

## 150 Charles Street West (95 Queens Park) – Minor Variance Application A0643/09TEY

**Moved by: Councillor Rae**

**Seconded by:**

### **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.

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 were to be developed in a manner that the University had presented to the City as filed through site plan application 09 129916 STE 27 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.

### **RECOMMENDATION:**

That City Council:

1. direct the City Solicitor, the Chief Planner and Executive Director, and other appropriate staff to attend a not yet scheduled Ontario Municipal Board hearing, 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.