

Thursday, June 23, 2016

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

File Number:	A367/16EYK	Zoning:	R & R1S Z0.6
Owner(s):	JOHN ALPEZA DIANA LINDA ALPEZA	Ward:	Parkdale-High Park (13)
Agent:	JOHN ALPEZA	Heritage:	Not Applicable
Property Address:	86 DEFOREST RD	Community:	
Legal Description:	PLAN 551 BLK H LOT 24		

Notice was given and a Public Hearing was held on Thursday, June 23, 2016, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and to maintain an as-built ancillary building/accessory structure (treehouse) in the rear yard.

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

- Section 10.10.60.70.(1), By-law 569-2013**
The maximum permitted lot coverage for an ancillary building or structure is 5% of the lot area (13.39 m²).
The existing as-built ancillary building (tree house) and the existing shed cover 17.05% of the lot area (45.67 m²).
- Section 6(3) Part I 2, By-law 438-86**
The maximum permitted floor area of an accessory building or structure is 0.05 times the lot area (13.39 m²).
The existing as-built accessory structure (tree house) has a floor area equal to 0.064 times the area of the lot (17.12 m²).
- Section 6(3) Part II 7(I), By-law 438-86**
The minimum required side yard setback for an accessory structure is 3 m from all lot lines.
The existing as-built ancillary building/accessory structure (tree house) is located 0.3 m from the west side lot line and 1.55 m from the east side lot line measured to the easterly most portion of a prow extension beyond the deck.
- Section 6(3) Part II 7(II).A, By-law 438-86**
The minimum required setback of an accessory structure to an adjacent building is 4.5 m.
The existing as-built accessory structure (tree house) is located 3.57 m to the adjacent building measured from the east side of the easterly most portion of the prow extension beyond the deck to the north/west corner of the existing house at 84 Deforest Road.

- 5. Section 10.5.60.40.(2)(B), By-law 569-2013 and Section 4(2)(d), By-law 438-86**
The maximum permitted height of an ancillary building or structure is 4 m.
The existing as-built ancillary building/accessory structure (tree house) has a height of 5.15 m to the top of the roof and an additional 0.94 m in height measured to the top of the flag pole mast.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

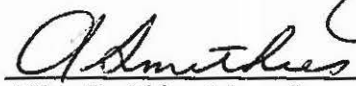
The Minor Variance Application is Refused

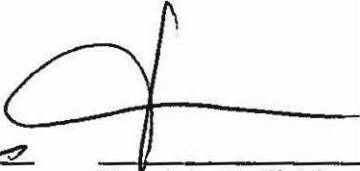
It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:


- 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.

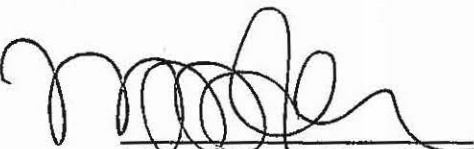
SIGNATURE PAGE


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Allan Smithies (signed)


Dominic Gulli (signed)


Edwin (Ted) Shepherd
(signed)



Megan McIver (signed)


Nathan Muscat (signed)

DATE DECISION MAILED ON: Thursday, June 30, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, July 13, 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.

