

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

File Number:	A0198/14TEY	Zoning	R (d0.6) (x735) & R2 Z0.6 (Waiver)
Owner(s):	JAGJIT S BHATHAL	Ward:	Trinity-Spadina (19)
Agent:	TAE RYUCK		
Property Address:	<b>36 DELAWARE AVE</b>	Community:	Toronto
Legal Description:	PLAN 329 BLK M PT LOT 33		

Notice was given and a Public Hearing was held on **Wednesday, January 14, 2015**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To alter the existing three-storey semi-detached dwelling containing three units by constructing a rear deck to the second storey.

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

**1. Chapter 10.5.30.40 (2) (B), By-law 569-2013**

Any part of a platform without main walls, such as a deck, porch, balcony or similar structure that does not encroach into a required minimum building setback, is not included in the calculation of the lot coverage, provided the lot area covered by these structures is no more than 5% of the lot area (17.61 m<sup>2</sup>).

The rear deck will cover an area equal to **9 %** of the lot area (**31.77 m<sup>2</sup>**).

**1. Section 6(3) PART II 5. (i), By-law 438-86**

The maximum permitted depth is 14.0 m.

The altered semi-detached dwelling will have a depth of **19.52 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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Barbara Leonhardt (signed)

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Donna McCormick (signed)

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Mary Pitsitikas (signed)

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Christian Chan (signed)

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Robert Brown (signed)

DATE DECISION MAILED ON: **Tuesday, January 20, 2015**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, February 3, 2015**

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).