

Thursday, June 29, 2017

## NOTICE OF DECISION

### CONSENT

(Section 53 of the Planning Act)

File Number:	B0018/17EYK	Zoning	RD & RS
Owner(s):	JULIEN SEBASTIAN NEMA	Ward:	Etobicoke-Lakeshore (06)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>38 THIRTY SIXTH ST</b>	Community:	
Legal Description:	PLAN 2180 LOT 124		

Notice was given and the application considered on Thursday, June 29, 2017, as required by the Planning Act.

#### THE CONSENT REQUESTED:

To obtain consent to sever the property into two undersized residential lots.

#### Retained - Part 1

Address to be assigned

The lot frontage will be 7.62 m and the lot area will be 306.59 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A0234/17EYK.

#### Conveyed - Part 2

Address to be assigned

The lot frontage will be 7.62 m and the lot area will be 306.59 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A0233/17EYK.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

#### The Consent Application is Refused

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division is premature.
- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.

## SIGNATURE PAGE

File Number:	B0018/17EYK	Zoning	RD & RS
Owner(s):	JULIEN SEBASTIAN NEMA	Ward:	Etobicoke-Lakeshore (06)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>38 THIRTY SIXTH ST</b>	Community:	
Legal Description:	PLAN 2180 LOT 124		

\_\_\_\_\_  
Allan Smithies (signed)

\_\_\_\_\_  
Douglas Colbourne (signed)

\_\_\_\_\_  
Edwin (Ted) Shepherd (signed)

DATE DECISION MAILED ON: Friday, July 7, 2017

LAST DATE OF APPEAL: Thursday, July 27, 2017

CERTIFIED TRUE COPY

Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

### Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Ontario Municipal Board (OMB) for the same matter.

### TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

- a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD
- \$300 for each appeal filed regardless if related and submitted by the same appellant
- Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

#### **ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS**

To appeal this decision to the OMB you need the following:

- a completed OMB Appellant Form (A1) in **paper format**
- \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
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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).

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the [Application Information Centre](#) and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.

**NOTE:** Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Thursday, June 29, 2017

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

File Number:	A0233/17EYK	Zoning	RD & RS
Owner(s):	JULIEN SEBASTIAN NEMA	Ward:	Etobicoke-Lakeshore (06)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>38 THIRTY SIXTH ST – PART</b>	Community:	
	<b>2</b>		

Legal Description: PLAN 2180 LOT 124

Notice was given and a Public Hearing was held on Thursday, June 29, 2017, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an integral garage.

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 330-23 (A)(2)**  
The minimum required lot frontage is 12 m.  
The lot will have a frontage of 7.62 m.
- 2. Section 10.20.30.10.(1)(A), By-law 569-2013**  
The minimum required lot area is 370 m<sup>2</sup>.  
**Section 330-23(A)(1)**  
The minimum required lot area is 371 m<sup>2</sup>.  
**Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 330-23(A)(1)**  
The lot will have an area of 306.6 m<sup>2</sup>.
- 3. Section 10.20.40.40.(1)(A), By-law 569-2013 and Section 330-23(A)(9)**  
The maximum permitted floor space index/gross floor area is 0.35 times the area of the lot (107.3 m<sup>2</sup>).  
The proposed floor space index/gross floor area will be 0.69 times the area of the lot (210.6 m<sup>2</sup>).

4. **Section 10.20.40.70.(3)(C), By-law 569-2013**  
The minimum required side yard setback is 1.2 m.  
**Section 330-23(A)(7)**  
The minimum required side yard setback is 0.9 m.  
**Section 10.20.40.70.(3)(C), By-law 569-2013 and Section 330-23(A)(7)**  
The proposed dwelling will be located 0.61 m from the south side lot line and 0.91 m from the north side lot line.
5. **Section 10.5.40.60.(7), By-law 569-2013**  
The minimum required side yard setback for eaves is 0.3 m from a lot line.  
**Section 330-13(A)(2)**  
The minimum required side yard setback for eaves is 0.5 m from a lot line.  
**Section 10.5.40.60.(7), By-law 569-2013 and Section 330-13(A)(2)**  
The proposed eaves will be located 0.2 from the south side lot line.
6. **Section 10.20.40.10.(2)(A)(i), By-law 569-2013**  
The maximum permitted front exterior main wall height is 7 m.  
The proposed dwelling will have a front exterior main wall height of 8.13 m.
7. **Section 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 new dwelling will have a first floor height of 2.9 m above established grade.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **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:	A0233/17EYK	Zoning	RD & RS
Owner:	JULIEN SEBASTIAN NEMA	Ward:	Etobicoke-Lakeshore (06)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>38 THIRTY SIXTH ST – PART 2</b>	Community:	
Legal Description:	PLAN 2180 LOT 124		

\_\_\_\_\_  
Allan Smithies (signed)

\_\_\_\_\_  
Dominic Gulli (signed)

\_\_\_\_\_  
Douglas Colbourne (signed)

\_\_\_\_\_  
Edwin (Ted) Shepherd  
(signed)

DATE DECISION MAILED ON: Friday, July 7, 2017

LAST DATE OF APPEAL: Wednesday, July 19, 2017

CERTIFIED TRUE COPY

Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

**Appeal Information**

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Ontario Municipal Board (OMB) for the same matter.

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Thursday, June 29, 2017

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

File Number:	A0234/17EYK	Zoning	RD & RS
Owner(s):	JULIEN SEBASTIAN NEMA	Ward:	Etobicoke-Lakeshore (06)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>38 THIRTY SIXTH ST – PART</b>	Community:	
	<b>1</b>		

Legal Description: PLAN 2180 LOT 124

Notice was given and a Public Hearing was held on Thursday, June 29, 2017, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an integral garage.

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

- Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 330-23 (A)(2)**  
The minimum required lot frontage is 12 m.  
The lot will have a frontage of 7.62 m.
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The proposed dwelling will have a front exterior main wall height of 8 m.
7. **Section 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 new dwelling will have a first floor height of 2.77 m above established grade.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

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## SIGNATURE PAGE

File Number:	A0234/17EYK	Zoning	RD & RS
Owner:	JULIEN SEBASTIAN NEMA	Ward:	Etobicoke-Lakeshore (06)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>38 THIRTY SIXTH ST – PART 1</b>	Community:	
Legal Description:	PLAN 2180 LOT 124		

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Allan Smithies (signed)

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Dominic Gulli (signed)

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Douglas Colbourne (signed)

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Edwin (Ted) Shepherd  
(signed)

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