

Kyle Knoeck, M.Sc.Pl., MCIP, RPP
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

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Thursday, August 24, 2023

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

File Number: A0185/23NY
Property Address: 551 MOUNT PLEASANT RD
Legal Description: PLAN 1787 PT LOTS 10 & 11
Agent: NORR ARCHITECTS AND ENGINEERS
Owner(s): TERRA BRUCE PRODUCTIONS INC
Zoning: CR SS2 (x531) & R (d0.6) (x148)
Ward: Don Valley West (15)
Community: North York
Heritage: Designated

Notice was given and a Public Hearing was held on Thursday, August 24, 2023, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

Proposal to renovate and partially reconstruct existing theatre with a three-storey rear addition.

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

REQUESTED PERMISSION UNDER SUBSECTION 45(2)(A)(I) OF THE PLANNING ACT:

This property has legal non-conforming status under the Planning Act, as the entertainment place of assembly containing a theatre use existed prior to the passing of the Zoning By-law, which is not permitted in a residential zone (R).

Any change of use, alterations or additions to the building, within the residential zone (R), requires the permission of the Committee of Adjustment. The proposal to renovate and partially reconstruct the existing theatre with a three-storey rear addition constitutes an alteration and extension to the legal non-conforming use.

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

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

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.

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.

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.

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

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **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:

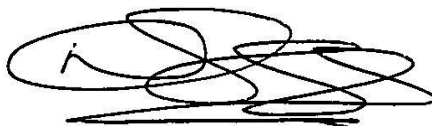
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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Isaac Lallouz (signed)



Nadini Sankar (signed)



Nazila Atarodi (signed)



Natasha Manning (signed)

DATE DECISION MAILED ON: Thursday, August 31, 2023

LAST DATE OF APPEAL: Wednesday, September 13, 2023

CERTIFIED TRUE COPY

Sai-Man Lam
Manager and Deputy Secretary-Treasurer

Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and Sai-Man.Lam@toronto.ca 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 Land Tribunal (OLT) for the same matter.

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 should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB, you must submit the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary-Treasurer you will receive payment instructions.

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

ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>