

Thursday, November 3, 2016

**NOTICE OF DECISION**  
**CONSENT**  
**(Section 53 of the Planning Act)**

File Number:	B0050/16EYK	Zoning	RD & R2
Owner(s):	OFELIA NEMA	Ward:	Etobicoke-Lakeshore (05)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>3 ORCHARD CRES</b>	Community:	
Legal Description:	PLAN 2999 PT LOT 10 CON 2M PT LOT 14		

Notice was given and the application considered on Thursday, November 3, 2016, 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 is 10.67 m and the lot area is 401 m<sup>2</sup>. The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0552/16EYK.

**Conveyed - Part 2**

**Address to be assigned**

The lot frontage is 10.67 m and the lot area is 398.3 m<sup>2</sup>. The existing dwelling will be demolished and the property will be developed as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0553/16EYK.

**File Numbers B0050/16EYK, A0552/16EYK AND A0553/16EYK will be considered jointly.**

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:	B0050/16EYK	Zoning	RD & R2
Owner(s):	OFELIA NEMA	Ward:	Etobicoke-Lakeshore (05)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>3 ORCHARD CRES</b>	Community:	
Legal Description:	PLAN 2999 PT LOT 10 CON 2M PT LOT 14		

\_\_\_\_\_  
Michael Clark (signed)

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

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

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

DATE DECISION MAILED ON: Thursday, November 10, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Thursday, December 1, 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 \$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](http://www.omb.gov.on.ca).

**NOTE:** Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. 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, November 3, 2016

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

File Number:	A0552/16EYK	Zoning	RD & R2
Owner(s):	OFELIA NEMA	Ward:	Etobicoke-Lakeshore (05)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>3 ORCHARD CRES – PART 1</b> Community:		
Legal Description:	PLAN 2999 PT LOT 10 CON 2M PT LOT 14		

Notice was given and a Public Hearing was held on Thursday, November 3, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an attached garage.

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

- Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 320-59.(B)(1)**  
The minimum required lot area is 510 m<sup>2</sup>.  
The new lot area will be 401 m<sup>2</sup>.
- Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 320-59.(A)(1)**  
The minimum required lot frontage is 13.5 m.  
**Section 10.20.30.20.(1)(A), By-law 569-2013**  
The new lot frontage will be 10.67 m.  
**Section 320-59.(A)(1)**  
The new lot frontage will be 10.79 m.
- Section 10.20.30.40.(1)(A), By-law 569-2013 and Section 320-59.C.**  
The maximum permitted lot coverage is 33% of the lot area (132.3 m<sup>2</sup>).  
The new dwelling will cover 36.6% of the lot area (146.8 m<sup>2</sup>).
- Section 900.3.10.(18)(E), By-law 569-2013 and Section 1.b)(1), By-law 1992-22**  
The maximum permitted gross floor area is 185 m<sup>2</sup>.  
The new dwelling will have a gross floor area of 269.6 m<sup>2</sup>.
- Section 900.3.10.(18)(F)(i), By-law 569-2013 and Section 1.c)(1), By-law 1992-22**  
The minimum required side yard setback is 0.9 m, provided the aggregate is not less than 2.1 m.  
The altered dwelling will be located 0.46 m from the north side lot line with a total aggregate side yard width of 1.38 m.
- Section 900.3.10.(18)(A), By-law 569-2013 and Section 1.a)(1), By-law 1992-22**  
The maximum permitted dwelling height is 8.5 m.  
The new dwelling will have a height of 8.99 m.
- Section 900.3.10.(18)(B)(i), By-law 569-2013**  
The maximum permitted wall height is 6 m.  
The new dwelling will have a wall height of 6.56 m.

8. **Section 1.a)(2), By-law 1992-22**  
The maximum permitted soffit height is 6 m.  
The new dwelling will have a soffit height of 6.74 m.
9. **Section 10.5.40.60.(7), By-law 569-2013**  
The minimum required side yard setback for eaves is 0.3 m.  
**Section 320-41(D)**  
The minimum required side yard setback for eaves is 0.4 m.  
**Section 10.5.40.60.(7), By-law 569-2013 & Section 320-41(D)**  
The eaves of the new dwelling will be located 0.15 m from the north side lot line.

**File Numbers B0050/16EYK, A0552/16EYK AND A0553/16EYK will be considered jointly.**

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:	A0552/16EYK	Zoning	RD & R2
Owner:	OFELIA NEMA	Ward:	Etobicoke-Lakeshore (05)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>3 ORCHARD CRES – PART 1</b>	Community:	
Legal Description:	PLAN 2999 PT LOT 10 CON 2M PT LOT 14		

\_\_\_\_\_  
Michael Clark (signed)

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

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

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

DATE DECISION MAILED ON: Thursday, November 10, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, November 23, 2016

CERTIFIED TRUE COPY

Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

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Thursday, November 3, 2016

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

File Number:	A0553/16EYK	Zoning	RD & R2
Owner(s):	OFELIA NEMA	Ward:	Etobicoke-Lakeshore (05)
Agent:	GABRIELE GUIDUCCI	Heritage:	Not Applicable
Property Address:	<b>3 ORCHARD CRES – PART 2</b> Community:		
Legal Description:	PLAN 2999 PT LOT 10 CON 2M PT LOT 14		

Notice was given and a Public Hearing was held on Thursday, November 3, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an attached garage.

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

- Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 320-59.(B)(1)**  
The minimum required lot area is 510 m<sup>2</sup>.  
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The new lot frontage will be 10.67 m.  
**Section 320-59.(A)(1)**  
The new lot frontage will be 10.8 m.
- Section 10.20.30.40.(1)(A), By-law 569-2013 and Section 320-59.C.**  
The maximum permitted lot coverage is 33% of the lot area (131.4 m<sup>2</sup>).  
The new dwelling will cover 36.4% of the lot area (145.1 m<sup>2</sup>).
- Section 900.3.10.(18)(E), By-law 569-2013 and Section 1.b)(1), By-law 1992-22**  
The maximum permitted gross floor area is 185 m<sup>2</sup>.  
The new dwelling will have a gross floor area of 269.1 m<sup>2</sup>.
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The minimum required side yard setback is 0.9 m, provided the aggregate is not less than 2.1 m.  
The altered dwelling will be located 0.46 m from the south side lot line with a total aggregate side yard width of 1.38 m.
- Section 900.3.10.(18)(B)(i), By-law 569-2013**  
The maximum permitted wall height is 6 m.  
The new dwelling will have a wall height of 6.71 m.
- Section 1.a)(2), By-law 1992-22**  
The maximum permitted soffit height is 6 m.  
The new dwelling will have a soffit height of 6.71 m.

**8. Section 10.5.40.60.(7), By-law 569-2013**

The minimum required side yard setback for eaves is 0.3 m.

**Section 320-41(D)**

The minimum required side yard setback for eaves is 0.4 m.

**Section 10.5.40.60.(7), By-law 569-2013 & Section 320-41(D)**

The eaves of the new dwelling will be located 0.15 m from the south side lot line.

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