

Attachment  
to TM 38.5

Thursday, June 18, 2009

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

File Number:	A11/09EYK	Zoning	R2 Z0.6 (PPR)
Owner(s):	JEREMY VIDAL	Ward:	Davenport (17)
Agent:	TONY EVANGELISTA		
Property Address:	435 WESTMORELAND AVE	Community:	
	N		
Legal Description:	PL M24 PT LT80		

Notice was given and a Public Hearing was held on Thursday, June 18, 2009, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To demolish the existing dwelling and garage and to construct a new three-storey triplex. Three parking spaces will be provided in the rear yard.

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

- Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted gross floor area is 0.6 times the area of the lot (182.40 m<sup>2</sup>).  
The new building will have a gross floor area equal to 0.86 times the area of the lot (262.26 m<sup>2</sup>).
- Section 6(3) Part II 5(I), By-law 438-86**  
The maximum permitted building depth is 14 m.  
The new building will have a depth of 17 m.
- Section 4(17), By-law 438-86**  
The minimum required width of a parking space with an obstruction on one side is 2.9 m.  
The width of the two parking spaces with obstructions on one side is 2.63 m.

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. No habitable space is permitted in the basement.
2. The basement shall only be used for storage purposes.
3. The owner shall provide payment in an amount to cover costs of planting a street tree abutting the lot, to the satisfaction of Urban Forestry, Tree Protection & Plan Review

## SIGNATURE PAGE

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Carlene Whittingham  
(signed)

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Douglas S. Colbourne  
(signed)

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Mary-Anne Popescu  
(signed)

DATE DECISION MAILED ON: Friday, June 19, 2009

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, July 8, 2009

CERTIFIED TRUE COPY

Dan Antonacci  
Acting Manager & Deputy Secretary Treasurer  
Etobicoke 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](http://www.omb.gov.on.ca).