



City Planning Division
Gary Wright, Acting, Chief Planner and Executive Director

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

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

File Number:	A0107/09TEY	Zoning	R2 Z1.0 (PPR)
Owner(s):	EUAN LOWSON KAREN KURDYAK	Ward:	Trinity-Spadina (20)
Agent:	LAPOINTE ARCHITECTS		
Property Address:	878 PALMERSTON AVE	Community:	
Legal Description:	PL 696 PT LTS 85 & 86		

Notice was given and a Public Hearing was held on **Wednesday, April 8, 2009**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and to maintain the converted three-storey dwelling containing four units, constructed/altered without proper authorization.

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

1. Section 4(5)(B), By-law 438-86

A minimum of three (3) parking spaces are required to be provided on site.
In this case, one (1) parking space will be provided on site.

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

The maximum permitted dwelling depth is 14.0 m.
The dwelling depth of the converted dwelling containing four units is 15.78 m.

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

The minimum required side lot line setback for a converted dwelling is 0.45 m, where the side wall contains no openings.
The converted dwelling containing four units is located 0.38 m from the north side lot line.

4. Section 6(3) Part II 3.F(I)(2), By-law 438-86

The minimum required side lot line setback for a converted house is 1.2 m, where the side wall contains openings.
The converted dwelling containing four units is located 1.13 m from the south side lot line.

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

The maximum permitted residential gross floor area is 1.0 times the area of the lot (274.6 m²).

The converted dwelling has a residential gross floor area equal to 1.18 times the area of the lot (323.3 m²).

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 as it represents over development.
- In the opinion of the Committee, the variances are not minor .

SIGNATURE PAGE

File Number:	A0107/09TEY	Zoning	R2 Z1.0 (PPR)
Owner(s):	EUAN LOWSON KAREN KURDYAK	Ward:	Trinity-Spadina (20)
Agent:	LAPOINTE ARCHITECTS		
Property Address:	878 PALMERSTON AVE	Community:	
Legal Description:	PL 696 PT LTS 85 & 86		

Fernando Costa (signed)

Heather Gardiner (signed)

Kay Gardner (signed)

Corinne Muccilli (signed)

Sandeep Agrawal (signed)

DATE DECISION MAILED ON: **Tuesday, April 14, 2009**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, April 28, 2009**

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.