



City Planning Division
Gary Wright, Chief Planner and Executive Director

Committee of Adjustment
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Toronto ON M5H 2N2
Tel: 416-392-7565
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Wednesday, September 10, 2008

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

File Number:	A0622/08TEY	Zoning	R2 Z0.6 (PPR)
Owner(s):	MARCAL RITES	Ward:	Trinity-Spadina (19)
Agent:	VICTOR HIPOLITO		
Property Address:	12 SULLY CRES	Community:	
Legal Description:	PL 846 PT LTS 60 & 61		

Notice was given and a Public Hearing was held on Wednesday, September 10, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To demolish the existing two-storey detached dwelling and detached garage and to construct a new three-storey dwelling with a rear at-grade garage attached with the basement.

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

- 1. Section 6(3) Part I 1, By-law 438-86**
The maximum permitted residential gross floor area is 0.6 times the area of the lot (95.4 m²).
The new dwelling will have a residential gross floor area equal to 1.42 times the area of the lot (226.28 m²).
- 2. Section 6(3) Part II 2(III), By-law 438-86**
The minimum required front lot line setback is equal to the shortest distance by which the front wall of the only adjacent building is set back from its lot line, 2.39 m.
In this case, the new dwelling will be located 2.05 m from the front lot line.
- 3. Section 6(3) Part II 3.A(I), By-law 438-86**
The minimum required setback from a flanking street is 0.9 m.
The new dwelling will be located 0.15 m from the flanking street (Crawford Street).
- 4. Section 6 Part II 3.B(II), By-law 438-86**
The minimum required side lot line setback for the portion of the building exceeding 17.0 m in depth is 7.5 m.
The rear 2.5 m of the new dwelling exceeding the depth of 17.0 m will be located 0.76 m from the west side lot line and 0.00 m from the east side lot line.

5. **Section 6 Part II 3.B(II), By-law 438-86**
The minimum required side lot line setback for the portion of the building not exceeding 17.0 m in depth is 0.9 m.
The portion of the new dwelling not exceeding 17.0 m will be located 0.15 m from the west lot line.
6. **Section 6(3) Part II 4, By-law 438-86**
The minimum required rear yard setback is 7.5 m.
The attached garage of the new dwelling will be located 0.02 m from the rear north lot line.
7. **Section 6(3) Part II 8 F(IV), By-law 438-86**
A roof over a first floor platform or terrace is allowed to project into the required setbacks provided the top of the roof is not used or designed to be used as a deck or terrace.
In this case, the roof above the **front** verandah is designed as a deck or terrace.
8. **Section 4(14)(a)(i), By-law 438-86**
The minimum required setback from the centre of a public lane is 2.5 m.
The new dwelling will be located 1.55 m from the centre of the rear public lane.
9. **Section 6(3) Part III 1(A), By-law 438-86**
The required landscaped open space shall not equal less than 30% of the lot area (47.7 m²).
The landscaped open space will be equal to 21% of the lot area (32.83 m²).

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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DISSENTED

Robert Brown (signed)

Gillian Burton (signed)

George Vasilopoulos

Sheila Pin (signed)

DATE DECISION MAILED ON: Tuesday, September 16, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, September 30, 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.