

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

File Number:	A0247/16TEY	Zoning	CR 4.0 (c2.0;r3.5) SS1 (x2374) & CR T4.0 C2.0 R3.5 (ZZC)
Owner(s):	1864364 ONTARIO INC	Ward:	Trinity-Spadina (20)
Agent:	ARMANDO BARBINI	Heritage:	Not Applicable
Property Address:	35 MC CAUL ST	Community:	Toronto
Legal Description:	CON 1 FB PT PARK LOT 13 PLAN 1-49-55 PT LOT 6		

Notice was given and a Public Hearing was held on **Thursday, June 9, 2016**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing four-storey commercial building by constructing a three-storey addition.

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

1. Chapter 40.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index for all uses on the lot is 4.0 times the area of the lot (4100.0 m²).

The altered commercial building will have a floor space index for all uses on the lot equal to 5.256 times the area of the lot (5,387.89 m²).

2. Chapter 40.10.40.40.(1)(B), By-law 569-2013

The maximum permitted floor space index for non-residential uses on the lot is 2.0 times the area of the lot (2050.0 m²).

The altered commercial building will have a floor space index for non-residential uses equal to 5.256 times the area of the lot (5,387.89 m²).

3. Chapter 230.5.1.10.(4)(A)(ii), By-law 569-2013

The minimum required width for bicycle parking spaces is 0.6 m.

The 32 bicycle parking spaces will have a width of 0.45 m.

4. Chapter 200.5.10.1(1), By-law 569-2013

A minimum of zero parking spaces are required to be provided for the existing building, nine parking spaces are required to be provided for the addition to the commercial building and one parking space is required to be provided for the accessible parking space for a total of 10 parking spaces. In this case, a total of zero parking spaces will be provided.

5. Chapter 220.5.10.1(5), By-law 569-2013

The minimum required number of loading spaces for the existing building is zero; one loading space type "B" and two loading spaces type "C" are required to be provided for the addition.

In this case, zero Loading Space Type "B" will be provided and zero Loading Space Type "C" will be provided.

6. Chapter 40.10.40.10.(1)(A), By-law 569-2013

The maximum permitted height of a building or structure on a lot subject to Development Standard Set 1 (SS1) is 24.0 m.

The altered commercial building will have a building height of 26.511 m plus the mechanical penthouse and a parapet for the Green Roof.

1. Section 498(b), By-law 438-86

The minimum required number of loading spaces for the existing building is zero; one loading space type "B" and two loading spaces type "C" are required to be provided for the addition.

In this case, zero Loading Space Type "B" will be provided and zero Loading Space Type "C" will be provided.

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

The maximum permitted floor space index for non-residential uses on the lot is 2.0 times the area of the lot (2050.0 m²).

The altered commercial building will have a floor space index for non-residential uses equal to 5.626 times the area of the lot (5,766.84 m²).

3. Section 4(5)(b), By-law 438-86

A minimum of zero parking spaces are required to be provided for the existing building, nine parking spaces are required to be provided for the addition to the commercial building for a total of nine parking spaces.

In this case, a total of zero parking spaces will be provided.

4. Section 4(2)(a), By-law 438-86

The maximum permitted height of a building or structure is 24.0 m.

The altered commercial building will have a height of 27.425 m plus the mechanical penthouse.

5. Section 2(1), By-law 438-86

The minimum required dimensions of a bicycle parking space are 0.6 m wide, 1.8 m in length and a 1.9 m of vertical clearance.

In this case, the 32 bicycle parking spaces will have the following dimensions; 0.45 m wide, 1.8 m in length and 1.2 m for a vertical clearance.

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 refuse 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

File Number:	A0247/16TEY	Zoning	CR 4.0 (c2.0;r3.5) SS1 (x2374) & CR T4.0 C2.0 R3.5 (ZZC)
Owner(s):	1864364 ONTARIO INC	Ward:	Trinity-Spadina (20)
Agent:	ARMANDO BARBINI	Heritage:	Not Applicable
Property Address:	35 MC CAUL ST	Community:	Toronto
Legal Description:	CON 1 FB PT PARK LOT 13 PLAN 1-49-55 PT LOT 6		

DISSENTED

Robert Brown

Edmund Carlson (signed)

Ewa Modlinska (signed)

DISSENTED

Nancy Oomen

Worrick Russell (signed)

DATE DECISION MAILED ON: **Wednesday, June 15, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Wednesday, June 29, 2016**

CERTIFIED TRUE COPY

Sylvia Mullaste
Acting 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.