



City Planning Division  
Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director

Committee of Adjustment  
Toronto and East York District

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

File Number:	A0915/12TEY	Zoning	I3 & Site Specific By-law 159-2012 (Waiver)
Owner:	FERNBROOK HOMES (STRACHAN) LIMITED	Ward:	Trinity-Spadina (19)
Agent:	ROBERT BLAZEWSKI		
Property Address:	30 ORDNANCE ST	Community:	Toronto
Legal Description:	PLAN D1453 LOT 2 PT LOT 3 & 4		

Notice was given and a Public Hearing was held on **Wednesday, May 22, 2013**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To modify the redevelopment plan approved under Site Specific By-law 159-2012 by increasing the 32-storey mixed use "Building A" to 35 stories and the 27-storey mixed use "Building B" to 29 stories (the two tower buildings are considered one building as they share an underground parking lot); increasing the combined residential gross floor area and non-residential gross floor area; altering the building envelope; and increasing the building heights.

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**

- Section 3.(2), By-law 159-2012**  
The maximum permitted combined residential gross floor area and non-residential gross floor area of all buildings and structures erected on the lot, exclusive of areas occupied by a parking garage located above grade is 51,130 m<sup>2</sup>.  
The building will have a combined residential gross floor area and non-residential gross floor area of 55,655 m<sup>2</sup>.
- Section 3.(2)(ii), By-law 159-2012**  
The maximum permitted residential gross floor area is 48,900 m<sup>2</sup>.  
In this case the residential gross floor area of the building shall be limited to a maximum of 52,015 m<sup>2</sup>.
- Section 3.(3) & 4, By-law 159-2012 & Map 2**  
The residential gross floor area of each storey, or portion thereof, that is located higher than 15.0 m above grade within the areas shown as Building A and Building B on Map 2 shall not exceed 750 m<sup>2</sup>.  
The residential gross floor area of each storey, or portion thereof, that is located higher than 15.0 m above grade within the areas shown as Building A and Building B on the revised Map 2 dated February 13, 2013 (date stamped received by the C of A on April 30, 2013) will not exceed 750 m<sup>2</sup>.

4. **Section 2.(1), By-law 438-86 Definition "Residential Amenity Space"**  
Residential amenity space means a common area or areas within a lot which are provided for the exclusive use of residents of a building for recreational or social purposes.  
The residential amenity space will not be used exclusively by the residents of 30 Ordnance Street but will also be used by residents of buildings that may be located on adjacent lands.
5. **Section 3.(6), By-law 159-2012 & Map 2**  
No portion of the buildings or structures erected on the lot shall have a greater height in metres as indicated by the numbers following the "H" symbol on Map 2 (with exceptions as permitted by By-law 159-2012).  
In this case, the building will be constructed beyond the permitted heights as indicated by the numbers following the symbol "H" on the attached revised Map 2, dated February 13, 2013 (**date stamped received by the C of A on April 30, 2013**) (exceptions as permitted by By-law 159-2012 still apply).
6. **Section 3.(7), By-law 159-2012 & Map 2**  
No portion of the buildings or structures erected or used above grade area located otherwise than within the lot and wholly within the areas delineated by heavy lines on Map 2 (with exceptions as permitted by By-law 159-2012).  
The building will be located wholly within the areas delineated by heavy lines on the attached revised Map 2, dated February 13, 2013 (**date stamped received by the C of A on April 30, 2013**) (exceptions as permitted by By-law 159-2012 still apply).

**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 **NOT** 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 Site Specific Zoning By-law 159-2012 is not maintained, relative to protecting the view for the national heritage site - Fort York.
- The variances are not considered desirable for the appropriate development of the land given other planning initiatives in the area that have yet to be completed.
- In the opinion of the Committee, the variance(s) is not minor.


## SIGNATURE PAGE

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**ABSTAINED**

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Barbara Leonhardt

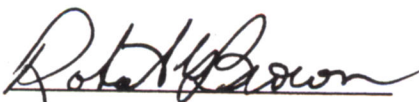


Mary Pitsitikas

**DISSENTED**

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Christian Chan

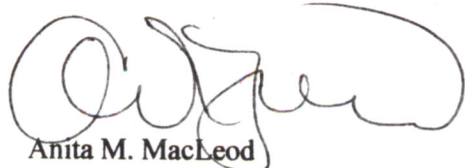


Robert Brown

DATE DECISION MAILED ON: **Tuesday, May 28, 2013**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, June 11, 2013**

CERTIFIED TRUE COPY



Anita M. MacLeod  
Manager & Deputy Secretary Treasurer  
Toronto and East 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).