

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

File Number:	A0002/15TEY	Zoning	R (d0.6) & R2 Z0.6 (Waiver)
Owner:	ADAM DEAN FRANKLIN	Ward:	Trinity-Spadina (20)
Agent:	ISSAC MICHAELOV		
Property Address:	870 MANNING AVE	Community:	Toronto
Legal Description:	PLAN 680 S PT LOT 50 N PT LOT 51		

Notice was given and a Public Hearing was held on **Wednesday, February 25, 2015**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a duplex and a detached garage at the rear of the building.

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

- Chapter 10.5.40.60.(3) (A)(iii), By-law 569-2013**  
Exterior stairs which provide pedestrian access to a building, or structure, may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m.  
The front stairs are 0.34 m from the northerly lot line.
- Chapter 10.10.40.10.(2) (A)(i), By-law 569-2013**  
The maximum permitted height of at least 60% of all front exterior main walls is 7.5 m.  
The height of the front exterior main walls is 10.0 m.
- Chapter 10.10.40.10.(2) (A)(ii), By-law 569-2013**  
The maximum permitted height of at least 60% of all rear exterior main walls is 7.5 m.  
The height of the rear exterior main walls is 10.0 m.
- Chapter 10.10.40.10.(2) (B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.  
The height of the side exterior main walls facing a side lot line is 10.0 m.
- Chapter 10.10.40.30.(1), By-law 569-2013**  
The maximum permitted building depth of 14.0 m.  
The building depth is 20.65 m.
- 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 (147.27 m<sup>2</sup>).  
The floor space index is 0.94 times the area of the lot (227.95 m<sup>2</sup>).

7. **Chapter 10.10.40.70.(1), By-law 569-2014**  
The minimum required front yard setback is 4.11 m.  
The front yard setback is 3.50 m.
8. **Chapter 10.5.50.10.(3) (A), By-law 569-2013**  
The minimum required rear yard soft landscaping is 50%.  
The rear yard landscaping area is 45%.
9. **Chapter 10.10.40.70.(3), By-law 569-2013**  
The minimum required side yard setback is 1.2 m.  
The north side yard setback is 0.34 m.  
The south side yard setback is 0.63 m.
1. **Section 6(3) Part II 5(I), By-law 438-86, By-law 438-86**  
The maximum permitted building depth of 14.0 m.  
The building depth is 20.65 m.
2. **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 (147.27 m<sup>2</sup>).  
The residential gross floor area is 1.34 times the area of the lot (330.45 m<sup>2</sup>).
3. **Section 6(3) Part II 2(II), By-law 438-86**  
The minimum required front lot line setback is 4.11 m.  
The front lot line setback is 3.50 m.
4. **Section 6(3) Part II 3(I), By-law 438-86**  
The by-law stipulates a building is to be located a minimum of 0.90 m from the side wall of an adjacent building that contains no openings.  
In this case, the new building is located 0.56 m away from side wall of the adjacent building to the north.
5. **Section 6 (3) Part II 3.E (1), By-law 438-6**  
The minimum required side lot line setback is 0.45 m where the side wall contains no openings.  
The north side lot line setback is 0.34 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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**ABSTAINED**

**DISSENTED**

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Gillian Burton

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David Pond (signed)

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Yim Chan

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John Tassiopoulos (signed)

DATE DECISION MAILED ON: **Tuesday, March 3, 2015**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, March 17, 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).

