Attachment 1

TORONTO

City Planning Division
Gary Wright, Chief Planner and Executive Director

Committee of Adjustment
Toronto & East York District

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Tel: 416-392-7565
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4. 521 DANFORTH AVE

File Number:	A0876/10TEY	Zoning	MCR & CR (PPR)
Owner(s):	NICHOLAS BABATSIKOS	Ward:	Toronto-Danforth (30)
Agent:	PETER MANOS		
Property Address:	**521 DANFORTH AVE**	Community**:**	Toronto
Legal Description:	PLAN 9E PT LOT 5		

PURPOSE OF THE APPLICATION:

To legalize and to maintain the second and third floor addition to the rear of the existing three-storey mixed-use building, constructed without proper authorization.

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

1. Section 8(3) Part II 4(a), By-law 438-86
The minimum required setback for a mixed-use building in a MCR district from a residential district is 7.5 m.
The rear second and third storey additions to the mixed-use building will be setback 3.05 m from the building at 47 Fenwick Avenue which is located in a residential district.

2. Section 4 (3)(a), By-law 438-86
A parking area is required to be a minimum of 6 m deep commencing at 3.5 m from the centre line of a public lane.
In this instance no parking area is being proposed on site.

3. Chapter 40.10.150.1(1), By-law 1156-2010
A building shall be provided for the storage of waste and recycling materials.
In this instance, the no building will be provided for the storage of waste and recycling materials.

4. Chapter 700.5.1.(1)(A) & (B) and Chapter 200.5.10.1.(1), By-law 1156-2010
A total of 4 parking spaces are required to be maintained on the site.
In this instance no on-site parking will be provided.

5. Chapter 40.10.40.70(A)(iv), By-law 1156-2010
The minimum required setback from the rear lot line abutting a lane is 1.5 m.
In this case, the addition will be located 0.00 m from the rear lot line, which abuts a lane.

The Committee had before it the following communication:

- A copy of the plan of survey, the site, floor and elevation plans.

- The correspondence from Peter Manos, agent, requesting deferral of the application, received January 24, 2011.

Commenting Agency Reports/Email

- The Staff Report from the Director, Community Planning, City Planning, Toronto and East York District, dated January 19, 2011.

The following persons appeared before the Committee of Adjustment in connection with the foregoing matter:

- Peter Manos, agent, outlined the application, referring to the material on file.

- Kenneth Luce, 54 Fenwick Avenue, appeared in opposition to the application.

DECISION

It was moved by Heather Gardiner, seconded by Kay Gardner, and carried unanimously that the application be **refused.**

REASON

It is the opinion of the Committee of Adjustment, that the request:
(i) does not maintain the general intent and purpose of the Official Plan;
(ii) does not maintain the general intent and purpose of the Zoning By-law;
(iii) does not represent desirable and appropriate development of the land; and.
(iv) is not minor.

FOR THE RECORD

The PURPOSE OF THE APPLICATION was revised for the Minutes and the Decision to reflect that the alterations to the building existed as they had been constructed without a building permit.