



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

Committee of Adjustment  
100 Queen Street West  
Toronto ON M5H 2N2  
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## NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)

File Number:	A0242/10TEY	Zoning	R1 Z0.6 (PAL)
Owner(s):	KELLY PICAIO	Ward:	St. Paul's (21)
Agent:	KELLY PICAIO		
Property Address:	<b>310 ROSEMARY RD</b>	Community:	Toronto
Legal Description:	PLAN M335 LOT 115		

Notice was given and a Public Hearing was held on **Wednesday, September 22, 2010**, as required by the Planning Act.

### PURPOSE OF THE APPLICATION:

To demolish the existing dwelling and construct a new two-storey dwelling with an integral below-grade garage.

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

- Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted gross floor area is 0.6 times the area of the lot (290.2 m<sup>2</sup>).  
The new dwelling will have a residential gross floor area of **0.68** times the area of the lot (**330.54 m<sup>2</sup>**)
- Section 6(3) Part II 3.B (II), By-law 438-86**  
The minimum required side lot line setback for that portion of the building exceeding 17.0 m in depth is 7.5 m.  
The 1.18 m portion of the new dwelling, exceeding the 17.0m depth will be located 6.15 m from the north side lot line and 1.83 m from the south side lot line.
- Section 6(3) Part II 8 D (I), By-law 438-86**  
The maximum permitted height of an uncovered platform projecting into the required setbacks is 1.2 m above grade.  
The proposed rear porch will project in the required setbacks and will be 1.5 m above grade.
- Section 6(3) Part IV 3(II), By-law 438-86**  
The floor level of an integral garage facing the front lot line is not permitted to be located below grade.  
The new dwelling will be constructed with a below-grade integral garage.
- Chapter 10.20.40.10. (2), By-law 1156-2010**  
The permitted main wall height is 8 m.  
The proposed main wall heights are 10.36 m for the front main wall and 9.91 m for the south side main wall.

6. **Chapter 10.20.40.20. (6), By-law 1156-2010**  
The maximum height of the first floor above grade is 1.2 m.  
The proposed height of the first floor above grade is 1.52 m.
7. **Chapter 10.20.40.20. (I), By-law 1156-2010**  
The permitted maximum building length is 17 m.  
The proposed building length is 17.39 m.
8. **Chapter 10.20.40.40. (1), By-law 1156-2010**  
The maximum permitted floor space is 0.6 times the area of the lot (290.16 m<sup>2</sup>).  
The proposed floor space index is **0.825** times the area of the lot (**399.29 m<sup>2</sup>**).
9. **Chapter 10.20.40.70. (1), By-law 1156-2010**  
The minimum required front yard setback is 6.396 m.  
The proposed front yard setback is 5.63 m.
10. **Chapter 10.20.40.70. (3), By-law 1156-2010**  
The minimum required side yard setback is 1.2 m.  
The proposed side yard setback on the south side is 0.91 m.

**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.

## **SIGNATURE PAGE**

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### **DISSENTED**

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Robert Brown

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Gillian Burton (signed)

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George Vasilopoulos  
(signed)

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John Tassiopoulos (signed)

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David Pond (signed)

DATE DECISION MAILED ON: **Tuesday, September 28, 2010**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, October 12, 2010**

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](http://www.omb.gov.on.ca).