

Wednesday, June 23, 2010

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

File Number:	A0221/10NY	Zoning	RM6(155) - Exception to Multiple family Dwelling Zone (PPR)
Owner(s):	ROSEDALE DEVELOPMENTS INC.	Ward:	Willowdale (23)
Agent:	TOMMY CHANG		
Property Address:	4917 YONGE ST	Community:	North York
Legal Description:	CON 1 EY PT LOT 16 RP 66R16423 PART 20 BRAMALEA 80% INT IRREG SHAFTESBURY 20% INT		

Notice was given and a Public Hearing was held on Wednesday, June 23, 2010, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

This is an application to permit an increase in the height and number of units within the proposed mixed use building ("The Pearl 2").

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

1. Proposed number of dwelling units is 431
WHEREAS the maximum number of dwelling units is 420;
2. The proposed maximum permitted building height of the northerly and southerly portion of the building is 19.6m and 4 storeys
WHEREAS the maximum permitted building height of the northerly and southerly portion of the building is 16m and 3 storeys;
3. That Section 6A(3) (d) (ii) of Zoning By-law 7625 not apply to the subject property
WHEREAS Section 6A(3) (d) (ii) of Zoning By-law 7625 requires that "where a site-specific amendment to By-law No. 7625, as amended, has passed by Council between January 1, 2003 and April 30, 2007, or is the result of an Order of the Ontario Municipal Board respecting an appeal filed between January 1, 2003 and April 30, 2007, which does not specify parking space dimensions, the minimum dimensions for a parking space, including an angled parking space, shall be 2.7m in width and 5.5m in length, but for a parallel parking space the minimum dimensions shall be 2.7m in width and 6.7m is length;

4. The three (3) storey roof projection of the proposed building projects 2.5m into the minimum yard setback along the Yonge Street frontage
WHEREAS no portion of any building or structure may project into the minimum yard setback except for a canopy or canopies along the Yonge Street frontage that project a maximum of 2.5m into the yard setback;
and
5. Proposed landscaped area of 815m²
WHEREAS a minimum landscaped area of 900m² is required.

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 authorize 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.

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

1. Site Plan Approval being obtained.
2. The total number of dwelling units in all of the residential buildings within the proposed development not to exceed the total number permitted by Zoning By-law 459-2005 (OMB).
3. Verification, satisfactory to the Director, Community Planning, North York District and the Deputy Chief Building Official, North York District, that the plans and drawings conform to the approved Zoning By-law as modified by the Variance, and do not provide for or allow additional gross floor area or extra height beyond that permitted by the By-law.

SIGNATURE PAGE

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David Gurin (signed)

Donald Di Prospero
(signed)

Ronald Forbes (signed)

DATE DECISION MAILED ON: Wednesday, June 30, 2010

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, July 13, 2010

CERTIFIED TRUE COPY

Denise Rundle (signed)
Manager & Deputy Secretary Treasurer
North 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.