



STAFF REPORT
Committee of Adjustment
Application

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Date:	Monday, November 17, 2014
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Ward:	Ward 23 (Willowdale)
Reference:	File No. A566/14NY Address: 170 SHEPPARD AVENUE EAST Application to be heard: Wednesday, November 26, 2014 at 9:30 a.m.

RECOMMENDATION

Planning recommends that this application be **refused**.

APPLICATION

To construct additions to the third, fourth and fifth storey of the existing commercial building to facilitate the requirement for additional office space.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Section 64.29-(1)(c), By-law No. 7625
The maximum permitted gross floor area is 1,832.00m².
The proposed gross floor area is 2,260.00m².
2. Section 64.29-(1)(d)&(e), By-law No. 7625
The maximum permitted height is 7.00m and between 7.50m to 10.50m rear yard setback.
The proposed height is 9.55m and is 9.07m to 10.50m from the rear lot line.
3. Section 64.29-(1)(d)&(e), By-law No. 7625
The maximum permitted height is 10.00m and between 10.50m to 13.50m rear yard setback.
The proposed height is 12.65m and is 11.87m to 13.50m from the rear lot line.
4. Section 6A(16)(a), By-law No. 7625
The minimum number of required loading spaces to be provided is two (2).
The proposed number of loading spaces to be provided is one (1) with the dimensions of 3.60m x 6.00m x 4.20m in height.

COMMENTS

The subject property is located on the north side of Sheppard Avenue East, approximately 650 metres from Yonge Street, and is designated *Mixed Use Areas* in the City of Toronto Official

Plan. The site is subject to the policies within the Sheppard Avenue Commercial Area Secondary Plan.

In 2002, the property received approvals for a site-specific zoning by-law amendment and an Official Plan amendment to permit a five-storey office building with underground parking facilities (By-law Nos. 817-2002 and 818-2002). The effect of the Official Plan Amendment was to increase the maximum permitted density to a Floor Space Index (F.S.I.) of 2.0, with a maximum height of 5 storeys and 16.0 metres. The property was rezoned C7(1), Mixed Use Commercial Area Zone, in the former City of North York Zoning By-law. The C7(1) zone permits business and professional office uses, with a maximum gross floor area of 1832 square metres, a maximum height of 16.0 metres, and step backs from the rear lot line that achieves a 45 degree angular plane. The Sheppard Avenue Commercial Area Secondary Plan also requires the building to be set back within a 45 degree angular plane from the rear lot line.

The applicant is proposing additions to the third, fourth and fifth storeys of the existing commercial building to facilitate the need for additional office space. In order to obtain the requested gross floor area, the application proposes to expand the building envelope through enclosing the existing patios on the third, fourth and fifth floors. The proposal requires variances to site-specific By-law No. 818-2002 for gross floor area and height.

Planning staff have concerns with the application. The proposed building cross-section, as provided by the applicant, indicates that the additions do not meet the 45 degree angular plane requirement as prescribed by the Secondary Plan. Section 3.2.1 of the Sheppard Avenue Commercial Area Secondary Plan limits building height by prohibiting any portion of the building from penetrating a 45 degree angular plane projected over the lot from the rear property line. This requirement minimizes shadow impact and overlook issues through providing adequate transition to low-density residential areas. In addition, the proposal does not comply with the site-specific zoning by-law with respect to building setbacks and height. The building cross-section (date stamped received by the City of Toronto Planning Division on November 17, 2014) is provided as an attachment to this report.

The appropriateness of the proposal within the context of the Official Plan and Zoning By-law has not been demonstrated. As such, Planning staff recommend that the application be refused so that the intent and purpose of the Sheppard Avenue Commercial Area Secondary Plan and site specific zoning by-law be upheld.

Respectfully submitted,

CONTACT

Carla Tsang, Assistant Planner

Tel: 416-395-7137
Fax: 416-395-7155
E-mail: ctsang@toronto.ca

SIGNATURE



for Allen Appleby
Director, Community Planning, North York District