

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

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|--------------------|--------------------------------------|------------|------------------------|
| File Numbers: | A0179/09TEY-A0181/09TEY | Zoning | R1C (PPR) |
| Owner(s): | MARIE PIERRE-LOUIS GILLES BEAUDIN | Ward: | Beaches-East York (31) |
| Agent: | MARIE PIERRE-LOUIS | | |
| Property Address: | 4 MIDBURN AVE | Community: | East York |
| Legal Description: | PL 1193 PT BLK B PL 781 PT LT45 | | |

Notice was given and a Public Hearing was held on **Wednesday, March 25, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATIONS:

To construct two new 3-storey detached dwellings on undersized lots and retain the existing 2½-storey detached dwelling on a reduced size lot.

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

File No. A0179/09TEY - PART 1 (Lot 100.2 m²)

To construct a three-storey detached dwelling.

1. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required front yard setback is 6.0 m.
The proposed front yard setback is 3.35 m.
2. **Section 7.4.3, Zoning By-law No. 6752**
The maximum permitted floor space index is 0.75 times the lot area (74.13 m²).
The proposed floor space index is 1.61 times the lot area (160.1 m²).
3. **Section 7.4.3, Zoning By-law No. 6752**
The maximum permitted lot coverage is 35.0% of the lot area (34.55 m²)
The proposed lot coverage is 61.6% of the lot area (60.95 m²).
4. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required rear yard setback is 9.0 m.
The proposed rear yard setback is 1.22 m.
5. **Section 7.4.3, Zoning By-law No. 6752**

The minimum required west side yard set back is 0.60 m.
The proposed west side yard set back is 0.30 m.

6. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required lot frontage is 6.0 m.
The proposed lot frontage is 5.98 m.
7. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required lot area is 185.0 m².
The proposed lot area is 100.2 m².
8. **Section 7.8, Zoning By-law No. 6752**
Parking beyond the main front wall is not permitted.
The proposed parking is beyond the main front wall.
9. **Section 7.8, Zoning By-law No. 6752**
The required parking is 1 parking space.
In this case, 0 parking will be provided.

File No. A0180/09TEY- PART 2 (Lot 97.5 m²)
To construct a three-storey detached dwelling.

1. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required front yard setback is 6.0 m.
The proposed front yard setback is 3.35 m.
2. **Section 7.4.3, Zoning By-law No. 6752**
The maximum permitted floor space index is 0.75 times the lot area (74.13 m²).
The proposed floor space index is 1.61 times the lot area (160.1 m²).
3. **Section 7.4.3, Zoning By-law No. 6752**
The maximum permitted lot coverage is 35.0% of the lot area (34.55 m²)
The proposed lot coverage is 61.6% of the lot area (60.95 m²).
4. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required rear yard setback is 9.0 m.
The proposed rear yard setback is 1.22 m.
5. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required east side yard setback is 0.60 m.
The proposed east side yard setback is 0.30 m.
6. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required lot frontage is 6.0 m.
The proposed lot frontage is 5.82 m.

7. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required lot area is 185.0 m².
The proposed lot area is 97.5 m².
8. **Section 7.8, Zoning By-law No. 6752**
Parking beyond the main front wall is not permitted.
The proposed parking is beyond the main front wall.
9. **Section 7.8, Zoning By-law No. 6752**
The required parking is 1 parking space.
In this case, 0 parking will be provided.

File No. A0181/09TEY - PART 3 (Lot 129.21 m²) 4 Midburn Avenue.
To retain the existing 2½ storey detached dwelling on a reduced sized lot

1. **Section 7.4.3, Zoning By-law No. 6752**
The minimum required lot area is 185.0 m².
The proposed lot area is 129.21 m².
2. **Section 7.4.3, Zoning By-law No. 6752**
The maximum permitted lot coverage is 35.0% of the lot area (45.15 m²)
The proposed lot coverage is 53.0% of the lot area (67.44 m²).
3. **Section 7.4.3, Zoning By-law No. 6752**
The maximum permitted floor space index is 0.75 times the lot area (96.80 m²).
The proposed floor space index is 1.23 times the lot area (159.42 m²).
4. **Section 7.8, Zoning By-law No. 6752**
The required parking is 1 parking space.
In this case, 0 parking will be provided.
5. **Section 7.8, Zoning By-law No. 6752**
Parking beyond the main front wall is not permitted.
The proposed parking is beyond the main front wall.

The Committee will consider jointly applications: B0022/09TEY, A0179/09TEY, A0180/09TEY and A0181/09TEY.

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.



City Planning Division
Gary Wright, Acting, Chief Planner and Executive Director

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

- 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.



City Planning Division
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SIGNATURE PAGE

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Robert Brown

Gillian Burton

George Vasiopoulos

Kay Gardner

DATE DECISION MAILED ON: **Tuesday, March 31, 2009**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, April 14, 2009**

CERTIFIED TRUE COPY

Grant Munday
Acting 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.