

NOTICE OF DECISION

MINOR VARIANCE/PERMISSION

(Section 45 of the Planning Act)

File Number:	A1184/15TEY	Zoning:	RD (f6.0;a185;d0.75) & R1C (ZZC)
Owner:	ERACON HOLDINGS (MILVERTON) LTD	Ward:	Beaches-East York (31)
Agent:	LEO MASTRANDREA	Heritage:	Not Applicable
Property Address:	739 MILVERTON BLVD	Community:	East York
Legal Description:	PLAN 1679 PT LOT 103 PT LOT 104		

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 convert the existing one-storey detached dwelling by constructing: a second and third-floor addition, a new front porch, a new rear deck, a basement walkout, a front and rear second-floor balcony, a rear third-floor balcony and to convert the dwelling into three dwelling units.

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

- Chapter 10.5.40.60.(7), By-law 569-2013**
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line. The eaves will project 0.10 m and will be located 0.10 m from the west side lot line.
- Chapter 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted lot coverage is 35% of the lot area (57.28 m²). The lot coverage will be 38.8% of the lot area (63.5 m²).
- Chapter 10.20.40.10.(4)(A), By-law 569-2013**
The maximum permitted building height is 7.2 m. The converted dwelling will have a building height of **8.99 m**.
- Chapter 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.75 times the area of the lot (122.75 m²). The converted dwelling will have a floor space index equal to 1.15 times the area of the lot (188.5 m²).
- Chapter 10.20.40.50.(1)(A), By-law 569-2013**
The maximum permitted number of platforms at or above the second-storey located on a rear wall of a detached house is one. In this case, the number of platforms at or above the second-storey located on the rear wall will be two.

6. **Chapter 10.20.40.70.(3)(B), By-law 569-2013**
The minimum required side yard setback is 0.9 m.
The converted dwelling will be located 0.66 m from the east side lot line.
7. **Chapter 10.20.40.10.(4)(C), By-law 569-2013**
The maximum permitted number of storeys is two.
In this case, the converted dwelling will be three storeys.
8. **Chapter 10.20.40.50.(1)(B), By-law 569-2013**
The maximum permitted area of each platform at or above the second-storey of a detached house is 4.0 m².
The rear second-storey balcony will have an area of 7.94 m².
9. **Chapter 10.20.40.50.(1)(B), By-law 569-2013**
The maximum permitted area of each platform at or above the second-storey of a detached house is 4.0 m².
The rear third-storey balcony will have an area of 6.35 m².
10. **Chapter 150.10.20.1.(2), By-law 569-2013**
A secondary suite is a permitted use provided that within a detached house, each dwelling unit may have a maximum of one secondary suite.
In this case, there will be two secondary suites in the detached dwelling.
11. **Chapter 150.10.40.1.(3)(A), By-law 569-2013**
A secondary suite is 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.
In this case, the additions will alter a main wall and roof that face a street.
12. **Chapter 200.5.10.1.(1), By-law 569-2013**
The minimum required number of parking spaces is 3.
In this case, 1 parking space will be provided.
1. **Section 7.4.3, By-law 6752**
The maximum permitted height is 8.5 m.
The converted dwelling will have a building height of **8.99 m**.
2. **Section 7.4.3, By-law 6752**
The maximum permitted floor space index is 0.75 times the area of the lot (122.75 m²).
The converted dwelling will have a floor space index equal to 1.15 times the area of the lot (188.5 m²).
3. **Section 7.4.3, By-law 6752**
The minimum required front yard setback is 6.0 m.
The converted dwelling will be located 3.99 m from the north front lot line.
4. **Section 7.4.3, By-law 6752**
The maximum permitted lot coverage is 35% of the lot area (57.28 m²).
The lot coverage will be 45.6% of the lot area (74.7 m²).
5. **Section 7.4.3, By-law 6752**
The minimum required number of parking spaces is 3.
In this case, 1 parking space will be provided.

6. Section 7.4.3, By-law 6752

The minimum required west side yard setback is 0.60 m.

The converted dwelling will be located 0.20 m from the west side lot line.

7. Section 7.1.3, By-law 6752

The maximum permitted additional dwelling units permitted within one-family detached dwelling is one.

In this case, the number of additional dwelling units within the one-family detached dwelling will be two.

8. Section 7.1.3(e), By-law 6752

A secondary suite is 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.

In this case, the additions will alter a main wall and roof that face a street.

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.