

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

Committee of Adjustment Toronto and East York District

100 Queen Street West Toronto Ontario M5H 2N2 Tel: 416-392-7565 Fax: 416-392-0580

NOTICE OF DECISION

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

File Number:

A0447/13TEY

Zoning

CR T2.0 C2.0 R1.5 (Waiver)

Owner:

160 PEARS AVENUE LIMITED

1033421 ONTARIO LTD

Ward:

Trinity-Spadina (20)

Agent:

KIM KOVAR

Property Address:

160 PEARS AVE

Community:

Toronto

Legal Description:

PLAN M52 LOT 67 TO 70 PLAN E120 LOT 21 & 22 RP R1527 PARTS 1 & 5

Notice was given and a Public Hearing was held on Wednesday, July 31, 2013, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a three-storey addition above the existing four-storey office building.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

1. Section 8(3) Part 1 (2) and Section 12(2) 270, By-law 438-86

The maximum permitted gross floor area is 2.0 times the area of the lot $(4,262 \text{ m}^2)$. The altered seven-storey building will have a non-residential gross floor area equal to 4.78 times the area of the lot $(10,184 \text{ m}^2)$.

2. Section 12(2) 270, By-law 438-86

The maximum permitted gross floor area of certain uses including showrooms is the amount which existed on the lot in July 20, 1993, plus an additional 1,800 m² (6,754 m²).

The altered seven-storey building will have a total gross floor area of 7,944 m² for showroom purposes.

3. Section 4(2)(a), By-law 438-86

The maximum permitted building height is 14 m to the roof plus 5 m for a mechanical penthouse for a total building height of 19 m.

The altered seven-storey building will have a building height of 25.92 m measured to the roof with a 2.5 m mechanical penthouse for a total building height of 28.42 m.

4. Section 4(5)(a), By-law 438-86

A total of 28 on-site parking spaces are required to be provided for the non-residential use. A total of 17 on-site parking spaces will be provided.

5. Section 4(6)(b), By-law 438-86

Two Type B loading spaces, one Type C loading space, and 157.5 m² of loading area are required. No on-site loading spaces/loading area will be provided.

6. Section 4(17), By-law 438-86

The minimum dimensions of a parking space, accessed by a two way drive aisle having a width of less than 6.0 m measured at the entrance to the parking space, shall have a parking space width of 3.0 m, except when that minimum required width of a parking space shall be increased by 0.3 m when one or both sides of the parking space is obstructed.

In this case: four existing spaces with an aisle width of 5.94 m have a parking space width of 2.6 m; two existing spaces with an aisle width of 5.56 m have a parking space width of 2.6 m; one existing parking space with an aisle width of 5.56 m has a parking space width of 2.83 m; and one existing parking space with obstruction on both sides and an aisle width of 5.56 m has a parking space width of 2.6 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 <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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DISSENTED		•	
Gillian Burton	David Pond	Yim Chan	······

John (Tasstopoulos

DATE DECISION MAILED ON: Tuesday, August 6, 2013

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, August 20, 2013

CERTIFIED TRUE COPY.

Amta M. MacLeoli 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.