

Friday, March 9, 2007

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

File Number:	A0828/06NY	Zoning	R4 - Single Family Dwelling
Owner(s):	2091467 ONTARIO INCORPORATED	Ward:	Scarborough-Agincourt (39)
Agent:	GLENN RUBINOFF		
Property Address:	44 CHURCHILL AVE	Community:	
Legal Description:	PLAN 3163 E		

Notice was given and a Public Hearing was held on Thursday, March 1, 2007, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

This is an application under Section 45 of the Planning Act, for variance from the provisions of the North York Zoning By-law 7625, as amended, to permit the existing dwelling to be maintained as constructed. This application was originally considered by the Committee of Adjustment on November 30, 2006 at which time it was deferred to allow staff an opportunity to re-circulate a new notice of hearing, and to allow the members an opportunity to conduct a site visit of the subject property.

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

1. Existing lot frontage of 10.9m and lot width of 10.2m
WHEREAS a minimum of 15m is required;
2. Proposed/existing east side yard setback of 1.2m
WHEREAS a minimum of 1.5m is required;
3. Proposed/existing west side yard setback of 0.6m
WHEREAS a minimum of 1.5m is required;
4. Proposed/existing building length of 18.3m
WHEREAS a maximum of 16.8m;
5. Proposed/existing overall length of 20.06m (including the rear one storey extension)
WHEREAS a maximum of 18.9m is permitted;
6. Proposed/existing finished first floor elevation of 4.06m
WHEREAS a maximum of 1.5m is permitted;
7. Proposed/existing building height of 10.43m; and
WHEREAS a maximum of 8.8m is permitted.

8. Proposed/existing lot area of 541.4m²
WHEREAS a minimum of 550m² is required.

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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David Peacock (signed)

Isaac Lallouz (signed)

Jon Williams (signed)

Robert Pletsch (signed)

DATE DECISION MAILED ON: Friday, March 9, 2007

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, March 21, 2007

CERTIFIED TRUE COPY

Denise Rundle (signed)
Manager & Deputy Secretary Treasurer
North 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.