

**Michael Mizzi**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

Committee of Adjustment  
North York  
North York Civic Centre  
5100 Yonge Street  
Toronto, Ontario M2N 5V7

416-395-6446  
coa.ny@toronto.ca

Tuesday, July 7, 2020

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

**File Number:** A0572/19NY  
**Property Address:** 113 RIDLEY BLVD  
**Legal Description:** PLAN 1965 LOT 238  
**Agent:** CUTAJAR DESIGN  
**Owner(s):** SONIA-LYNN RIDRIGUES DE ROCCHIS  
**Zoning:** RD / R3(19) [ZZC]  
**Ward:** Eglinton-Lawrence (08)  
**Community:** North York  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Tuesday, July 7, 2020, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling. Please note, this application was previously deferred September 26, 2019, in order to allow the applicant the opportunity to meet with City Staff.

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

- 1. Chapter 10.5.40.50.(2), By-law No. 569-2013**  
A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone; in this case 1.8m.  
The proposed rear platform encroaches 0.66 into the east side yard setback  
The proposed rear platform encroaches 0.58 into the west side yard setback.
- 2. Chapter 10.20.40.10.(3), By-law No. 569-2013**  
The maximum number of storeys permitted is two (2).  
The proposed number of storeys is three (3).
- 3. Chapter 10.20.40.20.(1), By-law No. 569-2013**  
The maximum permitted building length is 17.00m.  
The proposed building length is 27.36m.

4. **Chapter 10.20.40.30.(1), By-law No. 569-2013**  
The maximum permitted building depth is 19.00m.  
The proposed building depth is 20.52m.
5. **Chapter 10.20.40.70.(1)(B), By-law No. 569-2013**  
The minimum required front yard setback is 8.11m.  
The proposed front yard setback is 6.46m.
6. **Chapter 10.20.40.70.(3)(E), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed east side yard setback is **1.2m**.
7. **Chapter 10.20.40.70.(3)(E), By-law No. 569-2013**  
The minimum required side yard setback is 1.80m.  
The proposed west side yard setback is 1.22m.
8. **Chapter 10.5.100.1.(1)(C), By-law No. 569-2013**  
The maximum permitted driveway width is 4.27m.  
The proposed driveway width is 5.25m
9. **Chapter 10.5.40.60.(3)(A)(ii), By-law No. 569-2013**  
Exterior stairs may encroach into a required setback provided they are no wider than 2.00m.  
The proposed front stairs are 2.44m wide.
10. **Chapter 10.5.40.60.(7)(A), By-law No. 569-2013**  
A dormer projecting from the surface of a roof may not have any wall of the dormer closer to a lot line than the required minimum building setback; the front yard setback is 8.11m.  
The proposed dormer is encroaching 0.98m into the required front yard setback.
11. **Section 12.7 By-law No. 7625**  
The maximum permitted building height is 8.0m.  
The proposed building height is 11.47m.
12. **Section 6(30), By-law No. 7625**  
The maximum permitted finished first floor height is 1.50m.  
The proposed finished first floor height is 1.94m.

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 10.5.40.50.(2), By-law No. 569-2013**

A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone; in this case 1.8m.

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The proposed finished first floor height is 1.94m.

- 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. Chapter 10.20.40.10.(3), By-law No. 569-2013**

The maximum number of storeys permitted is two (2).

The proposed number of storeys is three (3).

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

- a. 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.
  - b. Where there is no existing street tree, the owner shall provide payment in lieu of planting of one street tree on the City road allowance abutting each of the sites involved in the application. The current cash-in-lieu payment is \$583/tree.
  - c. Urban Forestry TPPR requests denial of the Committee of Adjustment application due to the impacts to a bylaw protected tree(s). Additional information is provided through the attached memorandum.
2. The proposed driveway shall be setback a minimum of 1.0m from the adjacent property line; and
  3. Revise the driveway width and curb cut in the public Right-of-Way and the associated curb cut must be aligned with the location of proposed driveway on private property. In addition, straighten the proposed flared driveway on public right-of-way.
  4. The property be developed substantially in accordance with the east side elevation drawings submitted to the Committee of Adjustment, attached to this decision.

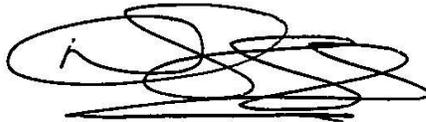


**SIGNATURE PAGE**

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Community: North York  
Heritage: Not Applicable



Allan Smithies (signed)



Nadini Sankar (signed)



Thomas Klassen (signed)

DATE DECISION MAILED ON: Tuesday, July 14, 2020

LAST DATE OF APPEAL: Monday, July 27, 2020

CERTIFIED TRUE COPY

**Daniel Antonacci**  
Manager and Deputy Secretary-Treasurer

## Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.ny@toronto.ca](mailto:coa.ny@toronto.ca) and [Daniel.Antonacci@toronto.ca](mailto:Daniel.Antonacci@toronto.ca) 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).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website 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 digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 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).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

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.