

Thursday, October 6, 2016

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

File Number:	A167/16SC	Zoning	Employment (E) & Community Commercial (CC) Zone [Waiver]
Owners:	NORTH AMERICAN MUSLIM FOUNDATION	Ward:	Scarborough-Rouge River (41)
Agent:	NORTH AMERICAN MUSLIM FOUNDATION	Heritage:	Not Applicable
Property Address:	4140 FINCH AVE E	Community:	Milliken Community
Legal Description:	PLAN 3435 PT LOT 1		

Notice was given and a Public Hearing was held on Thursday, October 6, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The owners are proposing to demolish a part of the building and undertake interior renovations for a proposal to use the building for a Place of Worship and Educational Facility (religious school).

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- 1) To exempt the owner of the lands from the requirement to provide or fund the facilities, services and matters required by Performance Standard 2356,
Whereas Performance Standard 2356 requires the owners of the land to enter into an agreement pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to provide or fund the following:
 - (i) a payment of \$110,000 - for the undergrounding of hydro services along the north side of Finch Avenue East between Midland Avenue and the C.N. Railway.
 - (ii) a payment of \$110,000 - for the reconstruction of the Agincourt Community Centre by the City.
- 2) A total of 72 parking spaces are proposed on the lot
Whereas a minimum of 106 parking spaces are required based on a minimum required parking rate of:

Educational and training facilities:	3.0 spaces per 100 m ² of gross floor area
Place of Worship:	7.7 spaces per 100 m ² of gross floor area
- 3) Eight proposed parking spaces would have access from a 6-metre wide, one-way drive aisle
Whereas a minimum 6-metre wide, two-way drive aisle is required
- 4) The Place of Worship is proposed in conjunction with an Educational Facility
Whereas a Place of Worship is only permitted as a sole use on a lot.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **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 variances are not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variances are not minor.

SIGNATURE PAGE

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David Peacock (signed)

Hena Kabir (signed)

Sean Karmali (signed)

DATE DECISION MAILED ON: Tuesday, October 11, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, October 26, 2016

CERTIFIED TRUE COPY

Denise Rundle
Manager & Deputy Secretary Treasurer
Scarborough 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 \$300.00, 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.