



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:

Planning Act.

A0405/09TEY

Zoning

MCR T3.0 C2.0 R2.5 (PPR)

Owner(s):

159453 ONTARIO LIMITED

Ward:

Tt. Daville (22)

Agent:

ROLAND WEINMANN

ward.

St. Paul's (22)

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

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 <u>NOT</u> 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

File Number: Owner(s):

A0405/09TEY

159453 ONTARIO LIMITED

Zoning Ward:

MCR T3.0 C2.0 R2.5 (PPR)

Agent:

ROLAND WEINMANN

Property Address: Legal Description:

1276 YONGE ST

PL 669Y PT LT12

Community:

Toronto

St. Paul's (22)

DISSENTED

Fernando Costa

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.



Memorandum

Gary Wright, Chief Planner & Executive Director, City Planning

Committee of Adjustment **Toronto and East York District**

Tel: 416-392-7565 Fax: 416-392-0580

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,

OMB Hearing:

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

containing a restaurant.

Committee Decision:

Refused

2009

City Comments:

Community Planning

Appealed by:

Proposal

Bruce Engell on behalf of

2038805 Ontario Inc., December

22, 2009