

**Regent Revival
Committee of Adjustment
Minor Variance Analysis**

15-Jun-23

REQUESTED VARIANCES TO THE ZONING BY-LAW:	By-law Requirement	Proposed by Applicant	Variance requested	Relief requested as a percentage
<p>1. Chapter 900.11.10, Exception CR 531, (C) By-law 569-2013 These premises must comply with Regulation 900.11.10(732) (A): The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections: Up to a height of 7.5m, at least 75% of the main wall of the building facing a lot line abutting Mount Pleasant Road must be between 0.0m and 0.5m from the required front yard setback, and all of the main wall of the building facing a lot line abutting Mount Pleasant Road must be between 0.0m and 5.5m from the front lot line or required front yard setback The proposed front yard setback projects over the lot line, and the upper portion of the building fronting on Mount Pleasant is 13.35m away from the front lot line.</p>	<p style="text-align: center;">Irrelevant. Historic building. COA being asked to clean up zoning set-back requirements.</p>	<p style="text-align: center;">Clean up existing non-compliance of current building set-backs.</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;">N/A</p>
<p>2. Chapter 10.10.40.70 (3) (C)(iii), By-law 569-2013 The required minimum side yard setback for a non-residential building is 7.5m. The proposed side yard setback is 0m to the North side lot line.</p> <p>The Applicant/Owner seeks to construct a commercial building with zero set back from the existing Toronto-owned laneway, on a residential lot. There is a house immediately adjacent to the laneway. The owner of the house initially opposed the project and canvassed for neighbour assistance. It appears that the theatre owner has purchased the property; homeowner is no longer objecting.</p>	<p style="text-align: center;">7.50</p>	<p style="text-align: center;">0.00</p>	<p style="text-align: center;">7.50</p>	<p style="text-align: center;">100%</p>

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<p>3. Chapter 10.10.40.70 (3) (C)(iii), By-law 569-2013 The required minimum side yard setback for a non-residential building is 7.5m. The proposed side yard setback is 2.21m to the South side lot line.</p> <p>The Applicant/Owner seeks to construct a commercial building with zero set-back from the existing residential property immediately adjacent to the building, on a residential lot. The owner of the adjacent house, situated on Belsize Drive, was vehemently opposed to the proposal and provided an extensive, well researched report to the Committee of Adjustment. The homeowner has is no longer opposed to the property and has withdrawn his objection. It appears that the Applicant/Owner has purchased the residential property; homeowner is no longer objecting.</p>	7.50	2.21	5.29	71%
<p>4. Chapter 10.10.40.10 (1) (A), By-law 569-2013 The permitted maximum height of a building or structure is 10m. The proposed height of the (building/structure) is 16m.</p> <p>The Applicant/Owner seeks to construct a building which will be 52.6 feet tall. The Applicant/Owner proposal is for 3 storeys on Hadley Road but fails to explain that the proposal is 3 storeys, as measured for commercial buildings. The Applicant/Owner seeks releif for height for a commercial building on a residential lot</p>	10.00	16.00	6.00	60%

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<p>5. Chapter 10.10.40.40 (1) (A), By-law 569-2013 The permitted maximum floor space index is 0.6 times the area of the lot. The proposed floor space index is 2 times the area of the lot.</p> <p>The Applicant/Owner is seeking to construct a commercial building on a residential lot which has a floor space that is 233% more than would be allowed for construction of a residential development.</p>	0.60	2.00	1.40	233%
<p>6. Chapter 10.5.40.60 (3) (A) (iii), By-law 569-2013 Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6m. The proposed stairs are 0m from the west lot line.</p> <p>The Applicant/Owner is seeking relief of set-back requirements for fire exit stairs to zero. There is no planning rationale for the requested variance on the proposed new commercial building.</p>	0.60	0.00	0.60	100%

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<p>7. Chapter 10.5.40.60 (3) (A) (iii), By-law 569-2013 Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6m. The proposed stairs are 0.3m from the south lot line.</p> <p>The Applicant/Owner is seeking relief of set-back requirements for the provision of a fire exit from the building, which could result in a hazardous exit in an emergency.</p>	0.60	0.30	0.30	50%
<p>8. Chapter 10.10.40.70 (2), By-law 569-2013 The required minimum rear yard setback is 7.5m. The proposed rear yard setback is 5.7m.</p> <p>The Applicant/Owner intends to utilize the "rear" of its property as a loading dock proposed to be operational between 8:00AM and 11:00PM, seven days a week. This loading dock will also be used for garbage and food waste disposal, notwithstanding the provision of a separate room adjacent to the loading dock. This is the FRONT lot line on Hadley Road, which is zoned for residential purposes. The Applicant/Owner is seeking relief from set-back requirements attributable to the construction of residential housing.</p>	7.5	5.7	1.80	24%

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<p>9. Chapter 40.10.20.100 (1), By-law 569-2013 The total interior floor area of Entertainment places of assembly uses on a lot within 6.1m of a lot in the Residential Zone category on a lot which is subject to Development Standard Set 1 (SS1) or Development Standard Set 2 (SS2) may not exceed 400m². The proposed total interior floor area is 1,703.25m².</p> <p>The Applicant/Owner seeks relief to increase the floor area of the proposed commercial building by 14,050 square feet. The maximum floor area allowed on the residential lot is 4,306 square feet. The lot is already divided into two residential lots.</p>	<p>400.00</p>	<p>1703.25</p>	<p>1303.25</p>	<p>326%</p>
<p>10. Chapter 40.10.40.70 (2) (E) (i), By-law 569-2013 If a lot abuts an O, ON or OR zone or the Residential Zone category or Residential Apartment Zone category, then every building on the lot in the CR Zone may not penetrate a 45-degree angular plane projected over a shallow lot, along the entire required rear yard setback, starting at a height of 10.5m above the average elevation of the ground along the rear lot line. The proposed building penetrates the angular plane.</p> <p>The Applicant/Owner is also seeking relief to increase the height of the commercial building by about 20' above the construction of a residential project. The Applicant/Owner is seeking to avoid the required shadow studies to assess the impact of loss of sun, light and fresh air properties affected by the proposal. There is no planning rationale for this and is an egregious disregard of the impact of the proposal to surrounding residential properties.</p>	<p>CR zone - proposal may not penetrate 45-degree angular plan. Shadow Study not provided.</p>	<p>Proposed building penetrates the angular plan, reducing sunlight and fresh air to neighbouring residential properties</p>	<p>100%</p>	<p>100%</p>

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<p>11. Chapter 40.10.50.10 (3), By-law 569-2013 If a lot abuts a lot in the Residential Zone category or Residential Apartment Zone category, a minimum 1.5m wide strip of land used only for soft landscaping must be provided along the part of the lot line abutting the lot in the Residential Zone category or Residential Apartment Zone category. The proposed soft landscaping strip is 0m wide.</p> <p>The Applicant/Owner is seeking relief from providing soft landscaping at all. This proposed commercial building on a residential lot will destabilize a residential street with no landscaping features required, creating an undesired structure of little architectural value and with no regard to the zoning or Official Plan of Toronto.</p>	1.50	0.00	1.50	100%
<p>12. 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 must be setback at least 5.5m from a side lot line that is not adjacent to a street or lane. The proposed third storey main wall (glazing) is setback 0m from the north lot line. Note: referring to the CR portion of the lot.</p> <p>There is no planning rationale for the relief requested and will be a hazard to adjacent properties should there be a fire or other catastrophic incident in the building.</p>	5.50	0.00	5.50	100%

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<p>13. 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 must be setback at least 5.5m from a side lot line that is not adjacent to a street or lane. The proposed third storey main wall (glazing) is setback 0m from the south lot line. Note: referring to the CR portion of the lot</p> <p>There is no planning rationale for the relief requested and will be a hazard to adjacent properties should there be a fire or other catastrophic incident in the building.</p>	5.50	0.00	5.50	100%