

Thursday, April 13, 2017

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

File Number:	A0355/16SC	Zoning	Commercial Residential (CR) Zone [ZR]
Owner:	EKATERINI STAVROPOULOS GEORGE MOULATSIOTIS	Ward:	Scarborough Southwest (35)
Agent:	ARISTOTLE CHRISTOU	Heritage:	Not Applicable
Property Address:	<b>3224 DANFORTH AVE &amp; 2 WANSTEAD AVE</b>	Community:	Oakridge Community
Legal Description:	PLAN 808 PT LOT 6		

Notice was given and a Public Hearing was held on Thursday, April 13, 2017, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

This application is for variances for a proposal to construct a third and fourth storey addition over the existing two storey mixed use building at 3224 Danforth Avenue, and a four storey addition at the rear of the building. The building would be used for commercial space on the ground floor and six apartment units on the upper floors. The detached building at the rear of the property at 2 Wanstead Avenue is proposed to be renovated and converted into a live/work residential unit.

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**By-law No. 569-2013:

- 1) The existing detached building at the rear of the property is proposed to be converted into a single family dwelling  
Whereas a single family dwelling is not permitted in the Commercial Residential (CR) Zone
- 2) The proposed floor area is 3.24 x the area of the lot (603 m<sup>2</sup>)  
Whereas the maximum permitted floor area is 2.5 x the area of the lot (464 m<sup>2</sup>)
- 3) The proposed residential floor area is 2.66 x the area of the lot (495 m<sup>2</sup>)  
Whereas maximum permitted residential floor area is 1.9 x the area of the lot (353 m<sup>2</sup>)
- 4) The ground floor of the proposed single family dwelling at the rear of the property would be used for residential purposes  
Whereas a dwelling unit in the Commercial Residential Zone must be located above the second above grade storey
- 5) The existing detached building at the rear of the property to be converted into a single family dwelling has no setback from the east lot line abutting Wanstead Avenue  
Whereas the minimum required building setback from a lot line that abuts a street is 1.5 m
- 6) No parking spaces are existing or proposed on the property  
Whereas a minimum of 5 parking spaces are required
- 7) The existing detached building at the rear of the property has a setback of 2.7 m from the lot line of the lot

abutting the lane on the opposite side of the lane

Whereas where the rear lot line abuts a lane, the building must be set back a minimum of 7.5 m from the lot line of the lot abutting the lane on the opposite side of the lane

- 8) The existing buildings have no setback from the west lot line

Whereas where the main wall of a building has windows or openings, the main wall must be set back a minimum of 5.5 m from a lot line that is not adjacent to a street or lane

- 9) The mixed use building is located between the detached building at the rear of the property and Danforth Avenue

Whereas a building with a dwelling unit may not be located so that another building is between any main wall of the building and the street on which the building fronts

By-law No. 9812:

- 10) The existing detached building at the rear of the property is proposed to be converted into a single family dwelling

Whereas a single family dwelling is not permitted in the Commercial Residential (CR) Zone

- 11) The proposed floor area is 3.24 x the area of the lot (603 m<sup>2</sup>)

Whereas the maximum permitted floor area is 2.5 x the area of the lot (464 m<sup>2</sup>)

- 12) No parking spaces are existing or proposed on the property

Whereas a minimum of 8 parking spaces are required

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 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 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)

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Eden Gajraj (signed)

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Hena Kabir (signed)

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Sean Karmali (signed)

DATE DECISION MAILED ON: Tuesday, April 18, 2017

LAST DATE OF APPEAL:  
Wednesday, May 3, 2017

CERTIFIED TRUE COPY

Paul Galvin  
Acting Manager & Deputy Secretary Treasurer  
Scarborough Panel

### Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

**Appeals filed prior to May 3, 2017:** Please submit your appeal in accordance with the **Ontario Municipal Board Appeal Information** below.

**Appeals filed on or after May 3, 2017:** Please submit your appeal in accordance with the **Toronto Local Appeal Body Appeal Information** below unless one of these exceptions apply:

- the Committee of Adjustment decision was already appealed before May 3, 2017\*; or

- there is a related appeal to the OMB for the same matter. A related appeal is an appeal under section 114 of the City of Toronto Act, under sections 17, 22, 34, 36, 38, 41 or 51 of the Planning Act or under a regulation made under section 70.2 of the Planning Act.\*\*

If either one of these exceptions apply, please submit your appeal in accordance with the **Ontario Municipal Board Appeal Information** below.

\* To learn if this decision has already been appealed before May 3, 2017, please contact the Committee of Adjustment Case Manager.

\*\* To learn if there is a related appeal to the OMB, search community planning applications in the Application Information Centre and contact the assigned planner if necessary.

**Ontario Municipal Board Appeal Information:** To appeal this decision to the Ontario Municipal Board (OMB), submit 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](http://www.omb.gov.on.ca).

**Toronto Local Appeal Body Appeal Information:** To appeal this decision to the Toronto Local Appeal Body (TLAB), submit a completed TLAB Notice of Appeal (Form 1) in digital format on a CD/DVD to the Manager & Deputy Secretary Treasurer of the Committee of Adjustment with the required fee. The fee is \$300 for each appeal filed regardless if related and submitted by the same appellant. Fees are payable by cash, certified cheque or money order, in Canadian funds. A certified cheque or money order must be made payable to the City of Toronto. To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).