

Wednesday, December 3, 2008

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

File Number:	A0907/08TEY	Zoning	RA (PPR)
Owner(s):	ALLIED PROPERTIES	Ward:	Trinity-Spadina (20)
Agent:	SWEENEY STERLING FINLAYSON & CO ARCHITECT INC		
Property Address:	544 KING ST W & 1-9 MORRISON ST	Community:	
Legal Description:	PL 161 PT LTS 1&23		

Notice was given and a Public Hearing was held on Wednesday, December 3, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct an eight-storey office building on the south portion of the property and a nine-storey office building on the north portion of the property. The ground floor of the two buildings will contain retail space, parking stackers/spaces, and loading spaces. The mezzanine within the parking garage will contain bicycle storage and mechanical system requirements. The two buildings will be separated by an outdoor courtyard on the third floor and will be linked by bridges across and adjacent to this outdoor space.

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

1. Section 12(2) 246 (a), By-law 438-86

The portion of a building exceeding a height of 20 m shall be setback at least 3 m from the street.
The 5.18 m portion of the proposed eight-storey building exceeding a height of 20 m will be set back 0.0 m from the King Street West street line (the remaining height above 25.18 m will be setback 3.0 m.
The 16.45 m portion of the proposed nine-storey building exceeding a height of 20 m will be set back 0.0 m from the Morrison Street-street line

2. Section 12(2) 246 (c), By-law 438-86

A building shall be located within 50.0 m of the street.
The buildings will be located 95 m from King Street West.

3. Section 12(2) 246 (f), By-law 438-86

One type A loading space and three type B loading spaces shall be provided are required to be provided on site.
In this case, one type G loading space and two type C loading spaces will be provided.

4. Section 7(3) Part II 1(i) & 3, By-law 438-86

A building located beyond 25 m of street or a public park shall have a minimum distance of 7.5 m from the side and rear lot lines.

The proposed building is set back 0 m from the east and west side lot lines, and 3.0 m from the centre line of the lane at the rear lot line.

5. Section 4(2), By-law 438-86

The maximum permitted height of a building is 23.0 m.

The south eight-storey building will be 33.6 m in height, and the north nine-storey building will be 37 m in height (measured from the grade to the highest point of the roof).

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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Robert Brown (signed)

Gillian Burton (signed)

George Vasilopoulos
(signed)

DATE DECISION MAILED ON: Tuesday, December 9, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, December 23, 2008

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. 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.