

Thursday, November 3, 2016

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

File Number:	B0055/16EYK	Zoning:	RD & RS
Owner(s):	DANIEL FABRIZI	Ward:	Etobicoke-Lakeshore (06)
	GABRIELLA FABRIZI		
Agent:	AMBIENT DESIGNS LTD	Heritage:	Not Applicable
Property Address:	40 THIRTY SEVENTH ST	Community:	
Legal Description:	PLAN 2180 LOT 61 PT LOT 60		

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 7.93 m and the lot area is 328.15 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0604/16EYK.

Conveyed - Part 2

Address to be assigned

The lot frontage is 7.93 m and the lot area is 328.27 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0605/16EYK.

File Numbers B055/16EYK, A0604/16EYK AND A0605/16EYK 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:	B0055/16EYK	Zoning	RD & RS
Owner(s):	DANIEL FABRIZI	Ward:	Etobicoke-Lakeshore (06)
	GABRIELLA FABRIZI		
Agent:	AMBIENT DESIGNS LTD	Heritage:	Not Applicable
Property Address:	40 THIRTY SEVENTH ST	Community:	
Legal Description:	PLAN 2180 LOT 6I PT LOT 60		

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.

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:	A0604/16EYK	Zoning:	RD & RS
Owner(s):	DANIEL FABRIZI GABRIELLA FABRIZI	Ward:	Etobicoke-Lakeshore (06)
Agent:	AMBIENT DESIGNS LTD	Heritage:	Not Applicable
Property Address:	40 THIRTY SEVENTH ST – PART 1	Community:	
Legal Description:	PLAN 2180 LOT 6I PT LOT 60		

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**
The minimum required lot area is 370 m².
Section 330-23.(A)(1)
The minimum required lot area is 371 m².
Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 330-23.(A)(1)
The new lot area will be 328.3 m².
- 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 new lot frontage will be 7.93 m.
- Section 10.20.40.40.(1)(A), By-law 569-2013 and Section 330-23.(A)(9)**
The maximum permitted floor space index is 0.35 times the area of the lot (115 m²).
The new dwelling will have a floor space index of 0.69 times the area of the lot (227.7 m²).
- 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 new dwelling will be located 0.96 m from the north side lot line and 0.52 m from the south side lot line.
- Section 10.20.40.10.(2)(A)(i), By-law 569-2013**
The maximum permitted height of all front exterior main walls is 7 m.
The new dwelling will have a front exterior main wall height of 7.94 m.
- 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 2.7 m above established grade.

7. **Section 10.20.40.20.(1), By-law 569-2013**
The maximum permitted building length is 17 m.
The new dwelling will have a length of 17.7 m.
8. **Section 10.5.40.60.(7), By-law 569-2013**
The minimum required eaves setback 0.3 m.
Section 330-13.A.(2)
The minimum required eaves setback is 0.5 m.
Section 10.5.40.60.(7), By-law 569-2013 and Section 330-13.A.(2)
The eaves of the new dwelling will be located 0.1 m from the south side lot line.

File Numbers B055/16EYK, A0604/16EYK AND A0605/16EYK 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:	A0604/16EYK	Zoning	RD & RS
Owner:	DANIEL FABRIZI GABRIELLA FABRIZI	Ward:	Etobicoke-Lakeshore (06)
Agent:	AMBIENT DESIGNS LTD	Heritage:	Not Applicable
Property Address:	40 THIRTY SEVENTH ST – PART 1	Community:	
Legal Description:	PLAN 2180 LOT 61 PT LOT 60		

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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