

**Date:** November 15, 2023

**To:** Chair and Committee Members of the Committee of Adjustment, Etobicoke York Panel

**From:** Michael Mizzi, Director, Community Planning, Etobicoke York District

**Ward:** 3 (Etobicoke-Lakeshore)

**File No:** A0277/23EYK

**Address:** 199 Thirtieth Street

**Application to be heard:** December 7, 2023

## **RECOMMENDATIONS**

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City Planning staff recommend that the Minor Variance application be refused.

## **APPLICATION**

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The application proposes to construct a new warehouse building.

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

- 1. Section 60.20.40.70.(2), By-law 569-2013**  
The minimum required side yard setback is 3 metres.  
A previous Committee of Adjustment application (A0251/20EYK) approved a side yard setback of 0.5 metre from the south side lot line.  
The new building will be located 0.61 metre from the north and south side lot lines.
- 2. Section 60.20.40.70.(3) & (4), By-law 569-2013**  
The minimum required rear yard setback is 7.5 metres.  
The new building will be located 1.83 metre from the rear lot line.
- 3. Section 220.5.10.1.(7), By-law 569-2013**  
The minimum required number of loading spaces for a warehouse with a gross floor area of 462.74m<sup>2</sup> is one Type C loading space.  
No loading spaces are proposed.

## **COMMENTS**

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### Official Plan

The subject property is designated *Core Employment Areas* on Map 15 in the City of Toronto Official Plan.

Section 4.6 of the Official Plan states that “*Employment Areas* are places of business and economic activities vital to Toronto’s economy and future economic prospects.” The Plan goes on to say that “*Core Employment Areas* are, for the most part, geographically located within the interior of *Employment Areas*. Uses that would attract the general public into the interior of employment lands and possibly disrupt industrial operations are not generally permitted in *Core Employment Areas*.”

Policy 4.6.7 of the Official Plan states, “Development will contribute to the creation of competitive, attractive, highly functional *Employment Areas* by:

- c) providing a high quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces;
- f) providing adequate parking and loading on-site; and
- j) providing landscaping on the front and any flanking yard adjacent to any public street, park and open space to create an attractive streetscape, and screening parking, loading and service areas.

### Zoning

The subject property is zoned Employment Industrial (E) under city-wide Zoning By-law No. 569-2013. The objective of the Zoning By-law is to establish specific standards as to how land is developed.

### Application Review

The subject site is located south of Horner Avenue and east of Browns Line. The application proposes to construct a new warehouse building.

In 2020, a previous Committee of Adjustment application was submitted for the property for the construction of a three-storey office building. On July 29, 2021, the Committee of Adjustment approved two variances associated with the application including relief to the required south side yard setback and minimum required driveway width. This proposal was never constructed.

City Planning staff have reviewed the application, supporting materials, and previous Committee of Adjustment decisions in relation to the immediate context, and surrounding area. Based on this review, City Planning staff have identified concerns with the variances as they propose a built form and site layout that is inconsistent with Official Plan policies, the Zoning By-law, and is not desirable for the appropriate development of the land.

This application was deferred at the Committee of Adjustment on August 17, 2023, at the applicant’s request, to further consult with Community Planning to achieve a more desirable proposal. Despite discussions and meetings taking place, Community Planning is of the opinion a consensus on appropriate built form and site layout that passes the four minor variance tests has not been achieved.

Planning staff continue to have concerns with Variances 1 and 2 for the side yard setback from the north and south lot lines and rear yard setback. Provisions for rear and side yard setbacks are, in part, to ensure new development is appropriately positioned on a lot, accessibility is maintained around the building, and to mitigate potential adverse impacts to both current and future neighbouring properties. According to Official Plan policy 4.6.7 (c), new developments in *Employment Areas* should provide a high-quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces. Parking in the front yard of new developments in *Employment Areas* fails to create a desirable and improved streetscape and has the potential to create an unsafe environment for pedestrians due to potential conflicts with vehicular traffic at the ingress and egress of the property. Furthermore, the proposed warehouse would be constructed towards the rear of the property which triggers a rear yard variance. The positioning of the warehouse at the back of the site results in an undesirable organization of uses on the property where vehicular parking and loading are placed at the front of the site. This is not in keeping with Official Plan policies for *Employment Areas* which encourage providing landscaping in the front yard to create an attractive streetscape and screen parking, loading and service areas.

Proposed new development in *Core Employment Areas* should make efforts to provide a built form with site organization that contributes to the creation of competitive, attractive, highly functional *Employment Areas*. At the time the application was deferred, Community Planning staff had discussions with the applicant and recommended development alternatives that would be more in keeping with the Zoning By-law, the Official Plan, and desirable development of the land. The applicant has made minor revisions to the proposed rear and side yard setbacks however, not to the satisfaction of Community Planning.

City Planning staff have determined that the proposed Minor Variance application does not conform to the general intent and purpose of the Official Plan nor the Zoning By-law, and is not desirable for the appropriate development of the land. Therefore, City Planning staff recommend the Minor Variance application should be refused.

## **CONTACT**

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## SIGNATURE

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*Al Rezoski*

Signed by Al Rezoski, MCRP, AICP, Manager, Community Planning, on behalf of  
Michael Mizzi, MCIP, RPP  
Director of Community Planning  
Etobicoke York District