

Thursday, August 29, 2024

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

**File Number:** A0312/24NY  
**Property Address:** 3180-3182 YONGE ST  
**Legal Description:** PLAN M107 PT LOTS 1237-1239  
**Agent:** GOLDBERG GROUP  
**Owner(s):** NYX YONGE GP INC  
**Zoning:** CR 3.0 (c2.0; r2.5) SS2 (x787) [WAV]  
**Ward:** Eglinton-Lawrence (08)  
**Community:** Toronto  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 29, 2024, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To facilitate in the development of the already approved 11-storey building by seeking to permit four (4) additional storeys, plus a mechanical amenity level, for a total height of 15-storeys, including 49 additional dwelling units, increasing the total number dwelling units to 153 units. Related Planning Applications: 20 214204 NNY 08 OZ & 21 162972 NNY 08 SA.

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

**1.4. (D), SITE-SPECIFIC BY-LAW 1248-2022(OLT)**

Required: The permitted maximum height of a building or structure is the numerical value, in metres, following the letters "HT" and the permitted maximum number of storeys is the numerical value following "ST" on Diagram 3 of By-law 1248-2022(OLT);

Proposed: The permitted maximum height of a building or structure is the numerical value, in metres, following the letters "HT" and the permitted maximum number of storeys is the numerical value following "ST" on Revised Diagram 3 of By-law 1248-2022(OLT) and a mechanical penthouse containing amenity space shall not constitute a storey;

#### **2.4. (F)(i), SITE-SPECIFIC BY-LAW 1248-2022(OLT)**

Required: The following equipment and structures may project beyond the permitted maximum height shown on Diagram 3:

equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance, equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.0metres;

Proposed: The following equipment and structures may project beyond the permitted maximum height shown on RevisedDiagram 3: equipment used for the functional operation of the building including electrical, utility, mechanical and ventilationequipment, enclosed stairwells, roof access, maintenance, equipment storage, elevator shafts, chimneys, and vents, by a maximum of 9.0 metres;

#### **3.4. (G), SITE-SPECIFIC BY-LAW 1248-2022(OLT)**

Required: The maximum gross floor area is 12,000 square metres, of which the maximum gross floor area for residential uses is 11,500 square metres;

Proposed: The maximum gross floor area is 15,922 square metres, of which the maximum gross floor area for residential uses is 15,460 square metres;

#### **4.Diagram 3, SITE-SPECIFIC BY-LAW 1248-2022(OLT)**

Required: Diagram 3;

Proposed: Revised Diagram 3;

#### **5. Chapter 40.10.50.10.(3), BY-LAW 569-2013**

Required: A minimum 1.5 metre wide strip of soft landscaping must be provided along the part of the lot abutting the lot in a Residential Zone category or Residential Apartment Zone category;

Proposed: A minimum 1.5 metre wide strip of soft landscaping must be provided along a minimum of 50% of the length of the west lot line abutting a lot in a Residential Zone or Residential Apartment Zone category.

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 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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**Ward:** Eglinton-Lawrence (08)

**Community:** Toronto

**Heritage:** Not Applicable



JORDAN ALLISON (signed)



SHAHIN FAZELI (signed)



VICTOR KEUBOU (signed)



CARL KNIPFEL (signed)

DATE DECISION MAILED ON: Thursday, September 5, 2024

LAST DATE OF APPEAL: Wednesday, September 18, 2024

CERTIFIED TRUE COPY

**Sai-Man Lam**

Manager and Deputy Secretary-Treasurer

## Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.ny@toronto.ca](mailto:coa.ny@toronto.ca) and [sai-man.lam@toronto.ca](mailto:sai-man.lam@toronto.ca) by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal to the Ontario Land Tribunal (OLT) for the same matter.

A related appeal is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

### TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB, you must submit the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary-Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>