

Wednesday, October 14, 2009

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

File Number:	A0333/09NY	Zoning	R1 Z0.35 (PPR)
Owner(s):	ALISON REID	Ward:	Don Valley West (25)
Agent:	CINDY RENDELY ARCHITECTURE		
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:

1. 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):

1. 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.

