

# DECISION AND ORDER

**Decision Issue Date**      **Wednesday, May 1, 2019**

PROCEEDING COMMENCED UNDER section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): WEI YU

Applicant: SHENSHU ZHANG

Property Address/Description: 1984 QUEEN STE

Committee of Adjustment Case File Number: 17 236748 STE 32 MV

**TLAB Case File Number: 18 128157 S45 32 TLAB**

**Hearing date:**      Friday, April 12, 2019

**DECISION DELIVERED BY STANLEY MAKUCH**

## APPEARANCES

Amber Stewart for the Applicant

David McKay, Planner for the Applicant

Name	Role	Representative
Shenshu Zhang	Applicant	
2516470 Ontario Inc.	Owner	
Wei Yu	Appellant	Amber Stewart
City of Toronto	Party	Kazia Czajkowski/Sara Amini

## **INTRODUCTION**

This is an appeal from a decision refusing minor variances to alter the existing one -story commercial building by constructing rear and west side ground floor additions.

## **BACKGROUND**

The plans for the alteration were revised and a settlement was reach with the City. The revised plans are attached as Appendix 1 to this Decisions and the resulting revised variances are in Appendix 2 attached hereto. Additional conditions agreed to are found in Appendix 2. Notice of the revisions were circulated to the same persons who had notice of the original application before the Committee of Adjustment. No one appeared as a result of the new notice.

## **MATTERS IN ISSUE**

There are no matters in issue.

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

### **Minor Variance – S. 45(1)**

In considering the applications for variances form the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## EVIDENCE

It was the uncontradicted and unchallenged evidence of David McKay, a qualified land use planner, that the variances meet the requirements of the relevant provincial policy documents and the four tests of the Planning Act. It was also his evidence that further notice of the variances was not necessary as the revisions were minor.

## ANALYSIS, FINDINGS, REASONS

Based on the evidence of Mr. McKay, I find that the variances do meet the four tests and conform with the PPS and the Growth Plan, and that notice under s. 45(18.1.1) of the Planning Act is not necessary.

## DECISION AND ORDER

The appeal is allowed, and the variances attached in Appendix 2 to this Decision are approved on condition that construction is substantially in accordance with the site plan and elevations in Appendix 1 and subject to the additional conditions in Appendix 2.

X 

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S. Makuch  
Panel Chair, Toronto Local Appeal

# Appendix 1

## SITE STATISTICS:

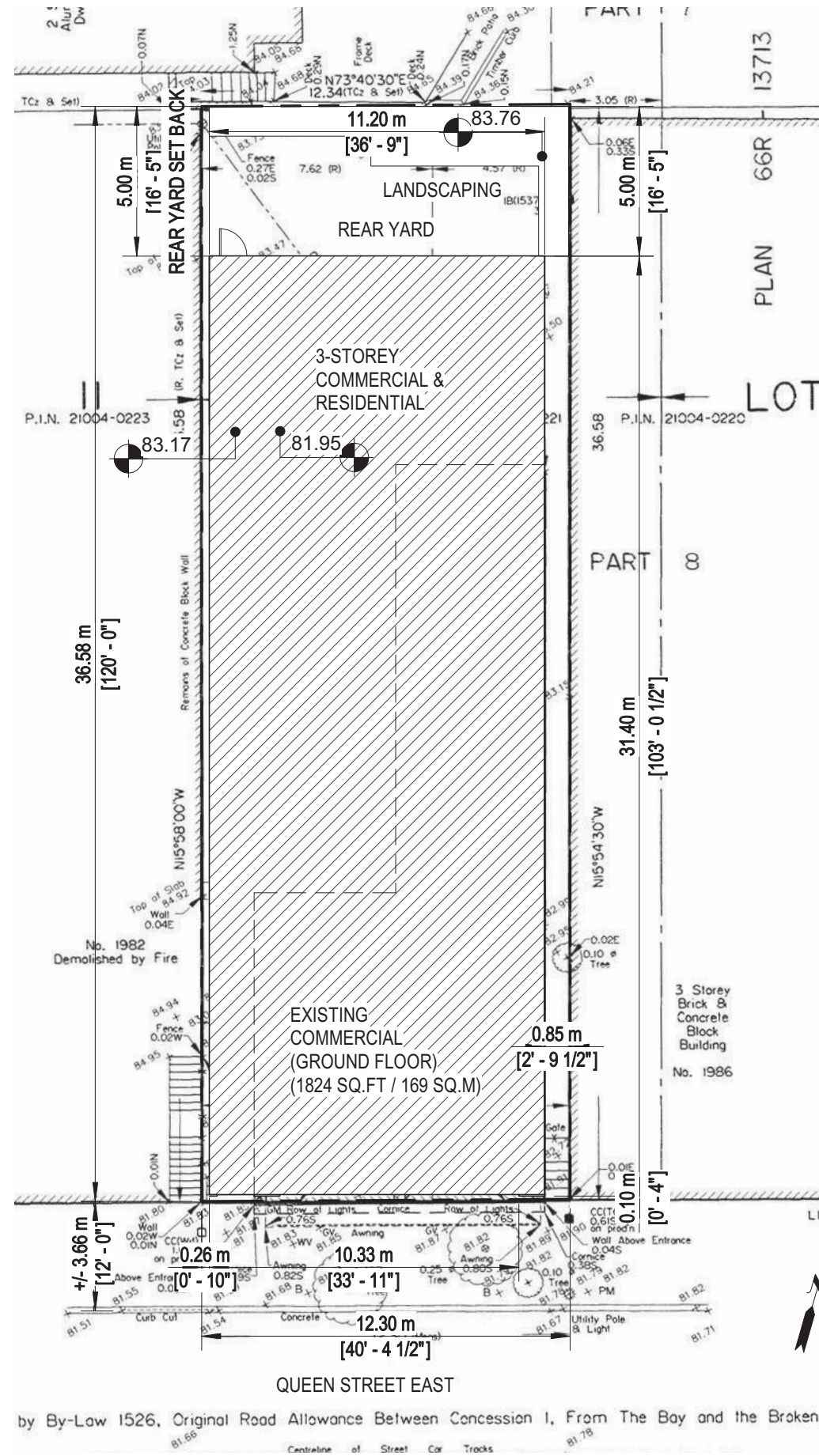
PART OF LOT 12, PLAN M-28	
CURRENTLY ZONING:	438-86 : MCR, T2.0, C1.0, R2.0
SITE AREA:	450 sq.m [4,843 SF]
LOT FRONTAGE:	12.30 m
BUILDING AREA: (including overhang)	352 sq.m
LOT COVERAGE:	78.22%
MIN. FRONT YARD:	0 m
MIN. SIDE YARD:	0 m
MIN. REAR YARD:	5.0 m
MAX. HEIGHT:	11.12 m
GFA:	769 sq.m

## AREA SCHEDULE (GFA)

	Existing	Added
Ground Floor	169 SQ. M	163 SQ. M
2nd Floor		271 SQ. M
Third Floor		165 SQ. M
Existing + Addition	169 SQ. M	599 SQ. M
Total		768 SQ. M

## Area Schedule (Rentable)

ZZE	Area	AREA (SF)	Comments
Ground Floor	276.08 m <sup>2</sup>	2971.73 SF	Retail
Ground Floor	37.26 m <sup>2</sup>	401.01 SF	Residential
Ground Floor	18.88 m <sup>2</sup>	203.27 SF	Common Area
2nd Floor	271.15 m <sup>2</sup>	2918.64 SF	Residential
3rd Floor	164.71 m <sup>2</sup>	1772.98 SF	Residential
Grand total: 5	768.09 m <sup>2</sup>	8,267.39 SF	(Excluding Utility Rm)



1 Site Plan  
1 : 200

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2	PPR	2017-02-27	M.Z.
3	Revision	2018-07-30	S.S.
4	Revision 2 (PPR)	2019-02-11	C.R.

## TAES Architects Inc.

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## MIXED-USE DEVELOPMENT

1984 Queens Street E.  
Toronto

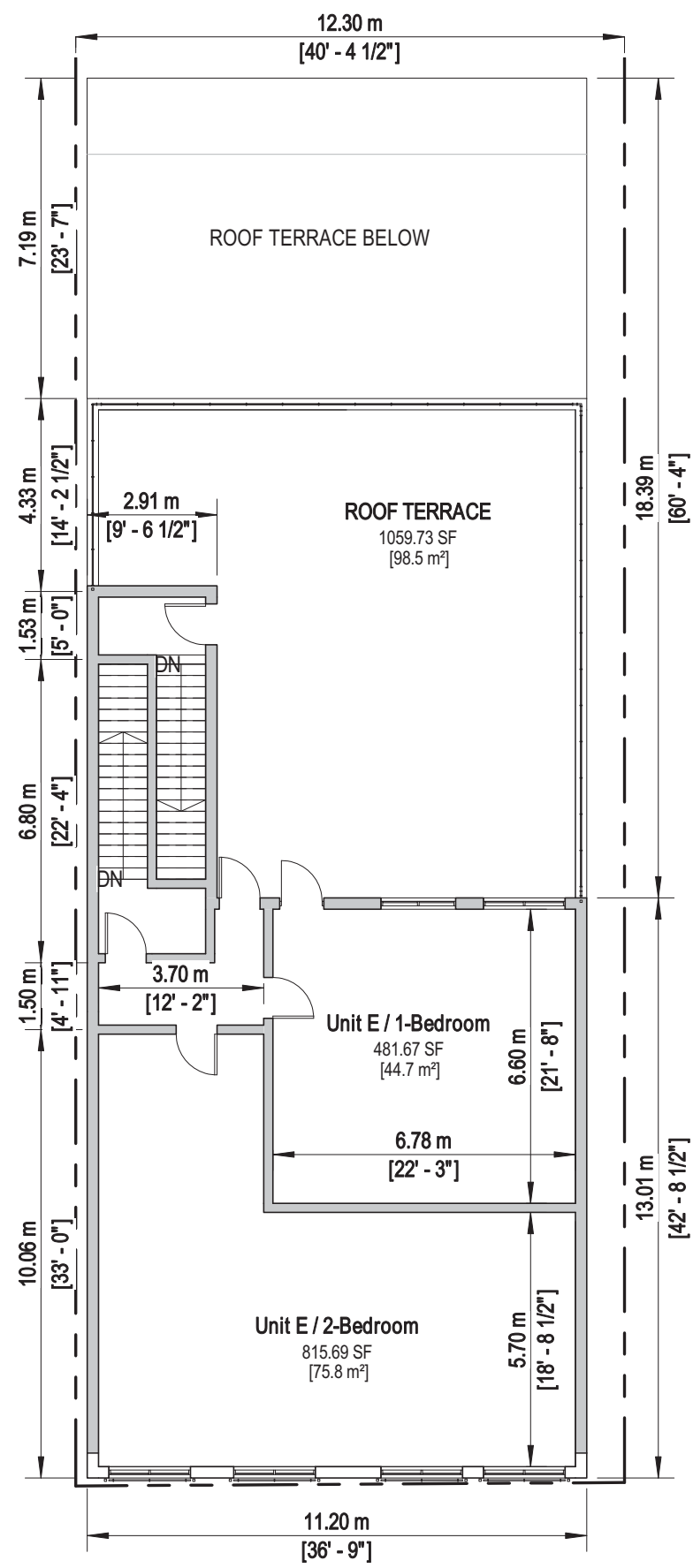
Project Number T2016097

Drawn Scale As indicated

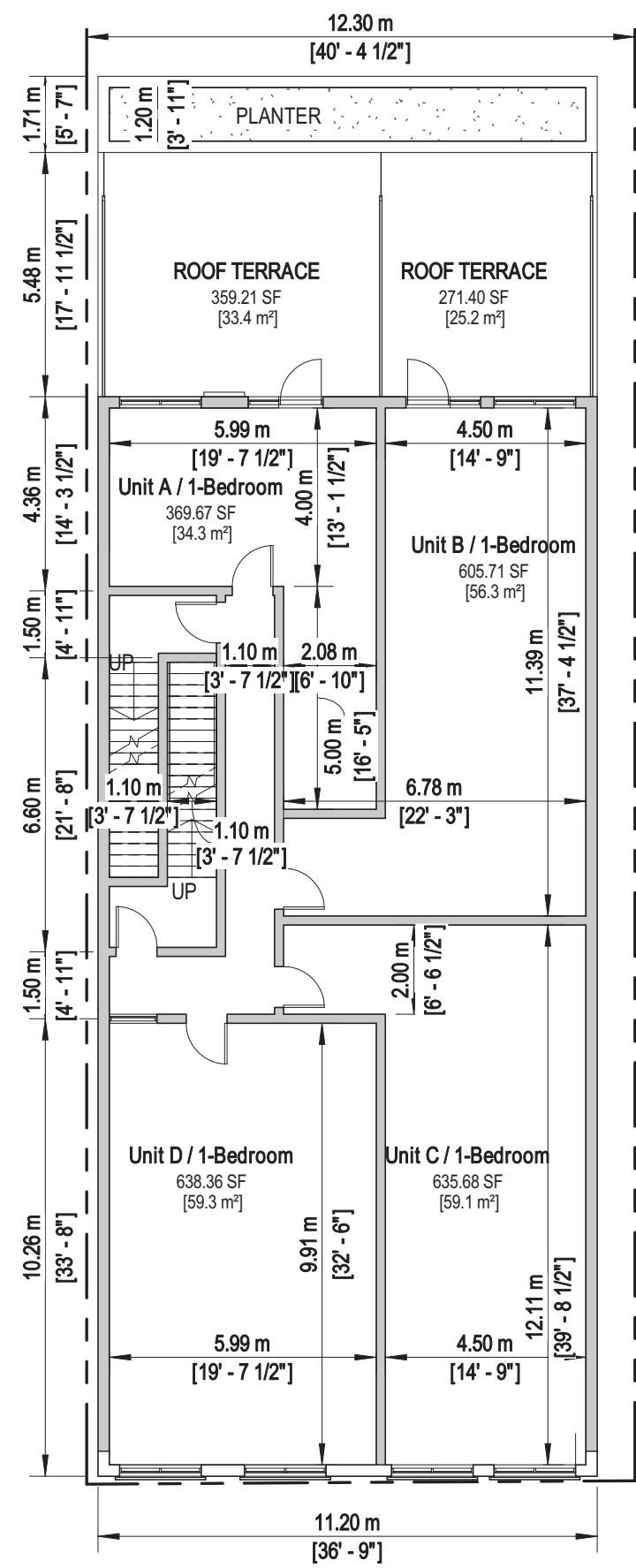
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## Site Plan & Statistics

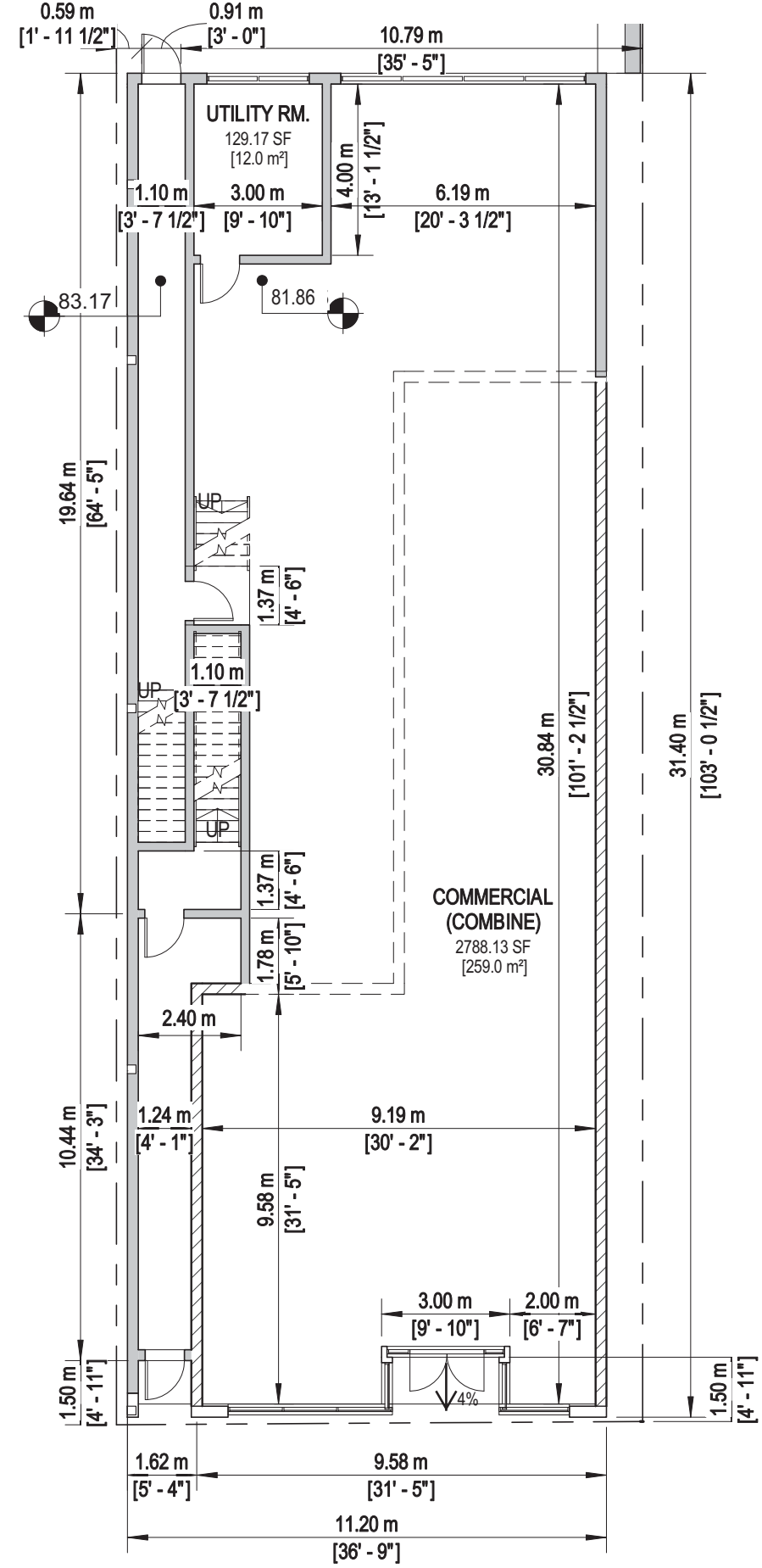
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3 3rd Floor  
1 : 150



2 2nd Floor  
1 : 150



1 01 Ground Floor  
1 : 150

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**Floor Plan-Ground, 2nd & 3rd Floor Plan**

Drawing No. **A101**





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② Rear (North) Elevation  
1 : 150

① Front (South) Elevation  
1 : 150

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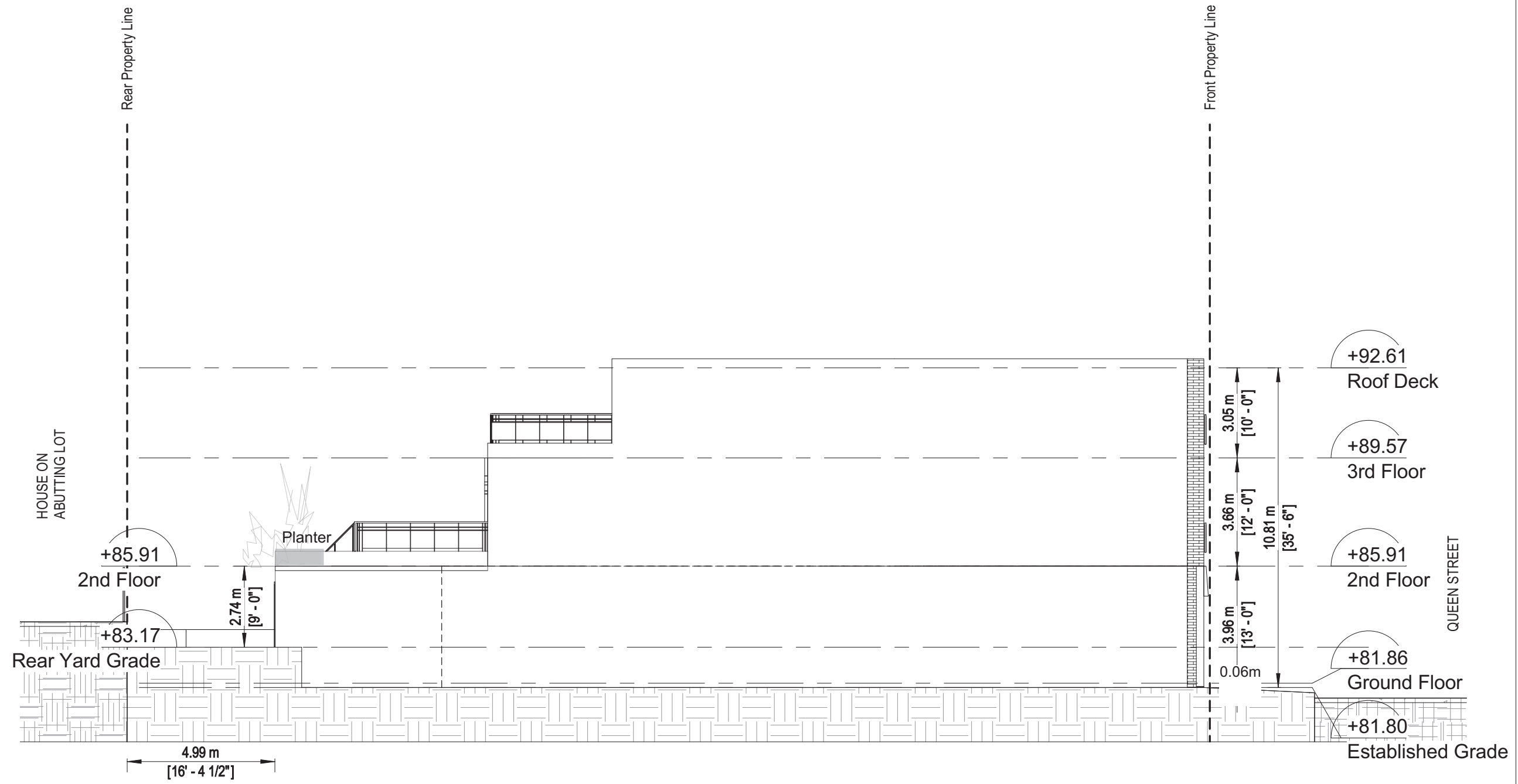
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Rear (North) Elevation  
Front (South) Elevation

Drawing No. A201



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**Side (West) Elevation**

Drawing No. **A202**



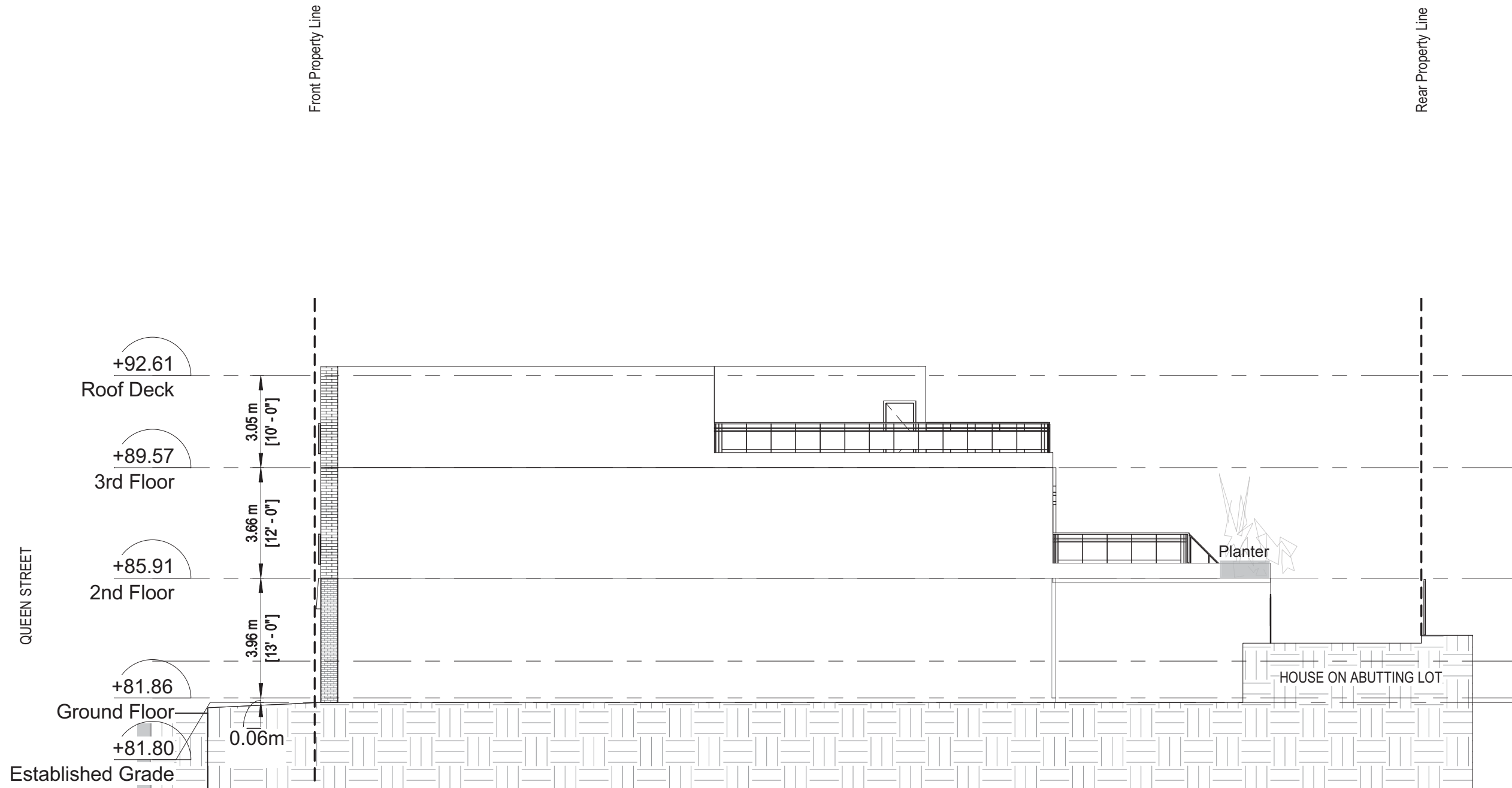
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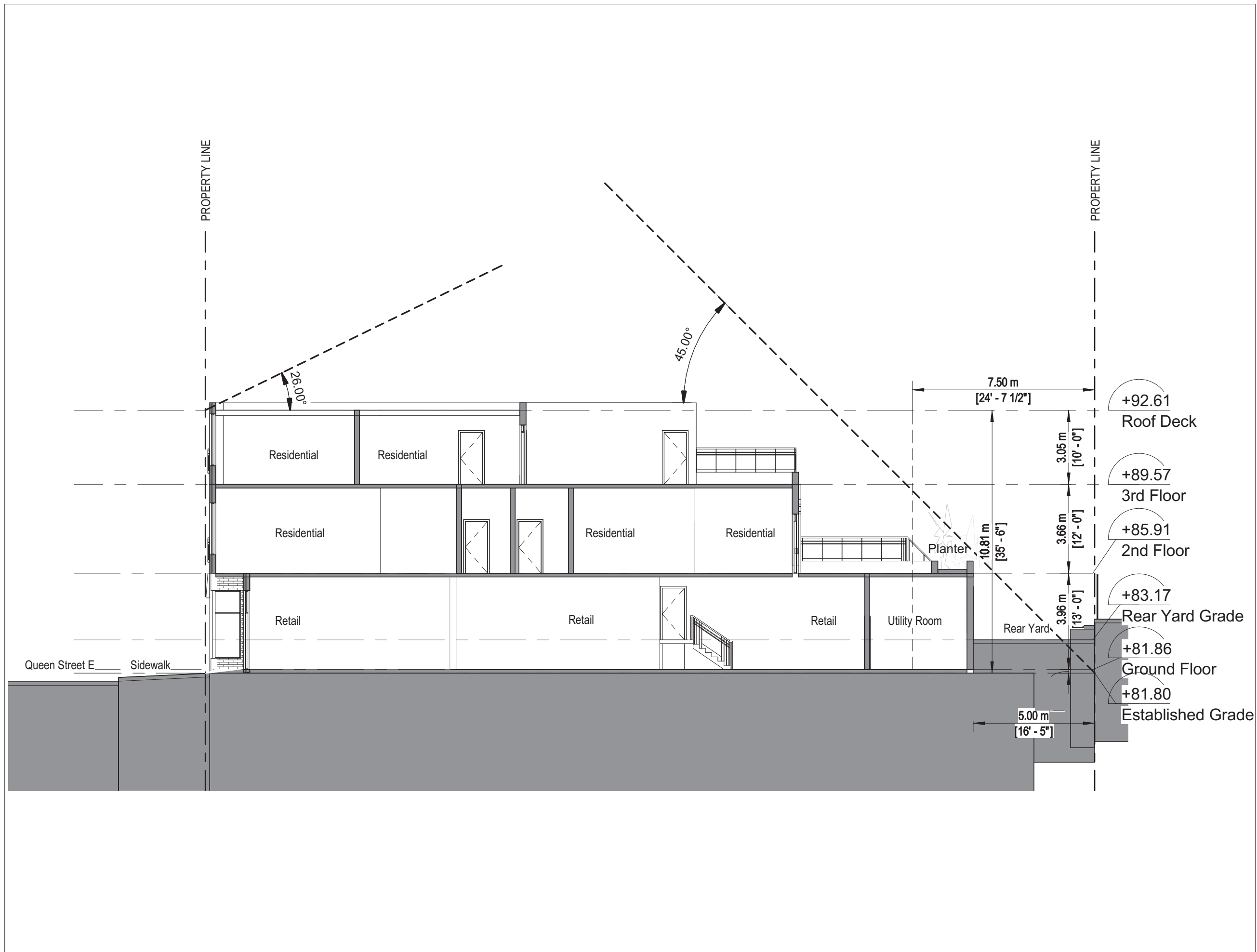
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**Side (East) Elevation**

Drawing No. **A203**



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**Building Section**

Drawing No. **A301**

## Appendix 2

### Revised List of Variances and Conditions 1984 Queen Street East

**1. Section 8(3) Part II 4(A), By-law 438-86**

The By-law requires the building to be set back a distance of at least 7.5 m from a lot in a residential or park district.

The proposed building is setback 5.0 m on the ground floor only.

**2. Section 4(3), By-law 438-86**

A minimum of 5 parking spaces are required.

A total of 0 parking spaces are proposed.

**3. Section 12(2) 284, By-law 438-86 as amended by By-law 607-2013**

No person shall erect or use a building or structure on the lands located on both the north and south side of Queen Street East, between Coxwell Avenue and Nursewood Road, that are zoned MCR, unless it is setback 4.8 m from the curb of Queen Street East, immediately adjacent to the property.

The proposed building is setback 3.66 m from the curb of Queen Street East.

**4. Section 12(2) 284, By-law 438-86 as amended by By-law 607-2013**

On the lands located on both the north and south side of Queen Street East, between Woodbine Avenue and Nursewood Road, that are zoned MCR, an additional setback of 3 m is required above the 9.5 m height, adjacent to any municipal road.

The proposed building is setback 0 m from the lot line adjacent to a municipal road above a height of 9.5 m.

**5. Section 12(2) 284, By-law 438-86 as amended by By-law 607-2013**

On the lands located on both the north and south side of Queen Street East, between Woodbine Avenue and Nursewood Road, that are zoned MCR, any new building shall have a maximum ground floor height of 3.5 m, measured from average grade along the Queen Street East frontage of the property.

The proposed building will have a first floor height of 3.81 m.

### Conditions of Approval

1. The materiality on the front façade shall be brick, as shown on the Front Elevation.
2. No backlit signage shall be installed on the front façade.
3. A planter box with a minimum depth of 1.0 m shall be installed along the entire width of the rear of the roof terraces on the 2<sup>nd</sup> floor, as shown on the 2<sup>nd</sup> Floor Plan prepared by TAES Architects Inc. and revision dated March 27, 2019.