Attachment 2

TORONTO

STAFF REPORT
Committee of Adjustment Application

Date:	January 19, 2011
To:	Chair and Committee Members of the Committee of Adjustment Toronto and East York District
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30, Toronto - Danforth
Reference:	File No. A0876/10TEY Address: 521 Danforth Avenue Application to be heard: January 26, 2011, 1:00 p.m.

RECOMMENDATION

Planning staff respectfully recommends that, should the Committee approve Application No. A0876/10TEY, that:

1. Variance # 1 with regard to the 3.05 m setback of from the "R" district be refused.

2. Variance # 5 with regard to the 0 m setback from the rear lot line / lane be refused.

APPLICATION

The applicant seeks to construct a rear second and third storey additions to the existing mixed commercial residential building. The existing garage located at the rear of the property would be converted to commercial space and would be used as an extension of the existing commercial space fronting onto Danforth Avenue. Variances are requested with respect to reduced setback from the "R" - Residential district, parking, a separate building for storage of waste and recycling materials, and setback from a laneway.

COMMENTS

Planning staff has reviewed the plans and has concerns with the reduced setback from the "R" – Residential district and the rear lane.

The subject property is located on the south side of Danforth Avenue, at the corner of Fenwick Avenue. The property is designated “Mixed Use Areas” in the Official Plan; and is zoned MCR (Mixed Commercial-Residential) under the former City of Toronto Zoning By-law 438-86, and CR under the new City-wide Zoning By-law 1156-2010.

Zoning By-law 438-86 requires a mixed-use building in a MCR district to be located a minimum of 7.5 m from a residential district. In this case, the rear second and third storey additions would be constructed in line with the existing garage (to be converted to commercial uses), which is located 3.05 m from the adjacent residential property to the south at 47 Fenwick Avenue.

Zoning By-law 1156-2010 requires a mixed-use building in an CR zone to be located a minimum of 1.5 m from the rear lot line when the property abuts a rear lane. In this case, the existing garage is located 0 m from the rear lot line. The proposed second and third storey additions would include south facing dwelling unit windows that would be located 3.05 m from the adjacent residential property to the south.

New development should comply with the zoning requirements whenever possible. Planning staff is of the opinion that the proposal is inconsistent with the intent of the Zoning By-laws, and that the applicant should revise the proposal to comply closer with the setback requirements. Staff is also concerned with the potential privacy and overlook issues caused by the reduced setback between the proposed addition and the adjacent residential property.

In order to minimize the impact on adjacent residential uses, staff recommend that the Committee refuse Variances #1 with regard to reduced setback from the "R" district, and # 5 with regard to setback from the rear lot line / rear lane.

CONTACT

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SIGNATURE

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Copy: Councillor Paula Fletcher, Ward 30 Toronto - Danforth
Peter Manos, Agent