

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

File Number:	A0985/15TEY	Zoning	R (d0.6) & R2 Z0.6 (ZZC)
Owner:	EVAN SASKIN	Ward:	Trinity-Spadina (19)
Agent:	EVAN SASKIN	Heritage:	Not Applicable
Property Address:	161 PALMERSTON AVE	Community:	Toronto
Legal Description:	PLAN 74 PT LOT 100		

Notice was given and a Public Hearing was held on **Wednesday, December 2, 2015**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey semi-detached dwelling containing three dwelling units.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- 1. Chapter 10.10.40.10.(2)(A), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 7.5 m.
In this case, the height of the front and rear exterior main walls will be 9.31 m.
- 2. Chapter 10.10.40.30.(1)(B), By-law 569-2013**
The maximum permitted building depth for a triplex is 14.0 m.
The new three-storey semi-detached dwelling will have a building depth of 20.0 m.
- 3. 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 (182.46 m²).
The new three-storey semi-detached dwelling will have a floor space index equal to **1.20 times** the area of the lot (**364.92 m²**).
- 4. Chapter 10.10.40.70.(3)(B)(ii), By-law 569-2013**
The minimum required side yard setback where the side wall contains openings is 1.2 m.
In this case, the side yard setback will be 0.0 m to the south lot line.
- 5. Chapter 10.10.40.70.(4)(E), By-law 569-2013**
The minimum required side yard setback where the side wall contains no openings is 0.45 m.
In this case, the side yard setback will be 0.0 m to the north lot line.

6. Chapter 10.5.40.70.(2), By-law 569-2013

The minimum required setback of a building or structure to the original centerline of a lane is 2.5 m. The new three-storey semi-detached dwelling will be located 1.75 m from the original centerline of the lane located on the south side of the dwelling.

1. Section 6(1)(A), By-law 438-86

A triplex is a permitted use, provided that the proposed dwelling units are horizontally divided. In this case, the three-storey semi-detached dwelling containing three dwelling units will be vertically separated.

2. Section 6(3) Part I 1, By-law 438-86

The maximum permitted gross floor area is 0.6 times the area of the lot (182.46 m²). The new three-storey semi-detached dwelling will have a gross floor area of **1.20 times** the area of the lot (364.92 m²).

3. Section 6(3) Part II 3(I), By-law 438-86

The minimum required setback from the side wall of an adjacent building containing no openings is 0.90 m. In this case, the setback will be 0.0 m to the adjacent building on the north side.

4. Section 6(3) Part II 3.F(I)(1)(a), By-law 438-86

The minimum required side lot line setback where the side wall contains no openings is 0.45 m. In this case, the side lot line setback will be 0.0 m on the north side.

5. Section 6(3) Part II 3.F(I)(2), By-law 438-86

The minimum required side lot line setback where the side wall contains openings is 1.2 m. In this case, the side lot line setback will be 0.0 m on the south side.

6. Section 6(3) Part II 5(I), By-law 438-86

The maximum permitted building depth is 14.0 m. The new three-storey semi-detached dwelling will have a building depth of 20.0 m.

7. Section 6(3) Part III 1(A), By-law 438-86

The minimum required landscaped open space is 30 percent of the area of the lot (91.23 m²). The landscaped open space will be equal to 26.5 percent of the area of the lot (80.7 m²).

8. Section 4(14)(A), By-law 438-86

The minimum required setback of a building or structure to the original centerline of a lane is 2.5 m. The new three-storey semi-detached dwelling will be located 1.75 m from the original centerline of the lane located on the south side of the dwelling.

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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Property Address:	161 PALMERSTON AVE	Community:	Toronto
Legal Description:	PLAN 74 PT LOT 100		

ABSENT

Robert Brown (signed)

Edmund Carlson

Worrick Russell (signed)

Nancy Oomen (signed)

DATE DECISION MAILED ON: **Tuesday, December 8, 2015**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, December 22, 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.

Mailed on/before: Sunday, November 22, 2015

PUBLIC HEARING NOTICE
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

MEETING DATE AND TIME: Wednesday, December 2, 2015 at 3:30 p.m.

LOCATION: Committee Room 2, Second Floor, Toronto City Hall, 100 Queen St W, M5H 2N2

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Agent:	EVAN SASKIN	Heritage:	Not Applicable
Property Address:	161 PALMERSTON AVE	Community:	Toronto
Legal Description:	PLAN 74 PT LOT 100		

PURPOSE OF THE APPLICATION:

To construct a new three-storey semi-detached dwelling containing three dwelling units.

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

- 1. Chapter 10.10.40.10.(1)(A), By-law 569-2013**
The maximum permitted height is 10.0 m.
The new three-storey semi-detached dwelling will have a height of 10.06 m.
- 2. Chapter 10.10.40.10.(2)(A), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 7.5 m.
In this case, the height of the front and rear exterior main walls will be 9.31 m.
- 3. Chapter 10.10.40.30.(1)(B), By-law 569-2013**
The maximum permitted building depth for a triplex is 14.0 m.
The new three-storey semi-detached dwelling will have a building depth of 20.0 m.
- 4. 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 (182.46 m²).
The new three-storey semi-detached dwelling will have a floor space index equal to 1.24 times the area of the lot (377.40 m²).
- 5. Chapter 10.10.40.70.(3)(B)(ii), By-law 569-2013**
The minimum required side yard setback where the side wall contains openings is 1.2 m.
In this case, the side yard setback will be 0.0 m to the south lot line.

6. **Chapter 10.10.40.70.(4)(E), By-law 569-2013**
The minimum required side yard setback where the side wall contains no openings is 0.45 m. In this case, the side yard setback will be 0.0 m to the north lot line.
7. **Chapter 10.5.40.70.(2), By-law 569-2013**
The minimum required setback of a building or structure to the original centerline of a lane is 2.5 m.
The new three-storey semi-detached dwelling will be located 1.75 m from the original centerline of the lane located on the south side of the dwelling.
8. **Chapter 200.5.1.10.(2)(A), By-law 569-2013**
The minimum required parking space size is 2.9 m in width (obstructed on one side), 5.6 m in length, and 2.0 m in vertical clearance.
In this case, parking space "A" will have a width of 2.6 m and will be obstructed on the north side.
1. **Section 6(1)(A), By-law 438-86**
A triplex is a permitted use, provided that the proposed dwelling units are horizontally divided. In this case, the three-storey semi-detached dwelling containing three dwelling units will be vertically separated.
2. **Chapter 4(2)(a), By-law 438-86**
The maximum permitted height is 10.0 m.
The new three-storey semi-detached dwelling will have a height of 10.15 m.
3. **Chapter 6(3) Part I 1, By-law 438-86**
The maximum permitted gross floor area is 0.6 times the area of the lot (182.46 m²).
The new three-storey semi-detached dwelling will have a gross floor area of 1.24 times the area of the lot (377.40 m²).
4. **Chapter 6(3) Part II 3(I), By-law 438-86**
The minimum required setback from the side wall of an adjacent building containing no openings is 0.90 m.
In this case, the setback will be 0.0 m to the adjacent building on the north side.
5. **Chapter 6(3) Part II 3.F(I)(1)(a), By-law 438-86**
The minimum required side lot line setback where the side wall contains no openings is 0.45 m. In this case, the side lot line setback will be 0.0 m on the north side.
6. **Chapter 6(3) Part II 3.F(I)(2), By-law 438-86**
The minimum required side lot line setback where the side wall contains openings is 1.2 m. In this case, the side lot line setback will be 0.0 m on the south side.
7. **Chapter 6(3) Part II 5(I), By-law 438-86**
The maximum permitted building depth is 14.0 m.
The new three-storey semi-detached dwelling will have a building depth of 20.0 m.
8. **Chapter 6(3) Part III 1(A), By-law 438-86**
The minimum required landscaped open space is 30 percent of the area of the lot (91.23 m²).
The landscaped open space will be equal to 26.5 percent of the area of the lot (80.7 m²).

9. Chapter 4(14)(A), By-law 438-86

The minimum required setback of a building or structure to the original centerline of a lane is 2.5 m.

The new three-storey semi-detached dwelling will be located 1.75 m from the original centerline of the lane located on the south side of the dwelling.

10. Chapter 4(17), By-law 438-86

The minimum required parking space size is 2.9 m in width (obstructed on one side), 5.6 m in length, and 2.0 m in vertical clearance.

In this case, parking space "A" will have a width of 2.6 m and will be obstructed on the north side.

PLEASE SEND YOUR WRITTEN COMMENTS TO THE APPLICATION TECHNICIAN NAMED ON THIS NOTICE, BY 4:00 P.M., THURSDAY, NOVEMBER 26, 2015.

THE COMMITTEE OF ADJUSTMENT & MINOR VARIANCES

The role of the Committee of Adjustment is to provide flexibility in dealing with minor adjustments to zoning by-law requirements. To approve such variances, the Committee must be satisfied that:

- the variance requested is minor;
- the proposal is desirable for the appropriate development or use of the land and/or building;
- the general intent and purpose of the City's Zoning Code and/or By-law are maintained; and
- the general intent and purpose of the Official Plan are maintained.

The Committee of Adjustment forms its opinion through its detailed review of all material filed with an application, letters received, deputations made at the public hearing and results of site inspections.

MAKING YOUR VIEWS KNOWN

The notice has been mailed to you, as required by the *Planning Act*, to ensure that, as an interested person, you may make your views known by:

- **Attending the Public Hearing.** Attendant Care Services can be made available with some advance notice.
- **Sending a letter by Mail, E-mail, or Fax.** Information you choose to disclose in your correspondence will be used to receive your views on the relevant issue(s) to enable the Committee to make its decision on this matter. This information will become part of the public record.

If you do not attend the public hearing, or express your views in writing, the Committee may make a decision in your absence, and may recommend changes to the proposal

TO VIEW THE MATERIALS IN THE APPLICATION FILE

Attend the Committee of Adjustment office at the above address Monday to Friday, 8:30 a.m. to 4:30 p.m. The standard fee will apply to any materials photocopied.

RECEIVING A COPY OF THE COMMITTEE'S DECISION

- The Committee will announce its decision on the application at the Public Hearing.
- To receive a copy of the Decision, fill out the Decision Request Form at our office or at the Public Hearing or write a letter requesting a copy of the Decision and send it to our office.
- If you wish to appeal a Decision of the Committee to the Ontario Municipal Board, you must file your written request for a decision with the Deputy Secretary-Treasurer.

CONTACT

Robert Ursini, Application Technician

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