



City Planning Division  
Gregg Lintern, Acting Chief Planner and Executive Director

Committee of Adjustment  
100 Queen Street West  
Toronto ON M5H 2N2  
Tel: 416-392-7585  
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**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION**  
**(Section 45 of the Planning Act)**

File Number:	A0442/12TEY	Zoning	R2 Z0.6 (Waiver)
Owner:	ANTONIO BORGES ARAUJO	Ward:	Davenport (18)
Agent:	VICTOR RODRIGUES		
Property Address:	499 ST CLARENS AVE	Community:	Toronto
Legal Description:	PLAN 1049 PT LOT 52		

Notice was given and a Public Hearing was held on **Wednesday, July 25, 2012**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To alter an existing converted house with two units to a converted house with four units; to construct a rear second storey addition, a platform, and a fire escape to grade; and to make interior alterations.

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**

- Section 6(3) Part VI 1(i), By-law 438-86**  
The maximum permitted residential gross floor area is 0.69 times the area of the lot (152.95 m<sup>2</sup>).  
The residential gross floor area is 1.15 times the area of the lot (257.04 m<sup>2</sup>).
- Section 6(3) Part VI (v), By-law 438-86**  
The maximum permitted depth of a building is 17.0 m.  
The depth of the altered building is 18.16 m.
- Section 6(2) Part I (iii), By-law 438-86**  
One addition is permitted at the time a single family home is altered to become a converted house.  
In 2002, a change of use was proposed and a rear addition at the second floor level was constructed.  
The current second storey addition, platform, and fire escape at rear are therefore considered a second addition and do not comply.
- Section 6(3) Part III 1, By-law 438-86**  
The minimum required landscaped open space is 30% of the area of the lot (66.5 m<sup>2</sup>).  
The landscaped open space is 22.585% (50.05 m<sup>2</sup>).
- Section 4(4)B, By-law 438-86**  
The minimum required number of parking spaces is three.  
Two parking spaces are provided.

6. Section 6(2) 1(iv), By-law 438-86

The average of the floor areas of the dwelling units in a building or structure containing more than two dwelling units shall not be less than 65 m<sup>2</sup>.

The four additional units will have an average floor area of 61.26 m<sup>2</sup>.

**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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Gillian Burton                                  David Pond                                  Yim Chan

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Heather Gardiner

**DATE DECISION MAILED ON: Tuesday, July 31, 2012**

**LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, August 14, 2012**

**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).