



City Planning Division

Committee of Adjustment
Toronto and East York District

100 Queen Street West, 1st Floor
Toronto, Ontario M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

NOTICE OF DECISION

CONSENT

(Section 53 of the Planning Act)

File Number:	B0016/16TEY	Zoning	R(d0.6) & R2 Z0.6 (ZZC)
Owner(s):	ROBERT PAUL RICHARDSON DEBORAH ANNE WILSON	Ward:	Beaches-East York (32)
Agent:	JONATHAN BENCZKOWSKI	Heritage:	Not Applicable
Property Address:	195 SILVER BIRCH AVE	Community:	Toronto
Legal Description:	PLAN 1064 LOT 131		

Notice was given and a Public Hearing was held on **Wednesday, June 15, 2016**, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into two residential lots.

Conveyed - Part 2, Draft R-Plan

Address to be assigned

Part 2 has a frontage of 8.15 m and an area of 302.3 m². A new three-storey detached dwelling will be constructed. A new three storey detached dwelling will be constructed, requiring variances to the Zoning By-law as described in Application A0316/16TEY.

Retained - Part 1, Draft R-Plan

Address to be assigned

Part 1 has a frontage of 7.10 m and an area of 248.5 m². A new three-storey detached dwelling will be constructed. A new three storey detached dwelling will be constructed, requiring variances to the Zoning By-law as described in Application A0316/16TEY.

Applications B0016/16TEY, A0315/16TEY and A0316/16TEY are considered jointly.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Consent Application is Refused

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.

SIGNATURE PAGE

File Number:	B0016/16TEY	Zoning	R(d0.6) & R2 Z0.6 (ZZC)
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Agent:	JONATHAN BENCZKOWSKI	Heritage:	Not Applicable
Property Address:	195 SILVER BIRCH AVE	Community:	Toronto
Legal Description:	PLAN 1064 LOT 131		

DISSENTED

Alex Bednar (**signed**)

Michael Clark (**signed**)

Donald Granatstein

Lisa Valentini (**signed**)

DATE DECISION MAILED ON: **Tuesday, June 21, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, July 11, 2016**

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.



City Planning Division

Committee of Adjustment
Toronto and East York District

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Toronto, Ontario M5H 2N2
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NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)

File Number:	A0315/16TEY	Zoning	R(d0.6) & R2 Z0.6 (ZZC)
Owner(s):	ROBERT PAUL RICHARDSON DEBORAH ANNE WILSON	Ward:	Beaches-East York (32)
Agent:	JONATHAN BENCZKOWSKI	Heritage:	Not Applicable
Property Address:	195 SILVER BIRCH AVE (PART 1)	Community:	Toronto
Legal Description:	PLAN 1064 LOT 131		

Notice was given and a Public Hearing was held on **Wednesday, June 15, 2016**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling on the retained lot described in Consent Application B0016/16TEY.

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

1. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.60 times the area of the lot (149.16 m²).

The new detached dwelling will have a floor space index equal to 1.103 times the area of the lot (274.33 m²).

2. Chapter 10.10.40.10.(2)(A)(i) & (ii), By-law 569-2013

The maximum permitted height of all front and rear exterior main walls is 7.5 m.

The height of the front and rear exterior main walls will be 10.0 m.

3. Chapter 10.10.40.70.(3)(a)(ii), By-law 569-2013

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.45 m from the south side lot line.

4. Chapter 10.5.40.50. (2), By-law 569-2013

The minimum required side yard setback for a platform without main walls, attached to or less than 0.3 m from a building is 0.9 m.

The rear deck will be located 0.45 m from the south side lot line.

5. Chapter 10.5.40.60. (3)(A)(ii), By-law 569-2013

Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0 m.

The front stairs will be 2.14 m wide.

6. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% (24.38 m²) of the required front yard landscaped open space shall be in the form of soft landscaping.

In this case, 62.6% (20.35 m²) of the required front yard landscaped open space will be in the form of soft landscaping.

7. Chapter 10.5.80.10.(3), By-law 569-2013

A parking space may not be located in a front yard or a side yard abutting a street.

The parking space will be located in the front yard and side yard abutting a street.

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

The maximum permitted gross floor area of a detached dwelling is 0.60 times the area of the lot (149.16 m²).

The new detached dwelling will have a gross floor area equal to 1.103 times the area of the lot (274.33 m²).

2. Section 6(3) Part III 4, By-law 438-86

The maximum permitted width of a walkway located between the front lot line and any wall of the building facing the front lot line is 1.06 m.

The front walkway will have a width of 2.44 m.

3. Section 6(3) Part II 3.B(II), By-law 438-86

The minimum required side lot line setback for the portion of a detached dwelling not exceeding a depth of 17 m is 0.9 m.

The portion of the new detached dwelling, not exceeding a depth of 17 m will be located 0.45 m from the south side lot line.

4. Section 6(3) Part II 3.B(II), By-law 438-86

The minimum required side lot line setback for the portion of the building exceeding a depth of 17.0 m is 7.5 m.

The 2.735 m portion of the new detached dwelling, exceeding the 17.0 m depth, will be located 0.67 m from the north side lot line, and 0.45 m from the south side lot line, measured to the rear deck.

5. Section 6(3) Part III 3(d)(i), By-law 438-86

A minimum of 75% (24.38 m²) of the required front yard landscaped open space shall be in the form of soft landscaping.

In this case, 62.6% (20.35 m²) of the required front yard landscaped open space will be in the form of soft landscaping.

6. Section 6(3) Part IV 1(E), By-law 438-86

A motor vehicle parking space is not permitted to be located between the front wall of the building and the front lot line.

The parking space will be located between the front wall of the building and the front lot line.

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:	A0315/16TEY	Zoning	R(d0.6) & R2 Z0.6 (ZZC)
Owner(s):	ROBERT PAUL RICHARDSON DEBORAH ANNE WILSON	Ward:	Beaches-East York (32)
Agent:	JONATHAN BENCZKOWSKI	Heritage:	Not Applicable
Property Address:	195 SILVER BIRCH AVE (PART 1)	Community:	Toronto
Legal Description:	PLAN 1064 LOT 131		

DISSENTED

Alex Bednar (**signed**)

Michael Clark (**signed**)

Donald Granatstein

Lisa Valentini (**signed**)

DATE DECISION MAILED ON: **Tuesday, June 21, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, July 5, 2016**

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary-Treasurer
Toronto and East York Panel

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

File Number:	A0316/16TEY	Zoning:	R(d0.6) & R2 Z0.6 (ZZC)
Owner(s):	ROBERT PAUL RICHARDSON DEBORAH ANNE WILSON	Ward:	Beaches-East York (32)
Agent:	JONATHAN BENCZKOWSKI	Heritage:	Not Applicable
Property Address:	195 SILVER BIRCH AVE (PART 2)	Community:	Toronto
Legal Description:	PLAN 1064 LOT 131		

Notice was given and a Public Hearing was held on **Wednesday, June 15, 2016**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling on the conveyed lot described in Consent Application B0016/16TEY.

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

- Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index of a detached dwelling is 0.60 times the area of the lot (181.38m²).
The new detached dwelling will have a floor space index equal to 1.023 times the area of the lot (309.3 m²).
- Chapter 10.10.40.10.(2)(B), By-law 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.
The height of the north side exterior main walls facing a side lot line will be 9.45 m and the height of the south side exterior main walls facing a side lot line will be 8.80 m.
- Chapter 10.10.40.70.(3)(a)(ii), By-law 569-2013**
The minimum required side yard setback is 0.9 m.
The new detached dwelling will be located 0.45 m from the south side lot line.
- Chapter 10.5.40.60.(2)(A), By-law 569-2013**
A canopy, awning, or similar structure above a platform is permitted to encroach into a required building setback to the same extent as the platform it is covering, if it is no closer to a side lot line than the minimum required side yard setback, 0.90 m.
The front canopy will encroach 0.91 m, and will be located 0.15 m from the south side lot line.

5. Chapter 10.5.50.10.(1)(D), By-law 569-2013

A minimum of 75% (39.45 m²) of the required front yard landscaped open space shall be in the form of soft landscaping.

In this case, 71.5% (37.6 m²) of the required front yard landscaped open space will be in the form of soft landscaping.

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

The maximum permitted gross floor area of a detached dwelling is 0.60 times the area of the lot (181.38 m²).

The new detached dwelling will have a gross floor area equal to 1.023 times the area of the lot (309.3 m²).

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

The minimum required front yard setback is 6.40 m.

The new detached dwelling will be located 5.50 m from the west front lot line, measured to the front canopy.

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

The minimum required setback from a flanking street is 4.32 m.

The new detached dwelling will be located 0.15 m from the south flanking street (Pine Avenue), measured to the front canopy.

4. Section 6(3) Part II 3(II), By-law 438-86

The minimum required setback from the side wall of an adjacent building that contains openings is 1.2 m.

The new detached dwelling will be located 0.90 m from the side wall of the north adjacent building.

5. Section 6(3) Part II 3.B (II), By-law 438-86

The minimum required side lot line setback for the portion of the building exceeding a depth of 17.0 m is 7.5 m.

The 0.9144 m portion of the new detached dwelling, exceeding the 17.0 m depth, will be located 0.45 m from the north side lot line and 1.185 m from the south side lot line, measured to the front canopy.

6. Section 6(3) Part III 3(d)(i), By-law 438-86

A minimum of 75% (39.45 m²) of the required front yard landscaped open space shall be in the form of soft landscaping.

In this case, 71.5 % (37.6 m²) of the required front yard landscaped open space will be in the form of soft landscaping.

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:	A0316/16TEY	Zoning	R(d0.6) & R2 Z0.6 (ZZC)
Owner(s):	ROBERT PAUL RICHARDSON DEBORAH ANNE WILSON	Ward:	Beaches-East York (32)
Agent:	JONATHAN BENCZKOWSKI	Heritage:	Not Applicable
Property Address:	195 SILVER BIRCH AVE (PART 2)	Community:	Toronto
Legal Description:	PLAN 1064 LOT 131		

DISSENTED

Alex Bednar (**signed**)

Michael Clark (**signed**)

Donald Granatstein

Lisa Valentini (**signed**)

DATE DECISION MAILED ON: **Tuesday, June 21, 2016**

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