



Wednesday, October 5, 2011

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

File Number:	A299/11NY	Zoning	RM6(126) - Exception to Multiple Family Dwelling Zone; C1(11) - Exception to General Commercial Zone (WAIVER)
Owner(s):	CONCORD ADEX DEVELOPMENT	Ward:	Willowdale (24)
Agent:	AIRD & BERLIS LLP	Community:	North York
Property Address:	<b>1001 SHEPPARD AVE E</b>		
Legal Description:			

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 the construction of a a thirty-three storey (including two storeys of mechanical penthouse) mixed use (residential and commercial) building on the above noted site (Parts 3 and 17 on the draft reference plan and Block 18 (formerly Block 14) on the draft plan of subdivision). The lands are presently vacant.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:****By-law 1094-2002**

1. The said boundary is proposed to be altered to include Part 17 on the draft reference plan within the lands zoned RM6(126)  
WHEREAS the eastern boundary of the lands zoned RM6(126) is as shown on Schedule "1" to By-law 1094-2002;
2. An apartment house dwelling and a bank, business office, custom workshop, financial institution, dry cleaning and laundry collecting establishment, outdoor cafe, pet services, personal service shop, professional office, restaurant and retail store are proposed as principal uses on the lot  
WHEREAS an apartment house dwelling and day nursery, personal service shop and dry cleaning and laundry collecting establishment accessory to an apartment house dwelling are permitted;
3. Front yard setback of 0m  
WHEREAS a minimum setback of 3m is required;
4. North side yard setback of 0.6m  
WHEREAS a minimum setback of 4.5m is required;

5. South side yard setback of 0m  
WHEREAS a minimum setback of 4.5m is required;
6. Rear yard setback of 2.2m  
WHEREAS a minimum setback of 3m is required;
7. Proposed Gross Floor Area of 35,099m<sup>2</sup>  
WHEREAS a maximum Gross Floor Area of 31,300m<sup>2</sup> is permitted;
8. A maximum building height of three (3) storeys and 12.5m is proposed within 6m of the front lot line and within 7.5m of the north side lot line and a minimum building height of two (2) storeys and 6.3m is proposed within 7.5m of the north side lot line  
WHEREAS the by-law requires a minimum building height of two (2) storeys and 7.5m and a maximum of three (3) storeys and 11m within 6m of the front lot line and within 7.5m of the north side lot line;
9. A maximum of thirty-three (33) storeys (including a two (2) storey mechanical penthouse) and 88.8m is proposed within 30m of the north side lot line  
WHEREAS the by-law permits a maximum building height of twelve (12) storeys and 35.2m within 30m of the north side lot line;
10. A maximum of thirty-three (33) storeys (including a two (2) storey mechanical penthouse) and 88.8m is proposed beyond 30m of the north side lot line and beyond 12m of the front lot line  
WHEREAS the by-law permits a maximum building height of twenty-eight (28) storeys and 80m beyond 12m of the west front lot line and beyond 30m of the north side lot line;
11. A total of 449 residential parking spaces are proposed (1.05 per unit) of which 64 parking spaces shall be reserved for visitor parking (0.15 per unit)  
WHEREAS the by-law requires 535 residential parking spaces (1.25 per unit) of which 107 parking spaces shall be reserved for visitors (0.25 per unit);

**North York By-law 7625**

12. 14 non-residential parking spaces are proposed, which parking spaces will be shared with residential visitors  
WHEREAS the by-law requires 62 parking spaces dedicated exclusively to the non-residential uses on the lot;
13. A minimum driveway width for two-way traffic and a minimum parking aisle width of 5.5m  
WHEREAS the by-law requires a minimum driveway width for two-way traffic and a minimum parking aisle width of 6m; and
14. 1 loading space is proposed.  
WHEREAS the by-law requires 2 loading spaces.

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

For the following reason:

- Grounds for refusal are that the Committee is of the opinion that the application is pre-mature and represents over development of the site. The variances requested both singularly and collectively are tantamount to a zoning amendment application and are more appropriately dealt with by Community Council. In the opinion of the Committee, the application as a whole, is not minor in nature.

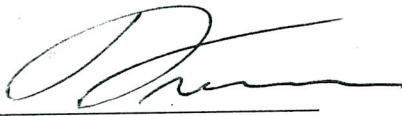


**SIGNATURE PAGE**

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Owner: CONCORD ADEX DEVELOPMENT Ward: Willowdale (24)  
Agent: AIRD & BERLIS LLP  
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Legal Description:



Ronald Forbes (signed)



Donald Di Prospero (signed)

DATE DECISION MAILED ON: Thursday, September 15, 2011

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Monday, September 26, 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](http://www.omb.gov.on.ca).