

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

File Number:	A0059/15TEY	Zoning:	R2 Z0.6 & R2 Z0.6 (ZZC)
Owner(s):	SUZANNE DAVID RUDY WALLMAN	Ward:	Toronto-Danforth (30)
Agent:	RUDY WALLMAN		
Property Address:	<b>31 ALBEMARLE AVE</b>	Community:	Toronto
Legal Description:	PLAN 60E PT LOT 49		

Notice was given and a Public Hearing was held on **Wednesday, March 4, 2015**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new three-storey detached dwelling with a roof terrace and a rear deck.

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

- Chapter 10.40.40.10.(1)(A), By-law 569-2013**  
The maximum permitted building height is 10.0 m.  
The new three-storey detached dwelling will have a building height of 12.04 m.
- Chapter 10.10.40.10.(2)(A)(ii), By-law 569-2013**  
The maximum permitted height of all rear exterior main walls will be 7.5 m.  
The height of the rear exterior main walls will be 15.98 m.
- Chapter 10.10.40.70.(3)(A)(i), By-law 569-2013**  
The minimum required side yard setback is 0.9 m.  
The new three-storey dwelling will be located 0.46 m from the east side yard.
- Chapter 10.10.40.40.(1)(A), By-law 569-2013**  
The maximum permitted floor space index is 0.6 times the area of the lot (100.5 m<sup>2</sup>).  
The new three-storey detached dwelling will have a floor space index equal to **1.51** times the area of the lot (**253.3 m<sup>2</sup>**).
- Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted residential gross floor area is 0.6 times the area of the lot (100.5 m<sup>2</sup>).  
The new three-storey detached dwelling will have a residential gross floor area equal to **0.88** times the area of the lot (**146.89 m<sup>2</sup>**).

**2. Section 12 (2) 260(III), By-law 438-86**

The maximum permitted building height is 10.0 m.

The new three-storey detached dwelling will have a building height of 12.26 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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Barbara Leonhardt (signed)

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Robert Brown (signed)

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Christian Chan

DATE DECISION MAILED ON: **Tuesday, March 10, 2015**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, March 24, 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).