the Committee of Adjustment for a variance.

- g. Question: The feasibility of requiring that only source separated materials are recycled at 111 Ingram Drive because the recycling of non source separated materials including wet waste requires a rezoning and a (transfer station on the site as an accessory use also requires a rezoning).*

In the case of 111 Ingram Drive, the M3 Zone permits a number of uses, including a recycling facility, a transfer station and a manufacturing use. Since all of these uses are permitted, they are also permitted to co-exist and therefore, are permitted without being accessory to each other. Non-source separated materials, including wet waste, are not permitted to be processed within a recycling facility but in the case of a transfer station, non source separated materials, including wet waste, can be temporarily collected pending shipment to a waste disposal site. For these reasons, no rezoning for a transfer station or a recycling facility would be required because both of these uses are permitted.

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SIGNATURE

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