

Thursday, April 28, 2016

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

File Number:	A143/16EYK	Zoning	CR 3.0; R; MCR T3.0 C1.0 R2.5 & R2 Z0.6
Owner(s):	1771 ST CLAIR WEST LTD	Ward:	Davenport (17)
Agent:	WESTON CONSULTING	Heritage:	Not Applicable
Property Address:	1771 ST CLAIR AVE W & 367 & 375 OSLER ST	Community:	
Legal Description:	PLAN 610 PT LOTS 1 TO 3 RP 63R3028 PARTS 7 & 8		

Notice was given and a Public Hearing was held on Thursday, April 28, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a six-storey residential condominium building with retail at grade and underground parking.

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

- 1. Section 40.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted total floor space index for the portion of the lot located in a CR zone is 3.0 times the area of the lot.
The portion of the proposed building located in a CR zone will have a total floor space index equal to 4.1 times the area of the lot.
- 2. Section 8(3) Part I 1, By-law 438-86**
The maximum permitted combined non-residential and residential gross floor area for the portion of the lot located in an MCR zone is 3.0 times the area of the lot (5,643 m²).
The portion of the proposed building located in an MCR zone will have a combined non-residential and residential gross floor area equal to 3.2 times the area of the lot (5,975.6 m²).
- 3. Section 40.10.40.40.(1)(C), By-law 569-2013**
The maximum permitted residential floor space index for the portion of the lot located in a CR zone is 2.5 times the area of the lot.
The portion of the proposed building located in a CR zone will have residential floor space index equal to 3.85 times the area of the lot.
- 4. Section 8(3) Part I 3(A), By-law 438-86**
The maximum permitted residential gross floor area for the portion of the lot located in an MCR zone is 2.5 times the area of the lot (4,702.5 m²).
The portion of the proposed building located in an MCR zone will have a gross floor area equal to 3.0 times the area of the lot (5,663.9 m²).

5. **Section 40.10.40.70.(2)(B)(i), By-law 569-2013**
The minimum required rear yard setback for the portion of the building located in a CR zone is 7.5 m.
The portion of the building located in a CR zone will be located 0 m from the rear lot line.
6. **Section 10.10.40.70.(1),(2)&(3), By-law 569-2013**
The minimum required setback from any lot line for the portion of the building located in an R zone is 7.5 m.
The proposed below grade portion of the building located in an R zone will be located 0 m from the east, west and south lot lines.
7. **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 portion of the building located in an MCR zone will be located 0 m from a lot in a residential zone to the south (367 Osler St).
8. **Section 40.10.40.70.(2), By-law 569-2013**
The portion of the building located in a CR zone may not penetrate a 45 degree angular plane along the entire required rear yard setback, starting at a height of 7.5 m above the average elevation of the ground along the rear lot line.
The portion of the proposed building located in a CR zone will penetrate the angular plane.
9. **Section 8(3) Part II 4 (C)(III), By-law 438-86**
The portion of the building located in an MCR zone may not penetrate the 45 degree angular plane projected over the lot from an elevation of 10 m above the average elevation of the ground at a distance of 7.5 m from a lot in a residential or park district.
The portion of the building located in an MCR zone will penetrate the angular plane.
10. **Section 8(3) Part II 4(C)(I), By-law 438-86**
The building may not penetrate the 45 degree angular plane projected over the lot from an elevation of 13 m above the average elevation of the ground at the street line.
The proposed building will penetrate the angular plane at both the Osler Street and St Clair Avenue West street lines.
11. **Section 40.10.40.10.(2), By-law 569-2013 and Section 4(2)(a), By-law 438-86**
The maximum permitted building height is 16 m.
The proposed building will have a height of 20.25 m.
12. **Section 40.10.40.10.(5), By-law 569-2013**
The minimum required height of the first storey, measured from the floor of the first storey to the ceiling of the first storey, is 4.5 m.
The proposed building will have a first storey height of 3.5 m.
13. **Section 900.11.10.(1584)(2)(B), By-law 569-2013**
A total of 34 parking spaces (31 parking spaces for residents and 3 spaces for visitors) are required for the portion of the site located in a CR zone.
A total of 22 parking spaces will be provided in the portion of the site located in a CR zone.
14. **Section 4(3), By-law 438-86**
A total of 44 parking spaces (40 parking spaces for residents and 4 spaces for visitors) are required for the portion of the site located in an MCR zone.
A total of 42 parking spaces will be provided in the portion of the site located in an MCR zone.
15. **Section 200.15.10.(1), By-law 569-2013**
A total of 2 accessible parking spaces are required for the site.
A total of 1 accessible parking space will be provided.
16. **Section 200.15.1.5.(1), By-law 569-2013**
The required accessible parking spaces must be located closest to a principle pedestrian access to a building.
The proposed accessible parking space will not be located closest to a principle pedestrian access to the building.

17. **Section 8(3) Part IV 2, By-law 438-86**
A parking facility on a corner lot may not be located within 7.5 m of a lot located in a residential district. The proposed parking facility will be located 0 m from a lot in a residential zone to the south (367 Osler Street).
18. **Section 40.10.90.10.(1)(C), By-law 569-2013**
A loading space may not be located in any yard that abuts a lot in the Residential Zone category or Residential Apartment zone category.
The proposed loading space will be located in a yard that abuts a lot in the Residential Zone category.
19. **Section 40.10.90.40.(1)(A), By-law 569-2013**
Where a lot abuts a lane, vehicle access to a loading space must be from the lane.
The proposed vehicle access to a loading space will be from Osler Street.
20. **Section 40.10.90.40.(2), By-law 569-2013**
Where a lot abuts a lot in the Residential Zone category or Residential Apartment Zone category, vehicle access to a loading space may not be through any part of a lot in the Residential Zone category or Residential Apartment Zone category.
The proposed vehicle access to the loading space will be through a part of a lot in a Residential Zone category (367 Osler Street).
21. **Section 40.10.100.(1)(A), By-law 569-2013**
Where a lot abuts a lane, vehicle access must be from the lane.
The proposed vehicle access will be from Osler Street.
22. **Section 40.5.80.10.(1), By-law 569-2013**
A parking space must be located on the same lot as the use for which the parking is required.
For the portion of the site located in a CR zone, some of the proposed parking spaces will be located on lots other than the lot containing the use for which the parking is required (375 Osler Street and 367 Osler Street).
23. **Section 230.5.10.1.(5), By-law 569-2013**
A total of 73 bicycle parking spaces are required for the portion of the site located in a CR zone.
The provision for bicycle parking spaces will not be complied with as some of the proposed bicycle spaces will be located on portions of the site not in a CR zone (375 Osler Street and 367 Osler Street).
24. **Section 4(13)(A)&(C), By-law 438-86**
A total of 11 bicycle parking spaces for visitors are required for the site.
The proposed visitor bicycle parking spaces will be located in a secured room, enclosure or locker and do not comply.
25. **Section 10.10.20.10, By-law 569-2013, Section 10.10.20.20, By-law 569-2013, Section 10.10.20.40, By-law 569-2013 and Section 6(1)(a)&(f), By-law 438-86**
The proposed portion of the building and uses located in an R/R2 zone are not permitted.
26. **Section 4(12), By-law 438-86**
A minimum of 2 m² of indoor residential amenity space for each dwelling unit is required, provided in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and washroom.
The required 144 m² of amenity space will be provided, but not in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom.
27. **Section 40.10.40.1.(1), By-law 569-2013**
In a mixed use building, all residential portions of the building must be located above non-residential use portions.
The proposed building will have residential use portions of the building located below non-residential use portions.

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)

Edwin (Ted) Shepherd
(signed)

DATE DECISION MAILED ON: Friday, May 6, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, May 18, 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.