TORONTO

City Planning Division
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CITY COUNCILLOR, WARD 16, CITY OF TORONTO
KAREN STINTZ
or OCCUPANT
CITY HALL
100 Queen ST SUITE W SUITE B32
Wednesday, February 20, 2013

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

File Number:	A554/12NY	Zoning	R7 (BLD)
Owner(s):	CAROLE DENISE STERLING	Ward:	Eglinton-Lawrence (16)
Agent:	WILLIAM BISHOP		
Property Address:	451 OLD ORCHARD GRV	Community:	North York
Legal Description:	PLAN 1749 PT LOTS 113 & 114		

Notice was given and a Public Hearing was held on Wednesday, February 20, 2013, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To permit the existing rear deck structure composed of a upper, middle and lower portion, to be maintained as constructed.

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

North York By-law No. 7625

1. Existing rear upper, middle and lower decks project 15.05m from the rear wall
WHEREAS the maximum permitted rear deck projection is 2.1m; and

2. Existing rear most deck portion has a width of 5.79m
WHEREAS the maximum permitted width of a rear deck is 4.88m (half the width of rear wall).

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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Agent:	WILLIAM BISHOP		
Property Address:	**451 OLD ORCHARD GRV**	Community:	North York
Legal Description:	PLAN 1749 PT LOTS 113 & 114		

Isaac Lallouz (signed) Astra Burka (signed) Richard Ross (signed)

DATE DECISION MAILED ON: Thursday, February 28, 2013

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, March 12, 2013

CERTIFIED TRUE COPY

Dan Antonacci
Manager & Deputy Secretary Treasurer
North 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.

File Number:	A554/12NY	Zoning	R7 - ZC -
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Agent:	WILLIAM BISHOP		
Property Address:	**451 OLD ORCHARD GRV**	Community:	North York
Legal Description:	PLAN 1749 PT LOTS 113 & 114		

PURPOSE OF THE APPLICATION:

This is an application to permit the existing lower deck, middle deck and upper deck to be maintained as constructed.

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

1. Existing rear decks projection of 15.06m (for the lower, middle and upper deck)
   WHEREAS a maximum of 2.1m is permitted;

2. Existing rear deck width of 6.86m
   WHEREAS a maximum of 4.88m is permitted;

3. Existing east side yard setback of 0.15m (for the middle deck)
   WHEREAS a minimum of 1.2m is required;

4. Existing rear yard setback of 7.3m
   WHEREAS a minimum of 9.5m is required;

5. Existing covered upper deck projection of 5.33m from the rear wall
   WHEREAS a maximum of 2.1m is permitted;

6. Existing fence height of 4.27m
   WHEREAS a maximum of 2.15m is permitted; and

7. Existing rear deck area of 82.93m^2
   WHEREAS a maximum of 55.4m^2 is permitted.

The Committee had before it the following communications:

- A staff report dated August 22, 2012, from Allen Appleby, Director, Community Planning, North York District, commenting that the rear decks, as constructed, do not meet the intent of the Zoning By-Law. The cumulative effect of the seven requested variances is an excessively large extension of living space into the rear yard.

- A communication dated September 10, 2012, Kim M. Kovar, Aird & Berlis LLP, Barristers and Solicitors, Brookfield Place, 181 Bay Street, Suite 1800, Box 754, Toronto, Ontario, M5J 2T9, on behalf of Jay Sterling, Owner of the subject property, outlining the merits of this application.

- A communication dated September 11, 2012, from Michiyo Sano, 447 Old Orchard Grove, Toronto, Ontario, M5M 2G3, in opposition to this application.

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A554/12NY cont'd:

- A request for a copy of the notice of decision from Michiyo Sano, 447 Old Orchard Grove, Toronto, Ontario, M5M 2G3.

The following persons appeared before the Committee of Adjustment in connection with the foregoing matter:

- Ms. Sidonia Loiacono, c/o Aird & Berlis, 181 Bay Street, Suite 1800, Toronto, Ontario, M5J 2T9, who spoke on behalf of the Owners of the subject property and requested a deferral of this application. She advised the Committee that there are errors in the Zoning Examiner's Review of this application and therefore a recirculation of the notice of hearing is required.

- Ms. Asano, who spoke on behalf of her mother, property owner of #451 Old Orchard Grove, and did not object to a request for a deferral.

MOTION: It was moved by Mr. Sion, seconded by Mr. Rosenberg and carried unanimously that the application be DEFERRED SINE DIE, at the request of the applicant in order allow staff an opportunity to circulate a new notice of hearing reflecting any revisions to the plans and corrections to the original notice of hearing.