

FILE COPY

Thursday, May 21, 2015

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

File Number:	A0112/15NY	Zoning	RD (f15.0; d0.35) (x1432) / R1 Z0.35 [WAIVER]
Owner(s):	ROMAS J BUDININKAS JENNIFER F MCQUEEN	Ward:	Don Valley West (25)
Agent:	LORNE ROSE ARCHITECT		
Property Address:	67 ST EDMUND'S DR	Community:	Toronto
Legal Description:	PLAN 1485 PT LOTS 91 & 92		

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, below grade, two car garage. The existing dwelling would be demolished.

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

- Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 10.0m.
The proposed building height is 11.60m.
- Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length is 17.0m.
The proposed building length is 17.98m.
- Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth is 19.0m.
The proposed building depth is 19.32m.
- Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted floor space index (F.S.I.) is 0.35 times the area of the lot.
The proposed floor space index (F.S.I.) is 0.78 times the area of the lot.
- Chapter 10.20.40.70.(1), By-law No. 569-2013**
The minimum required front yard setback is 7.62m.
The proposed front yard setback is 6.57m.
- Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required north side yard setback is 1.5m.

- The proposed north side yard setback is 1.22m.
7. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required south side yard setback is 1.5m.
The proposed south side yard setback is 1.26m.
 8. **Chapter 10.5.50.10.(1), By-law No. 569-2013**
A minimum of 60% of the front yard must be landscaping.
The proposed front yard landscaping area is 57.1%.
 9. **Chapter 10.5.50.10.(1), By-law No. 569-2013**
A minimum of 75% of the required front yard landscaping must be soft landscaping.
The proposed front yard soft landscaping area is 68.2%.
 10. **Section 6(3) Part I 1, By-law No. 438-86**
The maximum permitted residential gross floor area (G.F.A.) is 0.35 times the area of the lot.
The proposed residential gross floor area (G.F.A.) is **0.52** times the area of the lot.
 11. **Section 6(3) Part II 2(II), By-law No. 438-86**
The minimum required front lot line setback is 7.62m.
The proposed front lot line setback is 6.57m.
 12. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
The minimum required north side lot line setback is 7.5m for the portion of the building exceeding 17.0m in depth.
The proposed north side lot line setback is 1.22m for the portion of the building exceeding 17.0m in depth.
 13. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
The minimum required south side lot line setback is 7.5m for the portion of the building exceeding 17.0m in depth.
The proposed south side lot line setback is 1.26m for the portion of the building exceeding 17.0m in depth.
 14. **Section 6(3) Part III 3(d)i(C), By-law No. 438-86**
The minimum required front yard landscaped open space to be in the form of landscaping is 60%.
The proposed landscaped open space is 57.1%.
 15. **Section 6(3) Part IV 3(II), By-law No. 438-86**
The by-law does not permit an integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line.
The proposed integral garage is below grade.
 16. **Section 6(3) Part III 3(d)i(D), By-law No. 438-86**
The by-law requires 75% of the area of the portion of the lot between the front lot line of the main front wall of the residential building as produced to the side lot line not covered by a permitted driveway to be in the form of soft landscaped open space.
The proposed soft landscaped open space is 68.2%.

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):

2. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The maximum permitted building length is 17.0m.
The proposed building length is 17.98m.
3. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The maximum permitted building depth is 19.0m.
The proposed building depth is 19.32m.
4. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
The maximum permitted floor space index (F.S.I.) is 0.35 times the area of the lot.
The proposed floor space index (F.S.I.) is 0.78 times the area of the lot.
5. **Chapter 10.20.40.70.(1), By-law No. 569-2013**
The minimum required front yard setback is 7.62m.
The proposed front yard setback is 6.57m.
8. **Chapter 10.5.50.10.(1), By-law No. 569-2013**
A minimum of 60% of the front yard must be landscaping.
The proposed front yard landscaping area is 57.1%.
9. **Chapter 10.5.50.10.(1), By-law No. 569-2013**
A minimum of 75% of the required front yard landscaping must be soft landscaping.
The proposed front yard soft landscaping area is 68.2%.
11. **Section 6(3) Part II 2(II), By-law No. 438-86**
The minimum required front lot line setback is 7.62m.
The proposed front lot line setback is 6.57m.
14. **Section 6(3) Part III 3(d)i(C), By-law No. 438-86**
The minimum required front yard landscaped open space to be in the form of landscaping is 60%.
The proposed landscaped open space is 57.1%.
15. **Section 6(3) Part IV 3(II), By-law No. 438-86**
The by-law does not permit an integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line.
The proposed integral garage is below grade.
16. **Section 6(3) Part III 3(d)i(D), By-law No. 438-86**
The by-law requires 75% of the area of the portion of the lot between the front lot line of the main front wall of the residential building as produced to the side lot line not covered by a permitted driveway to be in the form of soft landscaped open space.
The proposed soft landscaped open space is 68.2%.

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

10. **Section 6(3) Part I 1, By-law No. 438-86**
The maximum permitted residential gross floor area (G.F.A.) is 0.35 times the area of the lot.
The proposed residential gross floor area (G.F.A.) is **0.50** times the area of the lot.

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.

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

1. **Chapter 10.20.40.10.(1), By-law No. 569-2013**
The maximum permitted building height is 10.0m.
The proposed building height is 11.60m.
6. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required north side yard setback is 1.5m.
The proposed north side yard setback is 1.22m.
7. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The minimum required south side yard setback is 1.5m.
The proposed south side yard setback is 1.26m.
12. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
The minimum required north side lot line setback is 7.5m for the portion of the building exceeding 17.0m in depth.
The proposed north side lot line setback is 1.22m for the portion of the building exceeding 17.0m in depth.
13. **Section 6(3) Part II 3.B(II), By-law No. 438-86**
The minimum required south side lot line setback is 7.5m for the portion of the building exceeding 17.0m in depth.
The proposed south side lot line setback is 1.26m for the portion of the building exceeding 17.0m in depth.

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.

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

- 1) City of Toronto Municipal Code Chapter 813, Article III, Privately-owned trees
www.toronto.ca/trees/private_trees.htm
- 2) Where no street tree exists, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting the site to the satisfaction of the General Manager of Parks, Forestry and Recreation.
- 3) The driveway to maintain a minimum of 2% positive slope from the street to the entry of the integral garage.

SIGNATURE PAGE

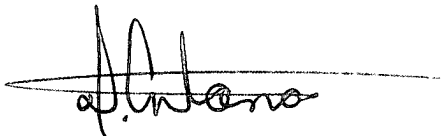
File Number:	A0112/15NY	Zoning	RD (f15.0; d0.35) (x1432) / R1 Z0.35 [WAIVER]
Owner:	ROMAS J BUDININKAS JENNIFER F MCQUEEN	Ward:	Don Valley West (25)
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Arthur Forer (signed)
Morley Rosenberg (signed)
Astra Burka (signed)
Richard Ross (signed)

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.