



City Planning Division

Committee of Adjustment
Toronto and East York District

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Toronto, Ontario M5H 2N2
Tel: 416-392-7565
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**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number:	A0233/16TEY	Zoning	RD (f6.0; a185; d0.75) & RIC (BLD)
Owner(s):	MINO ENOWAKI TAKESHI ENOWAKI	Ward:	Beaches-East York (31)
Agent:	MICHAEL BAYTMAN	Heritage:	Not Applicable
Property Address:	49 ORLEY AVE	Community:	East York
Legal Description:	PLAN 1770 LOT 185		

Notice was given and a Public Hearing was held on **Thursday, June 9, 2016**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and maintain the existing secondary suite and address as-built variations to the two-storey detached dwelling from the approved building permit plans issued under building permit "14 186575 BLD" which include: the building height, the front porch, the rear ground floor deck, the rear detached garage, and the rear basement walkout.

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

- 1. Chapter 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. In this case, the front wall and roof facing Orley Ave. will be altered.
- 2. Chapter 10.20.30.40.(1)(A), By-law 569-2013**
The maximum permitted lot coverage is 35% of the area of the lot (81.28 m²).
The altered detached dwelling will have a lot coverage equal to 45.17% of the area of the lot (104.90 m²).
- 3. Chapter 10.20.40.10.(4)(A), By-law 569-2013**
The maximum permitted height is 7.2 m.
The altered detached dwelling will have a height of 7.45 m.
- 4. Chapter 10.20.40.10.(6), By-law 569-2013**
The maximum permitted height of the first floor above established grade is 1.2 m.
The first floor of the altered detached dwelling will have a height of 1.53 m. above established grade.
- 5. Chapter 10.5.50.10.(3)(A), By-law 569-2013**
A minimum of 50% of the rear yard must be maintained as soft landscaping (47.98 m²).
In this case, 36.03 % of the rear yard will be maintained as soft landscaping (34.57 m²).

6. **Chapter 10.5.40.60.(3)(A)(iii), By-law 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m.
In this case, the stairs will be located 0.35 m from the north front lot line.
7. **Chapter 200.5.10.1.(1), By-law 569-2013**
The minimum required number of parking spaces is two.
In this case, one parking space will be provided.
1. **Section 7.4.3, By-law 6752**
The maximum permitted lot coverage is 35% of the area of the lot (81.28 m²)
The altered detached dwelling will have a lot coverage equal to 45.17% of the area of the lot (104.90 m²).
2. **Section 7.4.3, By-law 6752**
The minimum required number of parking spaces is two
In this case, one parking space will be provided.
3. **Section 7.1.4, By-law 6752**
The minimum required driveway width is 2.60 m.
In this case, the driveway will have a width of 2.15 m.
4. **Section 7.1.3.(e), By-law 6752**
A second suite is permitted if there is no addition or substantial alteration to the exterior appearance of the front of the dwelling.
In this case, the additions will alter the appearance of the front of the detached dwelling.
5. **Section 5.6.(b)(ii), By-law 6752**
Steps or stairs required for access to the first storey of a building may encroach into any yard, provided such steps or stairs shall be set back a minimum of 1.5 m from any lot line adjacent to the street.
The front stairs of the altered detached dwelling will be located 0.35 m from the north front lot line.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

- (1) The lot coverage of the proposed detached dwelling exclusive of any detached accessory structures be no greater than 35.1% of the lot area under Zoning By-law 6752 and 569-2013.
- (2) The applicant shall remove the detached garage in the rear yard.

SIGNATURE PAGE

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DISSENTED

DISSENTED

Robert Brown

Edmund Carlson (signed)

Ewa Modlinska

Nancy Oomen (signed)

Worrick Russell (signed)

DATE DECISION MAILED ON: **Wednesday, June 15, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Wednesday, June 29, 2016**

CERTIFIED TRUE COPY

Sylvia Mullaste
Acting 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.

