



City Planning Division
Gary Wright, Chief Planner and Executive Director

Committee of Adjustment
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Wednesday, October 22, 2008

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

File Number:	A0950/08TEY	Zoning:	R2 Z1.0 (PAL)
Owner(s):	SHARRON MANDELL GARRY SHAPIRO	Ward:	Trinity-Spadina (20)
Agent:	GREGORY KAHN		
Property Address:	73 WALMER RD	Community:	
Legal Description:	PL 698 LT155		

Notice was given and a Public Hearing was held on Wednesday, October 22, 2008, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and to maintain a rear multi-level deck with a pergola and a gazebo that was constructed without proper authorization.

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

- Section 6(3) Part II 7(I), By-law 438-86**
An accessory structure (excluding a garden or storage shed less than 9.0 m² in floor area, or private garage) is required to have a minimum setback of 3.0 m from all lot lines.
The gazebo is located 0.3 m from the south (right) side lot line and 2.0 m from the rear lot line.
- Section 6(3) Part II 7(I), By-law 438-86**
An accessory structure (excluding a garden or storage shed less than 9.0 m² in floor area, or private garage) is required to have a minimum setback of 3.0 m from all lot lines.
The pergola is located 1.524 m from the rear lot line and 1.388 m from the north (left) lot line (measured to the outside face of the posts).
- Section 4(2)(a)(iii)(d), By-law 438-86**
The maximum permitted height of an accessory building or structure is 4.0 m from the adjacent grade.
The gazebo is 4.12 m in height.

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.

