

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

File Number:	A1293/15TEY	Zoning:	IC D3 N1.5 (PPR)
Owner:	HULLMARK (60 ATLANTIC) LTD	Ward:	Parkdale-High Park (14)
Agent:	LEONA SAVOIE	Heritage:	Designated
Property Address:	60 ATLANTIC AVE	Community:	Toronto
Legal Description:	PLAN 765 LOTS 20 TO 25 PLAN 1180 BLK D RP 63R4576 PART 1		

Notice was given and a Public Hearing was held on **Wednesday, April 6, 2016**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new five-storey commercial building with two levels of below-grade parking on the lot adjacent to the existing two-storey commercial building on the lot.

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

- 1. Section 12(2) 298, By-law 438-86**
A restaurant is not a permitted use on the lot.
In this case, there will be restaurant uses located on the lot.
- 2. Section 12(2) 298, By-law 438-86**
A retail store is not a permitted use on the lot.
In this case, there will be retail uses located on the lot.
- 3. Section 2(1), By-law 438-86**
The by-law requires that each principal building be assigned a defined part of the parcel of land.
In this case, the existing two-storey building and the new five-storey building on the lot have not been assigned their own parcel of land.
- 4. Section 9(3) Part I 2, By-law 438-86**
The maximum permitted non-residential gross floor area is 3.0 times the area of the lot (11,115.0 m²).
The total non-residential gross floor area will be equal to 3.15 times the area of the lot (11,664.0 m²).
- 5. Section 12(2) 270, By-law 438-86**
No person shall, on any lot in any IC district, erect or use any building or construct an addition to an existing building for the purpose of a restaurant, where the total non-residential gross floor area used for such purpose is greater than the amount which existed on the lot on July 20, 1993 (0 m²), plus an additional 1800 m².
In this case, the cumulative non-residential gross floor area of the restaurant uses on the lot is 2,205.0 m².

6. Section 9(3) Part I 3, By-law 438-86

The maximum permitted non-residential gross floor area of an office use in an IC District is 1.5 times the area of the lot (5,558.25 m²).

In this case, the cumulative non-residential gross floor area of the office uses on the lot is 2.62 times the area of the lot (9,715.0 m²).

7. Section 4(14)(a)(iii), By-law 438-86

A building is required to be setback 3.0 m from the original centre line of a public lane.

In this case, the new building will be located 1.54 m from the original centre line of the public lane to the north.

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):

- (1) Prior to the issuance of a building permit, building permit drawings, including plans, elevations and details shall be submitted to the satisfaction of the Manager of Heritage Preservation Services and a heritage permit shall be obtained under the provision of Section 33 of the Ontario Heritage Act, **if required**.
- (2) The owner shall submit acceptable documentation to demonstrate that the existing and the future owners of all the properties abutting the east-west public lane, the private lane and the north-south public lane named as LN S King E Jefferson that extends between the above two lanes will be subject to a permanent right-of-way/easement for vehicular access to their properties, to the satisfaction of the General Manager Transportation Services.
- (3) The patron seating area within the restaurant in the building shall not exceed 425 m².
- (4) No restaurant uses shall be located above the ground floor;
- (5) The additional permissions provided in clause (iv) under the definition of "restaurant" in Zoning By-law 438-86, including: dance floor, stage, teletheatre gambling, disc jockey, sound room and gaming machines be prohibited on this site; and
- (6) The retail and services uses shall be limited to the uses listed under Section 9(1)(f) chart item (b)(iv) – Industrial Districts (IC) of Zoning By-law 438-86, as amended.

SIGNATURE PAGE

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Alex Bednar (signed)

Michael Clark (signed)

Donald Granatstein (signed)

Lisa Valentini (signed)

DATE DECISION MAILED ON: **TUESDAY, APRIL 12, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **TUESDAY, APRIL 26, 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.