

Thursday, March 31, 2016

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

File Number:	A663/15EYK	Zoning:	RD & R1
Owner(s):	YULIYA BUTTA- POLISHCHUK IHOR POLISHCHUK	Ward:	York South-Weston (11)
Agent:	JURATE MUIZNIECE	Heritage:	Not Applicable
Property Address:	43 ELM ST	Community:	
Legal Description:	PLAN M140 PT LOTS 217 TO 221 RP R2584 PART 2		

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 second storey addition above the existing building and to convert a portion of the first floor commercial space to residential uses.

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

1. **Section 10.20.20.40.(1), By-law 569-2013**
A dwelling unit is only permitted in a detached house.
The proposed dwelling unit will be located in a mixed use building.
2. **Section 7.(2), By-law 1-83 and 3623-97**
A mixed use building is not a permitted use in an R1 zone.

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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	PLAN M140 PT LOTS 217 TO 221		
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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.