

FILE COPY

Thursday, May 21, 2015

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

File Number:	A0329/15NY	Zoning	RD (f18.0; a690) (x965) / R3 [ZZC]
Owner(s):	KEN AND KAREN ECCLESTON	Ward:	Don Valley West (25)
Agent:	PETER HIGGINS ARCHITECT INC		
Property Address:	3 ST AUBYNS CRES	Community:	North York
Legal Description:	PLAN 1534 LOT 496		

Notice was given and a Public Hearing was held on Thursday, May 21, 2015, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral garage. The existing dwelling would be demolished.

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

- Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted main wall height is 7.5m.
The proposed rear main wall height is 7.78m.
- Chapter 10.20.40.10.(6), By-law No. 569-2013**
The maximum permitted height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.5m.
- Chapter 10.20.40.20, By-law No. 569-2013**
The maximum permitted building length for a detached house is 17.0m.
The proposed building length is 19.88m.
- Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth for a detached house is 19.0m.
The proposed building depth for a detached house is 21.25m.
- Chapter Exception 900.3.10.(965), By-law No. 569-2013**
The minimum required front yard setback is 12.5m.
The proposed front yard setback is 10.39m.

6. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.8m.
The proposed north side yard setback is 1.2m.
7. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.8m.
The proposed south side yard setback is 1.2m.
8. **Section 12.2 and 6(8), By-law No. 7625**
The minimum required lot frontage and lot width is 18.0m.
The existing lot frontage and lot width is 17.5m.
9. **Section 7.3.3, By-law No. 7625**
The minimum required front yard setback is 12.5m.
The proposed front yard setback is 10.39m.
10. **Section 12.4(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed north side yard setback is 1.2m.
11. **Section 12.4(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed south side yard setback is 1.2m.
12. **Section 12.5A, By-law No. 7625**
The maximum permitted building length is 16.8m.
The proposed building length is 21.25m.
13. **Section 12.7, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.08m.
14. **Section 6(30)a, By-law No. 7625**
The maximum permitted finished first floor height is 1.5m.
The proposed finished first floor height is 2.27m.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to **APPROVE** the following variance(s):

1. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted main wall height is 7.5m.
The proposed rear main wall height is 7.78m.
2. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The maximum permitted height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.5m.
3. **Chapter 10.20.40.20, By-law No. 569-2013**
The maximum permitted building length for a detached house is 17.0m.
The proposed building length is 19.88m.

4. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth for a detached house is 19.0m.
The proposed building depth for a detached house is **21.25m**.
5. **Chapter Exception 900.3.10.(965), By-law No. 569-2013**
The minimum required front yard setback is 12.5m.
The proposed front yard setback is 10.39m.
8. **Section 12.2 and 6(8), By-law No. 7625**
The minimum required lot frontage and lot width is 18.0m.
The existing lot frontage and lot width is 17.5m.
9. **Section 7.3.3, By-law No. 7625**
The minimum required front yard setback is 12.5m.
The proposed front yard setback is 10.39m.
12. **Section 12.5A, By-law No. 7625**
The maximum permitted building length is 16.8m.
The proposed building length is **21.25m**.
13. **Section 12.7, By-law No. 7625**
The maximum permitted building height is 8.8m.
The proposed building height is 9.08m.
14. **Section 6(30)a, By-law No. 7625**
The maximum permitted finished first floor height is 1.5m.
The proposed finished first floor height is 2.27m.

It is the decision of the Committee of Adjustment to **MODIFY** and **APPROVE** the following variance(s):

6. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.8m.
The proposed north side yard setback is **1.5m**.
7. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback is 1.8m.
The proposed south side yard setback is **1.5m**.
10. **Section 12.4(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed north side yard setback is **1.5m**.
11. **Section 12.4(b), By-law No. 7625**
The minimum required side yard setback is 1.8m.
The proposed south side yard setback is **1.5m**.

For the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.

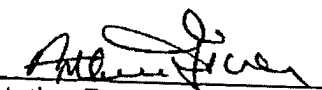
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.


This decision is subject to the following condition(s):

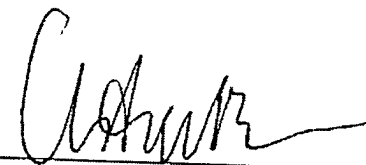
- 1) City of Toronto Municipal Code Chapter 813, Article II, City-owned trees
(www.toronto.ca/trees/city_trees.htm)
- 2) City of Toronto Municipal Code Chapter 813, Article III, Privately-owned trees
(www.toronto.ca/trees/private_trees.htm)

SIGNATURE PAGE

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Arthur Forer (signed)

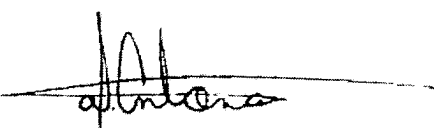

Richard Ross (signed)


Astra Burka (signed)

DATE DECISION MAILED ON: Thursday, May 28, 2015

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, June 10, 2015

CERTIFIED TRUE COPY


Dan Antonacci
Manager & Deputy Secretary Treasurer
North 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.