

Gary Wright, Chief Planner and Executive Director

Committee of Adjustment 100 Queen Street West Toronto ON M5H 2N2 Tel: 416-392-7565 Fax: 416-392-0580

Wednesday, October 22, 2008

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

File Number:

A0950/08TEY

Zoning

R2 Z1.0 (PAL)

Owner(s):

SHARRON MANDELL

Ward:

Trinity-Spadina (20)

Agent:

GARRY SHAPIRO **GREGORY KAHN**

Property Address:

73 WALMER RD

Community:

Legal Description:

PL 698 LT155

Notice was given and a Public Hearing was held on Wednesday, October 22, 2008, as required by the Planning

PURPOSE OF THE APPLICATION:

To legalize and to maintain a rear multi-level deck with a pergola and a gazebo that was constructed without

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

1. Section 6(3) Part II 7(I), By-law 438-86

An accessory structure (excluding a garden or storage shed less than 9.0 m² in floor area, or private garage) is required to have a minimum setback of 3.0 m from all lot lines. The gazebo is located 0.3 m from the south (right) side lot line and 2.0 m from the rear lot line.

2. Section 6(3) Part II 7(I), By-law 438-86

An accessory structure (excluding a garden or storage shed less than 9.0 m² in floor area, or private garage) is required to have a minimum setback of 3.0 m from all lot lines. The pergola is located 1.524 m from the rear lot line and 1.388 m from the north (left) lot line (measured to the outside face of the posts).

3. Section 4(2)(a)(iii)(d), By-law 438-86

The maximum permitted height of an accessory building or structure is 4.0 m from the adjacent grade. The gazebo is 4.12 m in height.

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 $\underline{\mathbf{NOT}}$ approve this variance application for the following

- 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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Community:

	DISSENTED	DISSENTED
Heather Gardiner	Fernando Costa	Kay Gardner
Corinne Muccilli	Sandeep Agrawal	

DATE DECISION MAILED ON: Tuesday, October 28, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, November 12, 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.