

City Planning Division
Gary Wright, Chief Planner and Executive Director

North York Civic Centre 5100 Yonge Street Toronto, Ontario M2N 5V7

FILE COPY

Phone (416) 395-7000 Fax (416) 395-7200

Wednesday, October 5, 2011

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

File Number:

A452/11NY

Zoning

RM6(97) - Exception to

Multiple Family Dwelling

Zone (WAIVER)

Owner(s):

DANIELS HR CORPORATION

Ward:

Willowdale (24)

Agent:

BOUSFIELDS INC

.

Property Address:

2885 BAYVIEW AVE

Community:

North York

Legal Description:

CON 2 EY PT LOT 16 AND RP 64R7548 PT PARTS 1-9 RP 64R16040 PARTS 5

TO 7 29 TO 37 AND RP 66R232387 PART 40

Notice was given and a Public Hearing was held on Wednesday, October 5, 2011, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

This is an application to permit a restaurant having an area of 105m2 to be located on the ground floor of the above noted mixed use condominium building.

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

North York By-law 7625 and Site Specific By-law 336-2001

1. Proposed to locate a restaurant on the ground floor of the existing building WHEREAS a restaurant is not a permitted use.

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

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TO 7 29 TO 37 AND RP 66R232387 PART 40

Isaac Lallouz (signed)

Donald Di Prospero (signed)

Ronald Forbes (signed)

DATE DECISION MAILED ON: Thursday, October 13, 2011

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Monday, October 24, 2011

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.

EXTRACT FROM THE MINUTES OF THE NORTH YORK DISTRICT COMMITTEE OF ADJUSTMENT MEETING HELD ON OCTOBER 5, 2011

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to Multiple Family

Dwelling Zone

(WAIVER)

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Community: North York

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64R16040 PARTS 5 TO 7 29 TO 37 AND RP 66R232387 PART 40

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North York By-law 7625 and Site Specific By-law 336-2001

 Proposed to locate a restaurant on the ground floor of the existing building WHEREAS a restaurant is not a permitted use.

The Committee had before it the following communications:

- A copy of the notice of hearing dated September 26, 2011.
- A memorandum dated October 5, 2011, from Harold Moffatt, Supervisor, Tree Protection and Plan Review, Urban Forestry, North York District, outlining their requirements.

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

- Mr. Leo Pattison, c/o Daniels HR Corporation, 20 Queen Street West, Suite 3400, Toronto, Ontario, M5H 3R3, who spoke on behalf of the owners of the subject property.

DECISION: It was moved by Mr. Forbes, seconded by Mr. Di Prospero, and carried unanimously that the application be REFUSED. Grounds for refusal are that the variance is not minor, is not within the general intent of the Zoning By-law and Official Plan, and is not an appropriate development of this property.