

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

File Number:	A0590/09TEY	Zoning	R1 Z0.35 (PPR)
Owner(s):	KATHLEEN RUBY MARK NIEBERGALL	Ward:	Beaches-East York (32)
Agent:	JULIA BOURQUE		
Property Address:	178 HAMMERSMITH AVE	Community:	
Legal Description:	PL M390 PT LT37		

Notice was given and a Public Hearing was held on **Wednesday, October 21, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct one and two-storey additions to the rear of the existing two-storey dwelling and to construct a third-floor addition.

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

- Section 6(3) Part I 1, By-law 438-86**
The maximum permitted residential gross floor area is 0.35 times the area of the lot (251.47 m²).
The altered three-storey dwelling will have a residential gross floor area equal to 0.44 times the area of the lot (314.8 m²).
- Section 6(3) Part II 3.B (II), By-law 438-86**
The minimum required side lot line setback for the portion of the dwelling exceeding 17.0 m in depth is 7.5 m.
The 19.5 m portion of the altered three-storey dwelling exceeding 17.0 m in depth on the north side will be located 2.04 m from the north side lot line, and the **7.98m** portion of the dwelling exceeding 17.0 m in depth on the south side will be located 0.97 m from the South side lot line.
- Section 4, By-law 438-86**
A minimum of one parking space is to be provided.
In this case, zero parking spaces will be provided.

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

File Number:	A0590/09TEY	Zoning	R1 Z0.35 (PPR)
Owner(s):	KATHLEEN RUBY MARK NIEBERGALL	Ward:	Beaches-East York (32)
Agent:	JULIA BOURQUE		
Property Address:	178 HAMMERSMITH AVE	Community:	
Legal Description:	PL M390 PT LT37		

Robert Brown (Signed)

Fernando Costa (Signed)

George Vasilopoulos
(Signed)

Kay Gardner (Signed)

DATE DECISION MAILED ON: **Tuesday, October 27 , 2009**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, November 10, 2009**

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.