
City Council

MM45.9	ACTION			Ward: 22
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1276 Yonge Street – Ontario Municipal Board Hearing – Request for City Solicitor to Appear at the Ontario Municipal Board - by Councillor Walker, seconded by Councillor Lee

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East York Community Council. A two thirds vote is required to waive referral.*

** This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

Councillor Walker, seconded by Councillor Lee, recommends that:

1. City Council request the City Solicitor to appear at the Ontario Municipal Board in support of the Committee of Adjustment's refusal of the application for 1276 Yonge Street.

Summary

An application for 1276 Yonge Street was heard and refused at the Committee of Adjustment, Toronto and East York Panel A, on December 2, 2009. The Committee of Adjustment's refusal of this application was subsequently appealed to the Ontario Municipal Board by the owner. A hearing at the Ontario Municipal Board is to take place in the very near future.

This application proposes to add an outdoor patio to the existing pub establishment located directly adjacent to residences.

(Submitted to City Council on January 26 and 27, 2010 as MM45.9)



City Planning Division
Gary Wright, Acting, 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:	A0405/09TEY	Zoning	MCR T3.0 C2.0 R2.5 (PPR)
Owner(s):	159453 ONTARIO LIMITED	Ward:	St. Paul's (22)
Agent:	ROLAND WEINMANN		
Property Address:	1276 YONGE ST	Community:	Toronto
Legal Description:	PL 669Y PT LT12		

Notice was given and a Public Hearing was held on **Wednesday, December 2, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a rear outdoor patio to be used in conjunction with the existing two-storey building containing a restaurant.

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

Section 12(2)265, By-law 438-86

No person shall, within the "Yonge-St. Clair Area", on either side of Yonge Street south of St. Clair Avenue designated MCR T3.0 C2.0, use a building or portion of a building for the purpose of a restaurant, take-out restaurant or a caterer's shop unless that use, including any accessory use (patio), occupies less than 150.00 m² of floor area.

The 176.52 m² restaurant together with the 43.00 m² patio will have 219.52 m² of floor area.

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

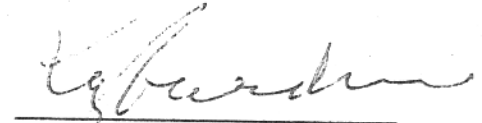
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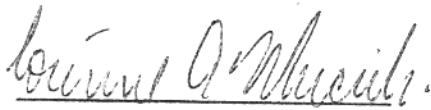
Fernando Costa

DISSENTED

Sandeep Agrawal



Kay Gardner

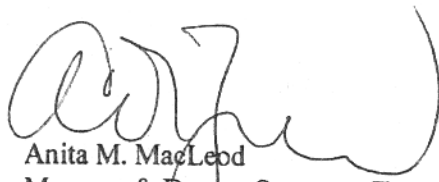


Corinne Muccilli

DATE DECISION MAILED ON: **Tuesday, December 8, 2009**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, December 22, 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.

To: Toronto & East York Community Council & Executive Assistants
Toronto & East York District Internal Commenting Agencies

From: Anita M. MacLeod, Manager & Deputy Secretary-Treasurer, Committee of Adjustment,
Toronto & East York District

Date: January 4, 2010

**C OF A DECISIONS APPEALED TO THE ONTARIO MUNICIPAL BOARD
TORONTO & EAST YORK DISTRICT**

(Commencing with decisions made at the September 19, 2007 public hearing)

Note: Unless listed below, as of the date of this memo, an Ontario Municipal Board hearing date has not yet been scheduled. For further information, contact **Lorraine Unett**, at (416) 338-5918, or visit the Ontario Municipal Board Website at www.omb.gov.on.ca.

*** denotes new or changed information**

OMB DECISION

***5. 1276 Yonge Street**

CofA File: A0405/09TEY

OMB Case No.:

**Hearing Date: December 2,
2009**

OMB Hearing:

Proposal

To construct a rear outdoor patio to be used in conjunction with the existing two-storey building containing a restaurant.

Committee Decision:

Refused

City Comments:

Community Planning

Appealed by:

Bruce Engell on behalf of
2038805 Ontario Inc. , December
22, 2009