STAFF REPORT
Committee of Adjustment Application

Date:	December 9, 2010
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. A0474/10TEY Address: 59 Colgate Avenue Application to be heard: December 15, 2010, 1:30 p.m.

RECOMMENDATION

The subject application for 59 Colgate Avenue no longer meets the intent of Site Specific By-law 1177-2008 approved by the Ontario Municipal Board. Planning staff are of the opinion this by-law should be repealed and a new by-law passed by Council for the new project.

The variances requested represent a new proposal and not a modification to the approved project. For example, the original project is for 18 live/work units not 9, the heights and setbacks of the building prescribed in Map 2 of By-law 1177-2008 are not followed, and the two car-share parking spaces will no longer be provided. The requested variances are not minor and no longer meet the intent of the Site Specific Zoning By-law.

As such, Planning staff respectfully recommend that the Committee refuse Application No. A0474/10TEY.

However, should the Committee decide to approve Application No. A0474/10TEY, Planning staff recommend that the following conditions apply to ensure there will be clarity and certainty to what is going to be developed on the site in the future.

1. That the approval of 9 live/work units and 2 studio work spaces (shown as Units # 10 and # 11 on Ground Floor Plan A3) be constructed substantially in accordance with the 'revised plans' on file with the Committee of Adjustment and date stamped October 28, 2010.

2. That the total gross floor area proposed on the site not exceed 1,180 m2 (12,701 sf) and the total non-residential density (studio work spaces shown as Units # 10 and # 11 on plan A3) maintain a minimum area of 48 m2 (514 sf).

3. That the height of the project not exceed 18 metres.

4. That the main front wall of Unit #5 be set back a minimum of 3.29 m from the west lot line, and the main front wall of Units # 6 - # 9 and the rear wall of Unit #5 be set back a minimum of 3.05 m from the east lot line.

5. That a minimum of nine (9) bicycle parking spaces be provided.

6. That a maximum of seven (7) parking spaces be provided at 59 Colgate Avenue.

7. That a minimum of two parking spaces be provided on the lands municipally known in 2009 as 53 Colgate Avenue for the exclusive use of residents of the building at 59 Colgate Avenue.

8. That the 9 void areas for the 3rd and 4th floors shown as 'open below' on Plans A5 – A6 be maintained as void areas.

9. That the green roof be constructed in accordance with the Grading & Site Servicing Plan SS-1, and maintain a minimum area of 308.7.

10. That the north-facing windows and doors on the ground floor be constructed in accordance with the North Elevation A8.

11. The garage drive aisle, shown on Plan A3 be no less than 6.25 m. wide and the garage door no less than 5.6 metres wide.

APPLICATION

The applicant seeks relief from the recently approved Site Specific By-law 1177-2008 of which the associated Site Plan application is still before the OMB for final Site Plan approval.

The following variances from Site Specific By-law 1177-2008 have been requested:

1. The by-law permits only live/work units. The proposed building will include two non-residential uses on the ground floor fronting onto Colgate Avenue.

2. Portions of the proposed building will be located outside the heavy lines shown on Map 2 of the By-law 1177-2008.

3. The proposed development will provide only 7 parking spaces.

4. The proposed development will not provide the required 2 car-share parking spaces.

5. The proposed development will provide only 6 bicycle parking spaces instead of 10 bicycle parking spaces.

COMMENTS

The original project is presently before the Ontario Municipal Board for final approval of the Site Plan Application. The applicant has now revised the proposal and is seeking relief from a

number of provisions secured in the Site Specific By-law 1177-2008. Planning staff have indicated to the applicant that in our opinion the revisions proposed constitute a new proposal and, therefore, are not a minor variance to By-law 1177-2008. It is noted that if the Committee of Adjustment decision approves this application, the Site Plan approval will also need to be amended and a new Site Plan agreement prepared and forwarded to the Ontario Municipal Board.

CONTACT

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SIGNATURE

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