

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

File Number:	A1221/15TEY	Zoning	R(d0.6)(x735)
Owner:	ELIZABETH MCCAIG RAO	Ward:	Trinity-Spadina (19)
Agent:	GAETANO RAO	Heritage:	Not Applicable
Property Address:	451 MANNING AVE	Community:	Toronto
Legal Description:	PLAN 574 BLK D PT LOT 278 AND RP 66R25334 PARTS 2 AND 3		

Notice was given and a Public Hearing was held on **Tuesday, March 8, 2016**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing 2½-storey semi-detached dwelling by constructing a front second floor terrace, and front third floor balcony.

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

1. Chapter 10.5.40.50.(3), By-law 569-2013

A platform located at or above the second storey of a building may be no higher than the level of the storey from which it gains access.

In this case, second floor deck and third floor terrace are higher than the level of the storey from which they gain access.

2. Chapter 10.5.40.60.(1)(B), By-law 569-2013

A platform with a floor higher than the first storey of the building above established grade may encroach into the required front yard setback the lesser of 1.5 m or 50% of the required front yard setback (2.28 m) provided it is no closer to a side lot line than the required side yard setback.

In this case, the second floor terrace will encroach into the required front yard setback 2.95 m.

3. Chapter 10.5.40.60.(2)(A), By-law 569-2013

A canopy, awning or similar structure, with or without structural support, or a roof over a platform which complies with regulation 10.5.40.60.(1) may encroach into the required setback to the same extent as the platform it is covering.

In this case, the roof will cover the second floor platform, which does not comply with regulation 10.5.40.60.(1).

4. Chapter 10.10.40.10.(1)(A), By-law 569-2013

The maximum permitted building height is 10.0 m.

The altered dwelling will have a height of 11.27 m.

5. **Chapter 10.10.40.10(2)(B)(ii), By-law 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.
In this case, the side exterior main walls of the altered dwelling will have a height of 11.27 m.
6. **Chapter 10.10.40.30.(1)(A), By-law 569-2013**
The maximum permitted building depth for a semi-detached dwelling is 17.0 m.
The altered dwelling will have a building depth of 23.39 m.
1. **Section 6(3) Part II 2 (II), By-law 438-86**
The minimum required front yard setback is 4.52 m.
The altered dwelling will be located 2.02 m from the west front lot line.
2. **Section 6(3) Part II 3.C(I), By-law 438-86**
The minimum required side lot line setback of a semi-detached or row house dwelling is 0.45 m where the side wall contains no openings.
The altered dwelling will be located 0.18 m from the north side lot line.
3. **Section 4(2), By-law 438-86**
The maximum permitted building height is 10.0 m.
The altered dwelling will have a height of 11.27 m.

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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Alex Bednar (signed)

Michael Clark (signed)

Donald Granatstein (signed)

Lisa Valentini (signed)

DATE DECISION MAILED ON: **Monday, March 14, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, March 29, 2016**

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.