

NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A0360/17TEY	Zoning:	CR T2.0 C2.0 R1.5 (Waiver)
Owner(s):	115 DUPONT HOLDINGS LIMITED	Ward:	Trinity-Spadina (20)
Agent:	CALVIN LANTZ	Heritage:	Not Applicable
Property Address:	115 DUPONT ST	Community:	Toronto
Legal Description:	PLAN M52 LOT 53 & 54 NOW 66R19613 PART 13-35		

Notice was given and a Public Hearing was held on **Wednesday, August 9, 2017**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a five-storey office building, containing four office units and 10 parking spaces.

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

- Chapter 40.10.40.1(2)(A), By-law 569-2013**
The first storey is required to be within 0.2 m of the ground measured at the lot line abutting the street directly opposite each pedestrian entrance.
In this case, the first floor level of the first storey of the office building will be within 1.3 m of the ground measured at the lot line abutting Dupont Street.
- Chapter 40.10.40.10(2), By-law 569-2013**
The maximum permitted height of a building or structure on the lot is 14.0 m.
The new office building will have a building height of 20.0 m, measured to the top of the parapet.
- Chapter 40.10.40.10.(5), By-law 569-2013**
The minimum required height of the first storey is 4.5 m.
The height of the first storey of the new office building will be 4.0 m.
- Chapter 40.10.40.40.(1), By-law 569-2013**
The maximum permitted floor space index for non-residential uses is 2.0 times the area of the lot (636.14 m²).
The new office building will have a floor space index equal to 2.8 times the area of the lot (844.0 m²).

5. **Chapter 40.10.40.70.(2)(A), By-law 569-2013**

A minimum of 75% of the main wall of the building facing a front lot line is required to be at or between the front lot line and a maximum of 3.0 m from the front lot line.
In this case, 0% of the main wall of the building facing Dupont Street will be located at or between the Dupont Street lot line and maximum of 3.0 m from the Dupont Street lot line.
6. **Chapter 40.10.40.70.(2)(B), By-law 569-2013**

Where the rear lot line abuts a lane the minimum required setback from the lot line of the lot abutting the lane on the other side of the lane is 7.5 m.
The new office building will be located 5.5 m from the lot line of the lot on the opposite side of Designers Walk Lane.
7. **Chapter 40.10.40.70.(2)(C), By-law 569-2013**

Where the main wall of a building has windows or openings, the main wall is required to be setback a minimum of 5.5 m from a side lot line that is not adjacent to a street or lane, otherwise no building setback is required.
In this case, the main wall of the building has windows and will be located 4.2 m from the north side lot line abutting the townhouses.
7. **Chapter 200.5.10.1, By-law 569-2013**

A maximum of six parking spaces are permitted to be provided.
In this case, 10 parking spaces will be provided.
8. **Chapter 200.5.10.1.(2)(A) & (B), By-law 569-2013**

A parking space is required to have minimum dimensions of 5.6 m for length, 2.6 m for width and 2.0 m for vertical clearance.
In this case the 10 parking spaces will have dimensions of 2.6 m for width, 5.3 m for length and 1.6 m for vertical clearance.

A parking space accessed by a drive aisle with a width of less than 6.0 m requires minimum dimensions of 5.6 m for length, 2.9 m for width and 2.0 m for vertical clearance.
In this case the 10 parking spaces will have dimensions of 2.6 m for width, 5.3 m for length and 1.6 m for vertical clearance.
9. **Chapter 200.5.1.10.(2)(D), By-law 569-2013**

The minimum width of parking space is required to be increased by 0.3 m if one or both sides of the parking space is obstructed by a fixed object, such as a wall, column, bollard, fence or pipe, situated:

 - (i) Within 0.3 m of the side of the parking space, measured at right angles; and
 - (ii) More than 1.0 m from the front or rear of the parking space.

The minimum width of the parking spaces that will be obstructed by one or both sides of the space will be increased by 0.0 m.
10. **Chapter 40.10.100.10.(1)(C), By-law 569-2013**

A maximum of one vehicle access is permitted.
In this case, two vehicle accesses will be provided.

1. Section 8(3) Part XI 2(i), By-law 438-86

The main floor is required to be located within 0.2 m of the sidewalk level directly opposite the door to every commercial unit.

The main floor of the new five-storey office building (facing the direction of Dupont Street) will be located within an elevation of 1.3 m of the sidewalk level along Dupont Street directly opposite the building entrance facing Designers Walk Lane and the main floor of the building (facing the direction of Designers Walk Lane) will be located within an elevation of 1.0 m of the level of Designers Walk Lane opposite the building entrance facing Designers Walk Lane.

2. Section 8(3) Part XI 2(ii), By-law 438-86

The main floor level of a commercial building is required to have a minimum depth of 7.5 m measured from the main front wall of the building and a minimum width of 60% of any street frontage.

The new office building will have main floor level depth of 0.0 m measured from Designers Walk Lane.

3. Section 4(2)(a)(i)C, By-law 438-86

The maximum permitted width of certain elements (stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements), including the width of an enclosure located within 6.0 m of a lot line, that is a street line, is 20% of the width of the main wall of the building facing the lot line, provided the width is to be measured parallel to the lot line.

The width of the enclosure on the roof will be 40% of the width of the main wall facing Designers Walk Lane.

4. Section 4(5)(b), By-law 438-86

A maximum of six parking spaces are permitted to be provided.
In this case, 10 parking spaces will be provided.

5. Section 4(17)(a) & (b), By-law 438-86

A parking space accessed by a one-way or two-way drive aisle with a width of more than 6.0 m requires minimum dimensions of 5.6 m for length, 2.6 m for width and 2.0 m for height.
In this case the 10 parking spaces will have dimensions of 2.6 m for width, 5.3 m for length and 1.6 m for vertical clearance.

A parking space accessed by a one-way or two-way drive aisle with a width of less than 6.0 m requires minimum dimensions of 5.6 m for length, 2.6 m for width and 3.0 m for height.
In this case the 10 parking spaces will have dimensions of 2.6 m for width, 5.3 m for length and 1.6 m for vertical clearance.

6. Section 4(17)(e), By-law 438-86

The minimum width of parking space is required to be increased by 0.3 m if one or both sides of the parking space are obstructed by a fixed object, such as a wall, column, bollard, fence or pipe, situated:

- (i) Within 0.3 m of the side of the parking space, measured at right angles; and
- (ii) More than 1.0 m from the front or rear of the parking space.

The minimum width of the parking spaces that will be obstructed by one or both sides of the space will be increased by 0.0 m.

7. Section 4(5)(i)(ii), By-law 438-86

Ingress and egress to parking facilities shall be provided by driveways or passageways providing access to a public highway and having a minimum width of 3.5 m for one-way operation and a minimum width of 5.5 m for two-way operation.

The two driveways provide access to Designers Walk Lane and the southerly driveway will be 5.3 m measured wide.

8. Section 4(10)(a), By-law 438-86

The lateral boundaries of the driveways and motor vehicles passageways are to be constructed at right angles to Designers Walk Lane.

The lateral boundaries of the two proposed driveways are not at right angles to Designers Walk Lane.

The Committee of Adjustment considered any written and oral submissions in making its decision. For a list of submissions, please refer to the minutes.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal* to the Ontario Municipal Board (OMB) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD

\$300 for each appeal filed regardless if related and submitted by the same appellant

Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at www.toronto.ca/tlab.

ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS

To appeal this decision to the OMB you need the following:

a completed OMB Appellant Form (A1) in **paper format**

\$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant

Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the [Application Information Centre](#) and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.