

City Planning Division Gary Wright, Chief Planner and Executive Director

Wednesday, October 14, 2009

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

File Number: R1 Z0.35 (PPR) A0333/09NY Zoning Ward: Owner(s): Don Valley West (25) ALISON REID Agent: CINDY RENDELY ARCHITEXTURE Property Address: **35 ROCHESTER AVE** Community: Toronto Legal Description: PL 1534 LT583

Notice was given and a Public Hearing was held on Wednesday, October 14, 2009, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

This is an application to permit the construction of a new two storey dwelling with an integral at grade garage. Also proposed is a pool in the rear yard.

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

- Proposed Gross Floor Area of 0.58 times the area of the lot (404.85m²) WHEREAS a maximum Gross Floor Area of 0.35 times the area of the lot (244.27m²) is permitted.
- 2. Proposed east side yard setback of 1.21m for the 2.4m portion of the dwelling beyond 17m in length WHEREAS a minimum side yard setback of 7.5m for the portion of the dwelling exceeding 17m in length is required;
- 3. Proposed west side yard setback of **1.2m** for the 2.4m portion of the dwelling beyond 17m in length WHEREAS a minimum side yard setback of 7.5m for the portion of the dwelling exceeding 17m in length is required.

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 **MODIFY AND APPROVE** the following variance(s):

Proposed Gross Floor Area of 0.50 times the area of the lot (349m²)
WHEREAS a maximum Gross Floor Area of 0.35 times the area of the lot (244.27m²) is permitted.

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.

It is the decision of the Committee of Adjustment to **REFUSE** the following variance(s):

- 2. Proposed east side yard setback of 1.21m for the 2.4m portion of the dwelling beyond 17m in length WHEREAS a minimum side yard setback of 7.5m for the portion of the dwelling exceeding 17m in length is required;
- 3. Proposed west side yard setback of **1.2m** for the 2.4m portion of the dwelling beyond 17m in length WHEREAS a minimum side yard setback of 7.5m for the portion of the dwelling exceeding 17m in length is required.

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.

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

- 1. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.
- 2. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article III, with respect to privately owned trees, to the satisfaction of the Urban Forestry Division.
- 3. The owner shall submit a Tree Security Deposit (in the form of a certified cheque or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

SIGNATURE PAGE

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David Peacock (signed)

Donna McCormick (signed)

Isaac Lallouz (signed)

Jason Tsang (signed)

Virginia A. Solomon (signed)

DATE DECISION MAILED ON: Thursday, October 22, 2009

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, November 3, 2009

CERTIFIED TRUE COPY

Daniel Antonacci (signed) Manager & Deputy Secretary Treasurer North 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