

Thursday, May 9, 2019

**NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)**

File Number: B0063/17EYK
Property Address: 90 ASH CRES
Legal Description: PLAN 1545 PT LOT 120
Agent: VICTOR HIPOLITO
Owner(s): ELIZABETH PORRITT
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and the application considered on Thursday, May 9, 2019, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into three lots.

Retained - Part 1

3457-3459 Lake Shore Blvd W

The lot frontage is 7.62 m and the lot area is 267.11 m². The existing building will be maintained.

Conveyed - Part 3

Address to be assigned

The lot frontage is 7.76 m and the lot area is 296.42 m². The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0586/17EYK.

Conveyed - Part 2

Address to be assigned

The lot frontage is 7.76 m and the lot area is 305.02 m². The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with

an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0585/17EYK.

File Numbers B0063/17EYK, A0585/17EYK AND A0586/17EYK will be considered jointly.

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 Consent Application is Approved on Condition

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the creation of new lots as shown on the attached plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office within ONE YEAR of the date of this Decision:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Engineering Services, Engineering and Construction Services.
3. **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services.
4. **An electronic copy of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services, shall be filed with the Committee of Adjustment.
5. Submission of a complete application for a permit to injure or remove a City-owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.
6. Submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.

7. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare and submit for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act* , as it pertains to the conveyed land and/or consent transaction.

SIGNATURE PAGE

File Number: B0063/17EYK
Property Address: 90 ASH CRES
Legal Description: PLAN 1545 PT LOT 120
Applicant: VICTOR HIPOLITO
Owner(s): ELIZABETH PORRITT
Zoning: RD & RS
Ward: Etobicoke-Lakeshore(03)
Community:
Heritage: Not Applicable

Allan Smithies (signed)
(signed)

Dominic Gulli (signed)

Douglas Colbourne

Edwin (Ted) Shepherd (signed)

DATE DECISION MAILED ON: Friday, May 17, 2019

LAST DATE OF APPEAL: Thursday, June 6, 2019

CERTIFIED TRUE COPY

Barbara Bartosik
Manager & Deputy Secretary Treasurer
Etobicoke 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
- \$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)

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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/>

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NOTE: Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Thursday, May 9, 2019

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

File Number: A0585/17EYK
Property Address: 90 ASH CRES – PART 2
Legal Description: PLAN 1545 PT LOT 120
Agent: VICTOR HIPOLITO
Owner(s): ELIZABETH PORRITT
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
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 with an attached garage.

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 12 m.
The new lot frontage will be 7.76 m.
- 2. Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 370 m².
The new lot area will be 305 m².
- 3. Section 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted gross floor area is 0.35 times the area of the lot (106.7 m²).
The new dwelling will have a gross floor area of 0.61 times the area of the lot (183.88 m²).

4. **Section 10.20.40.70.(3)(C), By-law 569-2013**

The minimum required side yard setback is 1.2 m.

The new dwelling will be located 0.62 m from the east side lot line and 0.9 m from the west side lot line.

5. **Section 10.5.40.60.(7), By-law 569-2013**

The minimum required side yard setback for eaves is 0.3 m.

The eaves of the new dwelling will be located 0.2 m from the east side lot line.

File Numbers B0063/17EYK, A0585/17EYK AND A0586/17EYK will be considered jointly.

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 authorize this variance application 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.

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

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0063/17EYK**.
2. Submission of a complete application for a permit to injure or remove a City-owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.
3. Submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.
4. The proposal shall be constructed substantially in accordance with the revised elevation plans submitted and held on file by the Committee of Adjustment office and date stamped as received on May 8, 2019, to the satisfaction of the Director, Community Planning, Etobicoke York District. Any other variances that may appear on these plans but are not listed in the written decision are NOT authorized.

5. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
- 5.1 The proponent is required to contact the City's Parks, Recreation, and Forestry Division regarding the tree protection requirements for the existing mature trees located within the Ash Crescent municipal boulevard on Parts 2 and 3 lots.
- 5.2 The applicant shall submit a revised site plan with the following revisions and notations to the satisfaction of the Engineering and Construction Services and Transportation Services, at no cost to the City;
- a. Illustrate the existing and proposed grades along the boundary limit and within the proposed site;
 - b. Revise site plan to illustrate a positive slope of minimum 2% to 4% that will be maintained on each of the proposed driveways, as measured between the proposed garage door entrance to the curb line of Ash Crescent;
 - c. Show the footprint of the existing house and driveway. Label any portion of driveway to be removed within the right-of-way as to be restored with sod.
 - d. Add the following notations to the Site Plan:
 - i. "The applicant is required to restore any redundant section of the existing driveway that is being closed with sod and a poured raised concrete curb within the municipal boulevard according to City of Toronto Design Standard;
 - ii. "The proposed new driveways shall be constructed to the applicable City of Toronto Design Standards at no cost to the municipality";
 - iii. "The applicant shall also submit a Municipal Road Damage Deposit (MRDD) prior to obtaining a Building Permit." The applicant is advised to contact Ms. Joanne Vecchiarelli of our Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements; and,
 - iv. "The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance".

SIGNATURE PAGE

File Number: A0585/17EYK
Property Address: 90 ASH CRES – PART 2
Legal Description: PLAN 1545 PT LOT 120
Agent: VICTOR HIPOLITO
Owner(s): ELIZABETH PORRITT
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Allan Smithies (signed)
(signed)

Dominic Gulli (signed)

Douglas Colbourne

Edwin (Ted) Shepherd (signed)

DATE DECISION MAILED ON: Friday, May 17, 2019

LAST DATE OF APPEAL: Wednesday, May 29, 2019

CERTIFIED TRUE COPY

Barbara Bartosik
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

Appeal Information

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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

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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).

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Thursday, May 9, 2019

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

File Number: A0586/17EYK
Property Address: 90 ASH CRES – PART 3
Legal Description: PLAN 1545 PT LOT 120
Agent: VICTOR HIPOLITO
Owner(s): ELIZABETH PORRITT
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
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 with an attached garage.

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 12 m.
The new lot frontage will be 7.76 m.
- 2. Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 370 m².
The new lot area will be 296.4 m².
- 3. Section 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted gross floor area is 0.35 times the area of the lot (103.7 m²).
The new dwelling will have a gross floor area of 0.62 times the area of the lot (183.88 m²).

4. **Section 10.20.40.70.(3)(C), By-law 569-2013**

The minimum required side yard setback is 1.2 m.

The new dwelling will be located 0.9 m from the east side lot line and 0.6 m from the west side lot line.

5. **Section 10.5.40.60.(7), By-law 569-2013**

The minimum required side yard setback for eaves is 0.3 m.

The eaves of the new dwelling will be located 0.2 m from the west side lot line.

File Numbers B0063/17EYK, A0585/17EYK AND A0586/17EYK will be considered jointly.

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 authorize this variance application 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.

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

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0063/17EYK**.
2. Submission of a complete application for a permit to injure or remove a City-owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.
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4. The proposal shall be constructed substantially in accordance with the revised elevation plans submitted and held on file by the Committee of Adjustment office and date stamped as received on May 8, 2019, to the satisfaction of the Director, Community Planning, Etobicoke York District. Any other variances that may appear on these plans but are not listed in the written decision are NOT authorized.

5. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
- 5.1 The proponent is required to contact the City's Parks, Recreation, and Forestry Division regarding the tree protection requirements for the existing mature trees located within the Ash Crescent municipal boulevard on Parts 2 and 3 lots.
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 - iv. "The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance".

SIGNATURE PAGE

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Property Address: 90 ASH CRES – PART 3
Legal Description: PLAN 1545 PT LOT 120
Agent: VICTOR HIPOLITO
Owner(s): ELIZABETH PORRITT
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Allan Smithies (signed)
(signed)

Dominic Gulli (signed)

Douglas Colbourne

Edwin (Ted) Shepherd (signed)

DATE DECISION MAILED ON: Friday, May 17, 2019

LAST DATE OF APPEAL: Wednesday, May 29, 2019

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