

Date:	January 4, 2008
To:	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
From:	Director, Community Planning, Toronto and East York District
Ward:	Ward 27, Toronto-Centre Rosedale
Reference:	A0695/07TEY 33 Berryman Street To be heard on January 9, 2008, Agenda Item #33

APPLICATION

The applicant is seeking relief from the Zoning By-law to construct a three storey addition to the rear of the existing two storey row house. Variances are requested for minimum side yard and building setbacks, maximum permitted gross floor area, maximum permitted building depth and maximum permitted building height beyond 14 metres.

BACKGROUND

At its meeting on November 21, 2007, the Committee deferred consideration of this application for a maximum of 3 months to allow for the recirculation of revised elevation plans. The applicant has submitted the revised plans which have now been circulated.

COMMENTS

The variances requested by the applicant at the last meeting remain unchanged and planning staff continue to have concerns with the cumulative impact of the variances requested. The Planning comments and recommendation outlined in the staff report dated November 19, 2007 remain unchanged. The proposed addition in its current form is not consistent or compatible with adjacent dwellings and does not maintain the intent and purpose of the Zoning By-law and is not considered minor.

RECOMMENDATION

Planning staff respectfully recommend that the Committee **refuse** application A0695/07TEY.

CONTACT

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SIGNATURE

Ray David
Director (Acting), Community Planning, Toronto and East York District

Copy: Sharyn Vincent, Agent
Councillor Kyle Rae (Ward 27)



City Planning Division
Ted Tyndorf, Chief Planner and Executive Director

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
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Wednesday, January 9, 2008

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

File Number:	A0695/07TEY	Zoning	R3 Z1.0 (PPR)
Owner(s):	JOEL WEINBERG	Ward:	Toronto Centre-Rosedale (27)
Agent:	JOEL WEINBERG	Community:	
Property Address:	33 BERRYMAN ST		
Legal Description:	PL 327 PT LT13		

Notice was given and a Public Hearing was held on Wednesday, January 9, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a rear three-storey addition to the row house.

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

- Section 6(3) Part I 1, By-law 438-86**
The residential gross floor area shall not exceed 1.0 times the area of the lot (130.43 m²).
The dwelling, as altered, will have a residential gross floor area equal to 1.35 times the area of the lot (176.57 m²).
- Section 6(3) Part II 3, By-law 438-86**
The minimum required side yard setback is 0.45 m.
The addition will be constructed in line with the existing setback of 0.0 m from the east and west side lot lines.
- Section 6(3) Part II 5(I), By-law 438-86**
The maximum permitted building depth is 14 m.
The dwelling, as altered, will have a depth of 17.98 m.
- Section 6(3) Part II 3, By-law 438-86**
The minimum required setback from an adjacent building is 0.9 m.
The dwelling, as altered, will maintain the existing setback of 0.0 m from the adjacent buildings at 31 and 35 Berryman Street.

5. Section 12(2) 322(ii)(b), By-law 438-86

The maximum permitted height of a building for the portion of a building that exceeds 14.0 m in depth is 7.0 m.

The rear 3.8 m portion of the dwelling that exceeds the 14 m depth will have a height of 9.68 m.

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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Fernando Costa (Signed)

Heather Gardiner (Signed)

Kay Gardner (Signed)

DISSENTED

Corinne Muccilli (Signed)

Sandeep Agrawal(Signed)

DATE DECISION MAILED ON: Tuesday, January 15, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, January 29, 2008

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East 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.