

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

File Number:	A0876/15TEY	Zoning	R(d1.0)(x808) & R3 Z1.0 (ZZC)
Owner:	BODEGA DEVELOPMENTS INC	Ward:	Toronto-Danforth (30)
Agent:	DAVID KING	Heritage:	Not Applicable
Property Address:	9 KINTYRE AVE	Community:	Toronto
Legal Description:	PLAN 312 PT LOT 8		

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

PURPOSE OF THE APPLICATION:

To construct a new three-storey triplex.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 9.5 m.
The height of the front and rear exterior main walls will be 12.42 m.
- Chapter 10.10.40.30.(1)(B), By-law 569-2013**
The maximum permitted depth of a building is 14.0 m.
The new building will have a depth of 19.97 m.
- Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 1.0 times the area of the lot (235.0 m²).
The new building will have a floor space index equal to 2.0 times the area of the lot (469.72 m²).
- Chapter 10.10.40.70.(1), By-law 569-2013**
The minimum required front yard setback is 6.0 m.
The new building will be located 0.24 m from the north front lot line.
- Chapter 10.10.40.70.(2), By-law 569-2013**
The minimum required rear yard setback is 7.5 m.
The new building will be located 4.62 m from the south rear lot line.

6. **Chapter 10.10.40.70.(3), By-law 569-2013**
The minimum required side yard setback is 1.2 m.
The new building will be located 0.0 m from the west side lot line.
7. **Chapter 10.5.50.10.(3)(B), By-law 569-2013**
A minimum of 25% (16.04 m²) of the rear yard must be maintained as soft landscaping.
In this case, 5.9% (3.77 m²) of the rear yard will be maintained as soft landscaping.
1. **Section 6(3) Part II 5(I), By-law 438-86**
The maximum permitted depth of a row house is 14.0 m.
The new building will have a depth of 19.97 m.
2. **Section 6(3) Part I 1, By-law 438-86**
The maximum permitted gross floor area is 1.0 times the area of the lot (235.0 m²).
The new building will have a gross floor area equal to 2.0 times the area of the lot (469.72 m²).
3. **Section 6(3) Part II 2(III), By-law 438-86**
The minimum required front yard setback is 6.04 m.
The new building will be located 0.24 m from the north front lot line
4. **Section 6(3) Part II 4, By-law 438-86**
The minimum required rear yard setback is 7.5 m.
The new building will be located 4.62 m from the south rear lot line.
5. **Section 6(3) Part II 3.A(II), By-law 438-86**
The minimum required setback from a flanking street is 6.0 m.
The new building will be located 0.0 m from the west flanking street.
6. **Section 6(3) Part III 1(A), By-law 438-86**
A minimum of 30% of the lot area (70.5 m²) shall be landscaped open space.
In this case, 9.19 % of the lot area (21.59 m²) will be landscaped open space.

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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Robert Brown (Signed)

Edmund Carlson (Signed)

Ewa Modlinska (Signed)

Nancy Oomen (Signed)

Worrick Russell (Signed)

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

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