

FEB - 9 2015

Thursday, January 29, 2015

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

File Number:	A753/14EYK	Zoning	RD & R1
Owner(s):	MARIANNA BASTA LUKAS SIRVINSKAS	Ward:	Parkdale-High Park (13)
Agent:	LUKAS SIRVINSKAS		
Property Address:	<b>130 WINDERMERE AVE</b>	Community:	
Legal Description:	PLAN 2226 PT LOT 236 AND PT WINDERMERE AVE		

Notice was given and a Public Hearing was held on Thursday, January 29, 2015, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an attached garage.

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

- Section 10.20.40.40.(1)(A), By-law 569-2013 & Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted gross floor area is 0.6 times the lot area (210.14 m<sup>2</sup>).  
The proposed dwelling will have a gross floor area of 0.8 times the lot area (279.77 m<sup>2</sup>).
- Section 10.20.40.70.(1)(B), By-law 569-2013 & Section 6(3) Part II 2(II), By-law 438-86**  
The minimum required front yard setback is 4.47 m.  
The proposed dwelling will be located 1.8 m from the front lot line.
- Section 10.20.40.70.(3)(B), By-law 569-2013 & Section 6(3) Part II 3.B(II) 1, By-law 438-86**  
The minimum required side yard setback is 0.9 m.  
The proposed dwelling will be located 0.61 m from the south side lot line and 0.83 m from the north side lot line.
- Section 10.20.40.20(1), By-law 569-2013**  
The maximum permitted building length is 17 m.  
The proposed dwelling will be 17.38 m in length.
- Section 6(3) Part II 3.B(II) 2, By-law 438-86**  
The minimum required side yard setback is 7.5 m for the portion of a building exceeding 17 m.  
The proposed dwelling will be located 1.6 m from the north side lot line and 5.89 m from the south side.
- Section 10.20.40.10.(4)(A), By-law 569-2013**  
The maximum permitted height is 7.2 m.  
The proposed dwelling will be 9.75 m in height.  
**Section 4(2), By-law 438-86**  
The maximum permitted height is 9 m.  
The proposed dwelling will be 10 m in height.

7. **Section 10.20.40.10.(4)(C), By-law 569-2013**  
The maximum permitted number of storeys is 2.  
The proposed dwelling will be 3 storeys.
8. **Section 10.20.40.50.(1)(B), By-law 569-2013**  
The maximum permitted area of a platform at or above the second storey is 4 m<sup>2</sup>.  
The proposed rear balcony will be 5.81 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.



