



## REPORT FOR ACTION

### 1160 Birchmount Road– Committee of Adjustment Application

**Date:** November 4, 2024

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

**From:** Director, Community Planning, Scarborough District

**Wards:** Scarborough Centre

**File Number:** A0220/24SC

**Hearing Date:** November 13, 2024

#### RECOMMENDATIONS

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Community Planning staff recommend that the Scarborough Committee of Adjustment **refuse** the subject minor variance application.

#### SUMMARY

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Interior alterations to the existing building to construct a recreational facility.

##### 1. Chapter 60.30.20.10, By-law No. 569-2013

In the EH zone, the following uses are permitted, Ambulance Depot, Animal Shelter, Bindery Building Supply Yards, Carpenter's Shop, Chemical Materials Storage, Cold Storage, Contractors Establishment, Custom Workshop, Dry Cleaning or Laundry Plant, Fire Hall, Fuel Storage, Industrial Sales and Service Use, Laboratory, All Manufacturing Uses except: 1) Ammunition, Firearms or Fireworks Factory; 2) Crude Petroleum Oil or Coal Refinery; 3) Explosives Factory; 4) Tannery, Police Station, Public Utility, Public Works Yard, Recovery Facility, Service Shop, Shipping Terminal, Vehicle Depot, Vehicle Repair Shop, Warehouse, Waste Transfer Station.

Recreational use and Eating Establishment are not permitted.

#### COMMENTS

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The subject property is located on the west side of Birchmount Road, generally south of Lawrence Avenue East in the Wexford Community. The existing building currently consists of multiple units, including office uses for a nonprofit organization, a small-scale fitness centre, and a window/door installation company.

The site is split designated *Core Employment Areas* and *General Employment Areas* with the majority of the unit falling under General Employment. The City's *Employment Areas* are places for business and economic activities. Section 4.6 of the Official Plan requires new development in *Employment Areas* to "contribute to the creation of competitive, attractive, highly functional *Employment Areas* by supporting, preserving and protecting major facilities, employment uses, and the integrity of *Employment Areas* and adjacent areas".

Section 4.6 of the Official Plan also includes policies regarding "mitigating the potential negative impacts from traffic generated by development within *Employment Areas* and adjacent areas". A recreational facility is not a permitted use on lands designated *Core Employment Areas* or *General Employment Areas* and would potentially generate traffic that would have a negative impact on the existing uses on the subject property and adjacent areas.

The subject property is zoned Employment Heavy Industrial EH 1.0 (x11) and General Employment & Core Employment (E) 1.0 under city-wide Zoning By-law 569-2013, as amended. The EH Zone permits industrial, manufacturing and warehouse-related uses, such as custom workshops and shipping terminals.

Section 800.50 (665) of Zoning By-law 569-2013, as amended, defines a recreational use as a "premises used for sports, physical play, or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An amusement arcade and a sports place of assembly is not a recreation use". Recreational uses and eating establishments are not permitted in the EH Zone and a recreational use is not a similar use to those permitted in the EH zone.

Community Planning staff have concerns with the proposed recreational facility use and the potential negative impact associated with the requested variances. The scale of the proposed recreational use on the subject lands may generate issues related to traffic and parking, and may impact existing uses within the building, including potential conflicts with trucks used for manufacturing/warehousing in the area.

Community Planning staff conclude that the subject proposal does not maintain the general intent and purpose of the Official Plan or Zoning By-law, is not desirable for the use of the land, and is not considered minor. As such, staff recommend that the Minor Variance application be refused.

## CONTACT

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## **SIGNATURE**

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Original signed by Renrick Ashby, Manager, Community Planning on behalf of Christian Ventresca, Director, Community Planning, Scarborough District