



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: | A0799/12TEY | Zoning | MCR T2.5 C1.0 R2.5 (Waiver) |
| Owner: | 2031430 ONTARIO LTD | Ward: | Trinity-Spadina (20) |
| Agent: | PAULO OH | | |
| Property Address: | 1000-1002 BATHURST ST | Community: | Toronto |
| Legal Description: | PLAN 807 PT LOTS 13 & 15 LOT 14 | | |

Notice was given and a Public Hearing was held on **Wednesday, March 27, 2013**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To demolish the existing mixed-use buildings and to construct a new four-storey apartment building containing 14 units and a mezzanine on the fourth floor.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- Section 4(2)(a), By-law 438-86**
The maximum permitted building height is 12.0 m.
The new apartment building will have a height of **16.93 m**.
- Section 8(3) Part II 1(b)(ii), By-law 438-86**
A building shall be setback a minimum of 7.5 m from a residential district.
The new apartment will be setback 5.82 m from a lot in a residential district.
- Section 8(3) Part I 3(a), By-law 438-86**
The maximum permitted residential gross floor area is 2.5 times the area of the lot (922.50 m²).
The new apartment building will have a residential gross floor area equal to 3.29 times the area of the lot (1,218.90 m²).
- Section 8(3) Part II 4(c)(i), By-law 438-86**
A building shall not penetrate the 45 degree angular plane projected over the lot from an elevation of 13.0 m above average grade.
The new apartment building will penetrate the angular plane **at the front of the building** by 1.70 m.
- Section 8(3) Part II 1(b), By-law 438-86**
A window of a dwelling unit shall be setback 11.0 m from the window of another dwelling unit located on the same lot.
In this case, the dwelling unit windows on the new apartment building will be separated at a distance of 8.23 m respectively.

6. **Section 6(3) Part II 1(b)(ii), By-law 438-86**

A window of a dwelling unit shall be setback 5.5 m from a lot line that is not a street line or wall of a building.

In this case, the windows on the south side of the new apartment building will be located 2.13 m from the south side lot line.

7. **Section 4(3)(a), By-law 438-86**

A minimum of eight residential parking spaces shall be provided on site along with an additional one parking space for visitors.

In this case, two residential parking spaces will be provided on site and no visitor parking will be provided.

8. **Section 4(17)(a), By-law 438-86**

The minimum required dimensions for a parking space are 5.6 m by 2.9 m and shall maintain a vertical clearance of 2.0 m.

In this case, the two parking spaces will measure 5.03 m by 2.59 m and maintain a vertical clearance of 4.0 m.

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 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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Barbara Leonhardt

Donna McCormick

Mary Pitsitikas

DISSENTED

Christian Chan

Robert Brown

DATE DECISION MAILED ON: **Tuesday, April 2, 2013**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, April 16, 2013**

CERTIFIED TRUE COPY

Anita M. MacLod
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.