



## Report Item

Considered by City Council on  
March 31, 2010  
April 1, 2010

# Toronto and East York Community Council

(City Council on February 22 and 23, 2010 deferred consideration of Item TE31.79 to its next regular meeting on March 31, 2010)

TE31.79		Received		Ward: 27
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### Ontario Municipal Board Hearing - 150 Charles Street West (95 Queens Park) - Minor Variance Application A0643/09TEY

#### City Council Decision

City Council on March 31 and April 1, 2010, received this Item for information, having regard for the letter (March 25, 2010) from Elizabeth Sisam, University of Toronto.

#### Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council direct the City Solicitor, the Chief Planner and Executive Director, City Planning, and other appropriate staff to attend a not yet scheduled Ontario Municipal Board hearing with respect to 150 Charles Street West (95 Queens Park), and take the position that the variances should not be granted unless the OMB imposes a condition requiring that the site is to be developed substantially in accordance with site plan drawing number A-001, date-stamped May 12, 2009 by City Planning, as submitted with site plan application 09 129916 STE 27 SA, illustrating site access from the laneway located to the north of the property.

#### Origin

(February 9, 2010) Member Motion from Councillor Kyle Rae, Ward 27, Toronto Centre-Rosedale

#### Summary

At its meeting held on Wednesday, November 4, 2009, the Committee of Adjustment, Toronto and East York Panel, approved minor variances necessary to facilitate the construction of a new three-storey student centre and make alterations to the existing two-storey building at 150 Charles Street West (95 Queens Park) - Minor Variance Application A0643/09TEY.

The requested variances to the zoning by-law were:

1. Section 12(2)310(a), By-law 438-86  
A building fronting Charles Street east of Queen's Park shall not be erected above grade closer to a street than 4.0 m.

In this case, the proposed building above grade is setback 0.0 m from Charles Street.

2. Section 12(2)309(i), By-law 438-86  
The gross floor area of an existing building can only be enlarged by within 5% (558.6 m<sup>2</sup>) of what existed on June 3, 1997.  
In this case, the gross floor area of the proposed enlargement will be equal to 18% (2000 m<sup>2</sup>) of the existing building.
3. Section 4(11)(c), By-law 438-86  
A building is not permitted to be located to the front of a residential building creating a condition of having a residential building to the rear of another building.  
In this case, the proposed building will be located in front of a residential building.

Community Planning found the proposed variances acceptable provided that the site was to be developed in a manner that the University had presented to the City as filed through site plan application 09 129916 STE27 SA, which was being reviewed concurrently. The Committee of Adjustment approval was not conditional on the site plan. A copy of the Committee's decision is attached.

On November 27, 2009, the City received notification that minor variance application A0643/09TEY had been appealed to the Ontario Municipal Board by an interested party. A hearing date has not yet been set.

This motion has been prepared in conjunction with Legal Services and City Planning.

### **Background Information (Committee)**

TE31.79 - Motion from Councillor Rae - 150 Charles Street West  
(<http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-27249.pdf>)  
TE31.79 - 150 Charles St West - Committee of Adjustment Decision  
(<http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-27250.pdf>)

### **Communications (City Council)**

(March 25, 2010) Letter from Elizabeth Sisam, AVP Campus and Facilities Planning, University of Toronto (CC.New.TE31.79.1)