



City Planning Division

Committee of Adjustment  
Toronto and East York District

100 Queen Street West, 1<sup>st</sup> Floor  
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:	A0032/14TEY	Zoning	MCR T3.0 C1.0 R2.5 (PPR)
Owner:	788 KING STREET WEST INC	Ward:	Trinity-Spadina (19)
Agent:	KIM KOVAR		
Property Address:	788 KING ST W	Community:	Toronto
Legal Description:	D 134 LOT 4 TO 5 PT LOT 3		

Notice was given and a Public Hearing was held on **Wednesday, March 5, 2014**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To convert the ground floor retail space of the existing mixed use building into a restaurant.

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

- Section 8(3) Part I 2, By-law 438-86**  
The maximum permitted non-residential gross floor area is 1.0 times the area of the lot (473.70 m<sup>2</sup>).  
The altered building will have a non-residential gross floor area equal to **1.69** times the area of the lot (803.27 m<sup>2</sup>).
- Section 12(2) 341(2), By-law 438-86**  
The maximum permitted non-residential gross floor area for any one, or a combination of two or more of the following purposes: a restaurant, take-out restaurant, bakeshop, place of amusement, place of assembly or club is 300 m<sup>2</sup>.  
The ground floor restaurant will have a non-residential gross floor area of **389.72 m<sup>2</sup>**.

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

**The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

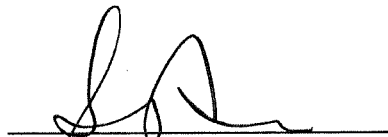
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

The additional permissions provided in Zoning By-law 438-86, clause (iv) definition of "restaurant", including: dance floor, stage, teletheatre gambling, disc jockey, sound room and gaming machines, shall **NOT** be permitted to operate within the restaurant or on this site.

**SIGNATURE PAGE**

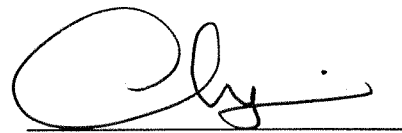
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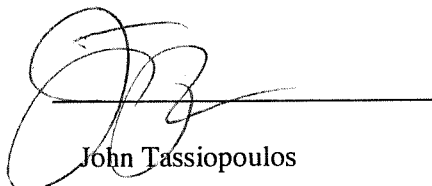
Gillian Burton



David Pond



Yim Chan



John Tassiopoulos

**DATE DECISION MAILED ON: Tuesday, March 11, 2014**

**LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, March 25, 2014**

**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).