TORONTO

STAFF REPORT
Committee of Adjustment Application

Date:	February 23, 2017
To:	**Chair and Committee Members of the Committee of Adjustment Toronto and East York District c/o Anita MacLeod, Manager & Deputy Secretary-Treasurer, Toronto and East York District**
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 29 Toronto-Danforth
Reference:	File No. A1120/16TEY Address: 1090 – 1092 Danforth Avenue Application to be heard: March 1, 2017

RECOMMENDATION

Planning staff respectfully recommend that should the Committee of Adjustment approve Application Number A1125/16TEY, the following variance be refused:

1. Variance 1 to By-law 569-2013 related to a mixed-use building containing residential and non-residential use portions on the same level.

APPLICATION

The applicant is seeking relief from the provisions of the Zoning By-law to alter the existing three-storey mixed-use building containing ground floor commercial retail use by adding a new dwelling unit on the ground floor and converting the existing dwelling unit on the second and third floors into four dwelling units for a total of five dwelling units in the building.

Variances are requested with respect to location of residential uses in a mixed-use building and parking supply.

COMMENTS

The subject property is located on the north side of Danforth Avenue between Donlands Avenue and Caithness Avenue. The site is located on an Avenue in the Urban Structure map of the Official Plan and is designated Mixed Use Areas in the Official Plan. Immediately to the north of the site are lands designated Neighbourhoods. The site is zoned MCR (T3.0, C2.0, R2.5) (Mixed Commercial Residential) in the former City of Toronto Zoning By-law 438-86 and CR 3.0 (c2.0; r2.5) SS2 (x2219) in the City of Toronto Zoning By-law 569-2013.

Planning staff have concern with the requested variance that would allow a mixed-use building to contain residential and non-residential use portions on the same level. The application proposes a ground floor residential unit to be accessed from the lane abutting the rear of the subject property.

The intent of the By-law provision with regards to location of commercial uses in a mixed use building is to reduce conflicts between non-residential and residential uses by having residential uses above non-residential use portions of a building.

This by-law provision was further amended by By-law 607-2015 to add clarity to the intent of the provision such that it reads as follows:

(1) Location of Commercial Uses in a Mixed Use Building Condition

If a lot in the CR zone has a mixed use building, all residential use portions of the building must be located above non-residential use portions of a building, other than:

(A) residential lobby access; and

(B) on a corner lot, dwelling units may be located in the first storey of a building if:

(i) the dwelling units have direct access to a street which is not a major street on the Policy Areas Overlay Map; and

(ii) the dwelling units are located to the rear of the non-residential uses on the first storey. [By-law: 607-2015 Under Appeal]

In this case, the subject property is not on a corner lot. The residential lobby access from Danforth Avenue to access residential units on the second and third floors would be permitted. However, the by-law does not permit residential uses at the same level as non-residential use portions of the building.

As the variance requested does not meet the general intent of the Zoning By-law, Planning staff recommend that Variance 1 to By-law 569-2013 be refused.

CONTACT

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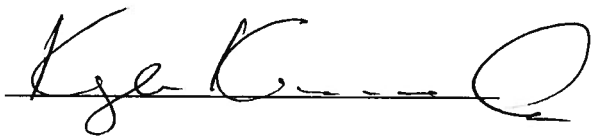
SIGNATURE



for Gregg Lintern, MCIP, RPP
Director, Community Planning, Toronto and East York District

Copy: Councillor Mary Fragedakis, Ward 29 Toronto-Danforth
Joseph Mazzitell, Agent for the Applicant