

Thursday, March 31, 2016

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

File Number:	A173/16EYK	Zoning	MCR T5.0 C2.0 R4.0
Owner(s):	2322235 ONTARIO INC	Ward:	Davenport (17)
Agent:	MHBC PLANNING LIMITED	Heritage:	Not Applicable
Property Address:	1233 - 1239 ST CLAIR AVE W	Community:	
Legal Description:	PLAN 1360 PT LOT 19		

Notice was given and a Public Hearing was held on Thursday, March 31, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a three-storey mixed-use building containing retail and office uses.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- Section 8(3) Part I 2, By-law 438-86**
The maximum permitted non-residential gross floor area is 2.0 times the area of the lot (1,146.2 m²).
The proposed building will have a non-residential gross floor area equal to 3.6 times the area of the lot (2,035.85 m²).
- 12(2) 479.(5)(b)(i), By-law 438-86**
The minimum required setback from any lot in an R or G district is 7.5 m.
The proposed building will be located 0 m from a lot in a residential zone to the south.
- Section 12(2) 479.(5)(c)(i), By-law 438-86**
No part of any building may be located closer than 1.5 m from a flanking street.
The proposed building will be located 0 m from the flanking street (Via Italia).
- Section 12(2) 479.(7)(b)(i), By-law 438-86**
All parts of the building must be contained within a 60 degree angular plane projected over the lot at a distance of 7.5 m from a lot in a residential zoned district, at an elevation of 10.5 m above the average elevation of the ground directly above the setback.
The proposed building will not be contained within the angular plane.
- Section 12(2) 479.(9)(a), By-law 438-86**
A minimum of 1.5 m of soft landscaping shall be provided along the rear lot line abutting a residential district.
A total of 0 m of soft landscaping along the rear lot line will be provided.
- Section 4(4)(b), By-law 438-86**
A total of 7 parking spaces are required.
A total of 0 parking spaces will be provided.

7. **Section 8(3) Part XI 1, By-law 438-86**
No building shall front on or gain entrance from a flanking street.
The proposed building will have an entrance from a flanking street (Via Italia).

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved

It is the decision of the Committee of Adjustment to authorize 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.

SIGNATURE PAGE

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Allan Smithies (signed)

Dominic Gulli (signed)

Nathan Muscat (signed)

DATE DECISION MAILED ON: Friday, April 8, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, April 20, 2016

CERTIFIED TRUE COPY

Susanne Pringle
Manager & Deputy Secretary Treasurer
Etobicoke 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.