

Thursday, May 9, 2019

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

**File Number:** A0195/19NY  
**Property Address:** 85 RYKERT CRES  
**Legal Description:** PLAN M597 LOT 106  
**Agent:** DOUGLAS LAWRENCE  
**Owner(s):** EVELYN MING MING WONG XIDA CHEN  
**Zoning:** RD / R1B [ZZC]  
**Ward:** Don Valley West (15)  
**Community:** East York  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, May 9, 2019, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling.

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

- 1. Chapter 10.20.40.10.(1), By-law No. 569-2013**  
The maximum permitted building height is 8.50m.  
The proposed building height is 8.84m.
- 2. Chapter 10.20.40.40.(1), By-law No. 569-2013**  
The maximum permitted floor space index is 0.60 times the lot area.  
The proposed floor space index is 0.82 times the lot area.
- 3. Chapter 10.20.40.70.(3), By-law No. 569-2013**  
The minimum required side yard setback is 1.20m.  
The proposed west side yard setback is 0.92m.
- 4. Chapter 10.20.30.40.(1), By-law No. 569-2013**  
The maximum permitted lot coverage is 35.00% of the lot area.  
The proposed lot coverage is 38.7% of the lot area.

**5. Section 6.3.3, By-law No. 1916**

The maximum permitted building height is 8.50m.

The proposed building height is 8.76m.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **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 **APPROVE** the following variance(s):

**1. Chapter 10.20.40.10.(1), By-law No. 569-2013**

The maximum permitted building height is 8.50m.

The proposed building height is 8.84m.

**3. Chapter 10.20.40.70.(3), By-law No. 569-2013**

The minimum required side yard setback is 1.20m.

The proposed west side yard setback is 0.92m.

**4. Chapter 10.20.30.40.(1), By-law No. 569-2013**

The maximum permitted lot coverage is 35.00% of the lot area.

The proposed lot coverage is 38.7% of the lot area.

**5. Section 6.3.3, By-law No. 1916**

The maximum permitted building height is 8.50m.

The proposed building height is 8.76m.

It is the decision of the Committee of Adjustment to **MODIFY** and **APPROVE** the following variance(s):

**2. Chapter 10.20.40.40.(1), By-law No. 569-2013**

The maximum permitted floor space index is 0.60 times the lot area.

The proposed floor space index is 0.7 times the lot area.

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

**1) The requirements of the Parks and Recreation, Urban Forestry Division;**

- iii) Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583.

**SIGNATURE PAGE**

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Community: East York  
Heritage: Not Applicable

Bruce Mullock (signed)

Derek Lett (signed)

Isaac Lallouz (signed)

DATE DECISION MAILED ON: Thursday, May 16, 2019

LAST DATE OF APPEAL: Wednesday, May 29, 2019

CERTIFIED TRUE COPY

Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

## Appeal Information

All appeals must be filed with the Deputy Secretary-Treasurer, Committee of Adjustment by the last date of appeal as shown on the signature page.

Your appeal to the Toronto Local Appeal Body (TLAB) should be submitted in accordance with the instructions below unless there is a related appeal\* to the Local Planning Appeal Tribunal (LPAT) for the same matter.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

To appeal this decision to the TLAB you need the following:

- a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD or USB;
- \$300 for each appeal filed regardless if related and submitted by the same appellant;
- Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds).

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### **LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS**

To appeal this decision to the LPAT you need the following:

- a completed LPAT Appellant Form (A1) in **paper format**;
- \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
- Fees are payable to the Minister of Finance by certified cheque or money order (Canadian funds).

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>.

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.