



City Planning Division

Committee of Adjustment
Toronto and East York District

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Toronto, Ontario M5H 2N2
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NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)

File Number:	A0821/16TEY	Zoning:	R (d0.6)(x843) & R2 Z0.6 (BLD)
Owner(s):	2405324 ONTARIO INC.	Ward:	Toronto Centre-Rosedale (27)
Agent:	NICHOLAS ANCERL	Heritage:	Not Applicable
Property Address:	46 SHAFTESBURY AVE (PART 3)	Community:	Toronto
Legal Description:	PLAN 662 PT LOT A & 14		

Notice was given and a Public Hearing was held on **Wednesday, November 2, 2016**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with an integral garage.

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

- Chapter 10.5.40.70 (2), By-law 569-2013**
The minimum required setback of a building or structure from the original centreline of a lane is 2.5 m.
The new dwelling will be located 2.44 m from the centreline of the lane.
 - Chapter 10.10.40.70.(3)(A)(i), By-law 569-2013**
The minimum required side yard setback for a detached dwelling is 0.9 m.
The new detached dwelling will be located 0.04 m from the west side lot line and 0.45 m from the east side lot line.
 - Chapter 10.10.40.30 (1)(A), By-law 569-2013**
The permitted maximum building depth is 17.0 m.
OMB Decision PL141360 permitted a building depth of 41.44 m.
The new dwelling will have a building depth of 45.72 m.
- Section 6(3) Part II 3(i), By-law 438-86**
The minimum required side lot line setback from the side wall of an adjacent building that does not contain any openings is 0.9 m.
The new dwelling will be setback 0.65 m from the side wall of the adjacent building at 42A Shaftesbury Avenue.

2. Section 6(3) Part II 3.B(I), By-law 438-86

The minimum required side yard setback for the portion of the building exceeding a depth of 17.0 m is 7.5 m.

OMB Decision PL141360 permitted a 4.6 m setback to the east side lot.

The new detached dwelling will be located 0.45 m from the east side lot line.

3. Section 6(3) Part II 4, By-law 438-86

The minimum required rear yard setback is 7.5 m.

OMB Decision PL141360 permitted a 3.66 m setback to the rear lot line.

The new detached dwelling will be located 0.04 m measured from the rear lot line.

4. Section 6(1) 1(a), By-law 438-86

A parking stacker is not a permitted use in a district zoned R2.

In this case, a parking stacker will be permitted.

5. Section 4(14) (a) (ii), By-law 438-86

The minimum required setback from the centre of a public lane is 2.5 m.

The new dwelling will be located 2.44 m from the centre of the public lane.

Applications B0057/16TEY, A0819/16TEY, A0820/16EY, and A0821/16TEY are considered jointly.

The Committee of Adjustment considered any written and oral submissions in making its decision. For a list of submissions, please refer to the minutes.

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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Nancy Oomen (signed)

Edmund Carlson (signed)

Ewa Modlinska (signed)

Worrick Russell (signed)

DATE DECISION MAILED ON: **Tuesday, November 8, 2016**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, November 22, 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 \$300.00, 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.