



City Planning Division
Gary Wright, Chief Planner and Executive Director

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

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

File Number:	A0415/09TEY	Zoning	CR T2.5 C2.0 R1.5 (Waiver)
Owner(s):	JUNCTION INVESTMENTS INC.	Ward:	Trinity-Spadina (19)
Agent:	DAVID FOOTMAN		
Property Address:	70 OSSINGTON AVE	Community:	Toronto
Legal Description:			

Notice was given and a Public Hearing was held on **Wednesday, August 26, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To maintain the existing outdoor patio to the rear of the existing restaurant.

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

- Section 8(2) 7(a)(i), By-law 438-86**
A patio abutting a lot in an "R" district is required to be separated from that lot by a minimum of 10.00 m.
The patio is located 3.05 m. from an adjacent lot in an "R" district.
- Section 1, By-law 547-2009**
No person shall use any land, building or structure within the areas delineated by heavy dark lines on Schedule "A" for a restaurant, take-out restaurant, patio, bake-shop, place of amusement, place of assembly or club.
In this case, a rear patio is proposed.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

A0415/09TEY

This decision is subject to the following condition(s):

- (1) The opening hours for the patio shall be restricted to 11:00 a.m. to 11:00 p.m..
- (2) No music, artificial or amplified sound shall be played on, or be projected into, the patio area;
- (3) The patio shall maintain a maximum area of 58.5 m² and a minimum setback from the residential zone of 9.26 m, as approved in Minor Variance Decision Number A0612/08TEY.
- (4) The existing privacy fence shall be maintained along the perimeter of the patio at a minimum height of 1.8 m.
- (5) The approval of the requested variances shall extend for a term of one year expiring on or before September 30, 2010.

SIGNATURE PAGE

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Owner(s): JUNCTION INVESTMENTS INC. Ward: Trinity-Spadina (19)
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DISSENTED

Robert Brown

Gillian Burton

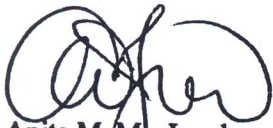
George Vasilopoulos

Kay Gardner

DATE DECISION MAILED ON: **Tuesday, September 1, 2009**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, September 15, 2009**

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.