

Thursday, March 31, 2016

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

File Number:	A137/16EYK	Zoning:	R & R2 Z0.6
Owner(s):	SEBASTIAN NEDZKA	Ward:	Davenport (17)
Agent:	DI MARCO LEGAL SERVICES PROFESSIONAL CORPORATION	Heritage:	Not Applicable
Property Address:	43 NORTON AVE	Community:	
Legal Description:	PLAN D1307 PT LOT 87		

Notice was given and a Public Hearing was held on Thursday, March 31, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a second floor front addition, a third floor addition, a detached garage in the rear yard, and to convert the existing duplex into a triplex.

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

- Section 10.10.40.40.(1)(A), By-law 569-2013 and Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted floor space index is 0.6 times the area of the lot (80.65 m<sup>2</sup>).  
**Section 10.10.40.40.(1)(A), By-law 569-2013**  
The altered dwelling will have a floor space index of 1.92 times the area of the lot (257.88 m<sup>2</sup>).  
**Section 6(3) Part I 1, By-law 438-86**  
The altered dwelling will have a floor space index of 2.55 times the area of the lot (343.84 m<sup>2</sup>).
- Section 10.10.40.70.(3)(B)(i), By-law 569-2013**  
The minimum required side yard setback is 1.2 m.  
The altered dwelling will be located 0.1 m from the west side lot line and 0.02 m from the east side lot line.
- Section 6(3) Part II 3.E(I), By-law 438-86**  
The minimum required side yard setback is 0.45 m, where the side wall contains no openings.  
The altered dwelling will be located 0.02 m from the east side lot line.
- Section 6(3) Part II 3.E(I), By-law 438-86**  
The minimum required side yard setback is 1.2 m, where the side wall contains openings.  
The altered dwelling will be located 0.1 m from the west side lot line.

5. **Section 10.10.40.70.(2), By-law 569-2013 and Section 6(3) Part II 4, By-law 438-86**  
The minimum required rear yard setback is 7.5 m.  
The altered dwelling will be located 0.1 m from the rear lot line.
6. **Section 6(3) Part II 3.A(I), By-law 438-86**  
The minimum required setback flanking a street is 0.9 m.  
The altered dwelling will be located 0.1 m from the flanking street (St. Clair Gardens).
7. **Section 10.10.40.30.(1)(B), By-law 569-2013 and Section 6(3) Part II 5(I), By-law 438-86**  
The maximum permitted building depth is 14 m.  
The altered dwelling will have a depth of 22.89 m.
8. **Section 10.10.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main wall height facing a side lot line is 7.5 m.  
The altered dwelling will have a side exterior main wall height of 8.99 m facing a side lot line.
9. **Section 6(3) Part III 1(A), By-law 438-86**  
A minimum of 30% of the lot area shall be maintained as landscaped open space (40.32 m<sup>2</sup>).  
A total of 2.99% of the lot area will be maintained as landscaped open space (4.02 m<sup>2</sup>).
10. **Section 150.10.40.1.(3)(A), By-law 569-2013**  
A secondary suite is a permitted use provided that an addition or exterior alteration to a building to accommodate a secondary suite does not alter or add to a main wall or roof that faces a street.  
The altered building will alter the front and side of the dwelling and will face a street.
11. **Section 6(2)1.(iii)(v), By-law 438-86**  
A converted house is a permitted use provided that there is no substantial change in the appearance of the dwelling house as the result of the conversion.  
The altered building will have a substantial change in the appearance of the dwelling house as a result of the conversion.
12. **Section 6(2)1(III)(A), By-law 438-86**  
An addition to a part of a converted house (other than to the front wall or side of house facing a flanking street) is permitted provided the increase in residential gross floor area does not exceed 0.15 times the area of the lot.  
The converted house will contain additions that will increase the residential gross floor area by 0.69 times the area of the lot.

**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:

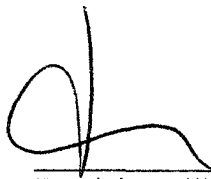
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.


**SIGNATURE PAGE**

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Absent  
Megan McIver (signed)

  
Nathan Muscat (signed)

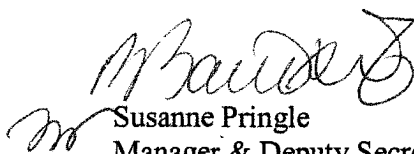
  
Dominic Gulli (signed)

  
Allan Smithies (signed)

DATE DECISION MAILED ON: Friday, April 8, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, April 20, 2016

CERTIFIED TRUE COPY

  
Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke 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)