

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

File Number:	A0027/16TEY	Zoning	CR 3.0 (c1.0; r2.5) SS2 (x1575) & MCR T3.0 C1.0 R2.5 (ZZC)
Owner(s):	2105167 ONTARIO LTD.	Ward:	Trinity-Spadina (19)
Agent:	HANIEH REZAEI	Heritage:	Not Applicable
Property Address:	<b>1070 QUEEN ST W</b>	Community:	Toronto
Legal Description:	PLAN D186 PT LOT 2		

Notice was given and a Public Hearing was held on **Wednesday, April 13, 2016**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To alter the existing three-storey mixed use building containing two dwelling units and ground floor commercial, by constructing a rear four-storey addition containing an additional dwelling unit and an extension of the existing ground floor commercial unit.

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

- 1. Chapter 40.10.40.40.(1)(B), By-law 569-2013**  
The maximum non-residential floor space index is 1.0 times the area of the lot (232.84 m<sup>2</sup>).  
The altered mixed-use building will have a non-residential floor space index equal to 1.12 times the area of the lot (261.26 m<sup>2</sup>).
- 2. Chapter 900.11.10(2)(A), By-law 569-2013**  
The minimum required number of parking spaces is four (two for the dwelling units and two for the retail store).  
In this case, two parking spaces will be provided on the lot.
- 3. Chapter 40.10.40.70.(2)(B)(ii), By-law 569-2013**  
Where the rear lot line abuts a lane, the building must be set back 7.5 m from the lot line of the lot abutting the lane on the opposite side of the lane.  
The altered mixed-use building will be located 5.10 m from the lot line of the lot abutting the lane on the opposite side of the lane.

**4. Chapter 40.10.40.80.(2)(A), By-law 569-2013**

Any main wall of a building where a main wall of the building has windows and a line projected at a right angle from one of these main walls intercepts another main wall with windows on the same lot, the minimum above ground distance between the main walls is 11.0 m.

In this case, the distance between main walls will be 7.69 m.

**5. Chapter 40.10.40.60.(3)(A)(iii), By-law 569-2013**

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.3 m.

In this case, the exterior stairs will be located 0.0 m from the west side lot line.

**6. Chapter 40.10.40.70.(2)(E)(i), By-law 569-2013**

If a lot abuts a Residential Zone Category or Residential Apartment Zone Category, every building on the lot in the CR Zone may not penetrate a 45 degree angular plane projected over a shallow lot, along the entire required rear yard setback, starting at a height of 10.5 m above the average elevation of the ground along the rear lot line.

In this case, the altered mixed-use building will penetrate the angular plane.

**1. Section 8(3) Part I 2, By-law 438-86**

The maximum non-residential gross floor area is 1.0 times the area of the lot (232.84 m<sup>2</sup>).

The altered mixed-use building will have a non-residential gross floor area equal to 1.12 times the area of the lot (261.26 m<sup>2</sup>).

**2. Section 8(3) Part II 4(A), By-law 438-86**

The minimum required setback from a lot in a residential or park district is 7.5 m.

The altered mixed-use building will be located 5.10 m from a lot in a residential or park district.

**3. Section 8(3) Part II 4(C)(III), By-law 438-86**

A building is required to be within the 45 degree angular plane projected over the lot from an elevation of 10.0 m above the average elevation of the ground at a distance of 7.5 m from a lot in a residential or park district.

In this case, the altered mixed-use building will penetrate the angular plane.

**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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Robert Brown (signed)

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Edmund Carlson (signed)

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Ewa Modlinska (signed)

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Nancy Oomen (signed)

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Worrick Russell (signed)

DATE DECISION MAILED ON: **Tuesday, April 19, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, May 3, 2016**

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).