



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 m<sup>2</sup> of floor area.

The 176.52 m<sup>2</sup> restaurant together with the 43.00 m<sup>2</sup> patio will have 219.52 m<sup>2</sup> 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.



**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

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**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](http://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