

Thursday, May 26, 2016

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

|                    |                             |            |  |
|--------------------|-----------------------------|------------|--|
| File Number:       | A0335/16NY                  | Zoning     | R1 Z0.35, RD (f12.0; d0.35)<br>(x1411)[ZONING] |
| Owner(s):          | XIAOAN WU                   | Ward:      | Eglinton-Lawrence (16)                         |
| Agent:             | RUBINOFF DESIGN GROUP       | Heritage:  | Not Applicable                                 |
| Property Address:  | <b>58 CHERITAN AVE</b>      | Community: | Toronto  |
| Legal Description: | PLAN 605E PT LOTS 127 & 128 |            |  |

Notice was given and a Public Hearing was held on Thursday, May 26, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new two-storey dwelling. The existing dwelling would be demolished.

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

- Chapter 10.5.40.10.(2), By-law No. 569-2013**  
A minimum of 10.0m<sup>2</sup> of the first floor must be within 4.0m of the front main wall.  
The proposed area of the first floor within 4.0m of the front main wall is 5.1m<sup>2</sup>.
- Chapter 10.5.50.10.(1), By-law No. 569-2013**  
The minimum required front yard landscaping is 50%.  
The proposed front yard landscaping is 48.9%.
- Chapter 10.20.40.20.(1), By-law No. 569-2013**  
The maximum permitted building length is 17.0m.  
The proposed building length is **18.36m**.
- Chapter 10.20.40.40.(1), By-law No. 569-2013**  
The maximum permitted Floor Space Index is 0.35 times the area of the lot.  
The proposed Floor Space Index is **0.772** times the area of the lot.
- Chapter 10.20.40.10.(1), By-law No. 569-2013**  
The maximum permitted building height is 10.0m.  
The proposed building height is 10.50m.
- Chapter 10.20.40.10.(2), By-law No. 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.  
The proposed height of the east side exterior main wall is 8.50m.

7. **Chapter 10.20.40.10.(2), By-law No. 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.  
The proposed height of the west side exterior main wall is 8.50m.
8. **Chapter 10.20.40.10.(6), By-law No. 569-2013**  
The maximum permitted finished first floor height is 1.2m.  
The proposed finished first floor height is 1.39m.
9. **Section 6(3) Part I 1, By-law No. 438-86**  
The maximum permitted Gross Floor Area is 0.35 times the area of the lot.  
The proposed Gross Floor Area is **0.737** times the area of the lot.
10. **Section 6(3) Part II 3.B(II), By-law No. 438-86**  
The minimum required side lot line setback for that portion of the building exceeding 17.0m in depth is 7.5m.  
The proposed east side lot line setback is 1.20m.
11. **Section 6(3) Part II 3.B(II), By-law No. 438-86**  
The minimum required side lot line setback for that portion of the building exceeding 17.0m in depth is 7.5m.  
The proposed west side lot line setback is 0.91m.
12. **Section 6(3) Part II 8 C, By-law No. 438-86**  
The by-law limits the projection of a chimney breast into the required setback to a maximum of 0.3m.  
The proposed projection is 0.51m.
13. **Section 6(3) Part II 8 I(I), By-law No. 438-86**  
The by-law allows a bay window to project into the required setbacks provided it does not exceed 3m in width.  
The proposed front bay window is 4.27m in width.

**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**

|                    |                             |            |  |
|--------------------|-----------------------------|------------|--|
| File Number:       | A0335/16NY                  | Zoning     | R1 Z0.35, RD (f12.0; d0.35)<br>(x1411)[ZONING] |
| Owner:             | XIAOAN WU                   | Ward:      | Eglinton-Lawrence (16)                         |
| Agent:             | RUBINOFF DESIGN GROUP       | Heritage:  | Not Applicable                                 |
| Property Address:  | <b>58 CHERITAN AVE</b>      | Community: | Toronto  |
| Legal Description: | PLAN 605E PT LOTS 127 & 128 |            |  |

\_\_\_\_\_  
Rick Ross (signed)

\_\_\_\_\_  
Wayne McEachern (signed)

\_\_\_\_\_  
Beth Levy (signed)

\_\_\_\_\_  
Nadini Sankar (signed)

\_\_\_\_\_  
Bruce Mullock (signed)

DATE DECISION MAILED ON: Thursday, June 2, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, June 15, 2016

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](http://www.omb.gov.on.ca).