

NOTICE OF DECISION

MINOR VARIANCE/PERMISSION

(Section 45 of the Planning Act)

File Number:	A0350/15TEY	Zoning	R(d1.0)(x115) & R2 Z1.0(ZZC)
Owner:	189 DUPONT STREET HOLDINGS INC	Ward:	Trinity-Spadina (20)
Agent:	LORNE ROSE	Heritage:	Not Applicable
Property Address:	189 DUPONT ST	Community:	Toronto
Legal Description:	PLAN M6 PT LOTS 223 AND 224		

Notice was given and a Public Hearing was held on **Wednesday, November 4, 2015**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing three-storey detached office building by constructing a rear three-storey addition.

REQUESTED PERMISSION:

The property has lawful-nonconforming status under the Planning Act, as the three-storey building containing office use existed prior to the passing of the Zoning By-law, which does not permit the said use in a R(d1.0)(x115) & R2 Z1.0 zone. Any change of use, alterations or additions to the building requires the permission of the Committee of Adjustment.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- Chapter 10.10.20.10.(1), By-law 569-2013**
The existing office use is a legal non-conforming use, in the Residential Zone.
In this case, office use will continue to operate in the altered three-storey building.
- Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 1.0 times the area of the lot (312.4 m²).
The altered three-storey office building will have a floor space index equal to **2.45** times the area of the lot (**765.07 m²**).
- Chapter 10.10.40.70.(3)(C)(iii), By-law 569-2013**
The minimum required side yard setback for a non-residential building is 7.5 m.
The altered three-storey office building will be located 0.63 m from the west side lot line and **0.62 m** from the east side lot line.

4. **Chapter 10.10.40.70.(2), By-law 569-2013**
The minimum required rear yard setback is 7.5 m.
The altered three-storey office building will be located **3.0 m** from the south rear lot line.
5. **Chapter 10.5.40.70.(2), By-law 569-2013**
A building or structure is required a minimum 2.5 m from the original centerline of a public lane.
The altered office building will be located 2.29 m from the original centerline of the adjacent public lane to the east.
6. **Chapter 220.5.10.1.(5), By-law 569-2013**
A minimum of one Type B loading space is required to be provided.
In this case, zero Type B loading spaces will be provided.
1. **Section 6(1), By-law 438-86.**
The existing office use is a legal non-conforming use, in the Residential Zone.
In this case, office use will continue to operate in the altered three-storey detached building.
2. **Section 6(3) Part II G, By-law 438-86**
The minimum required side yard setback is 7.5 m.
The altered office building will be located 0.63 m from the west side lot line and **0.62 m** from the east side lot line.
3. **Section 6(3) Part II 5(I), By-law 438-86**
The maximum permitted building depth is 14.0 m.
The altered detached building containing office space will have a building depth of **23.84 m**.
4. **Section 6(3) Part II 4, By-law 438-86**
The minimum required side yard setback is 7.5 m.
The altered three-storey office building will be located **3.0 m** from the south rear lot line.
5. **Section 6(3) Part I 1, By-law 438-86**
The maximum permitted non-residential gross floor area is 1.0 times the area of the lot (312.4 m²).
By virtue of Committee of Adjustment Decision A0904/11TEY the maximum permitted non-residential gross floor area equal to 1.09 times the area of the lot (341.42 m²).
The altered office building will have a non-residential gross floor area equal to **2.45** times the area of the lot (**765.07 m²**).
6. **Section 4(14)(A), By-law 438-86**
A building or structure is required a minimum 2.5 m from the original centerline of a public lane.
The altered office building will be located 2.29 m from the original centerline of the adjacent public lane to the east.
7. **Section 6(3) Part III 1(A), By-law 438-86**
The minimum required landscaped open space is 30 % of the area of the lot (97.72 m²).
In this case, the open landscaped will equal to **24.87 %** of the area of the lot (**77.72 m²**).

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance and Permission Application is Refused

REASON

It is the opinion of the Committee of Adjustment, that the request:

- does not maintain the general intent and purpose of the Official Plan;
- does not maintain the general intent and purpose of the Zoning By-law;
- does not represent desirable and appropriate development of the land;
- is not minor; and
- has not met the requirements of subsections 45(2)(a)(i)(ii) of the Planning Act.