

Thursday, May 4, 2017

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

File Number:	B11/16EYK	Zoning	RD & RS
Owner(s):	ROOZBUILT LTD	Ward:	Etobicoke-Lakeshore (06)
Agent:	ATA ARCHIECTS INC	Heritage:	Not Applicable
Property Address:	9 THIRTY EIGHTH ST	Community:	
Legal Description:	PLAN 2155 LOT 120		

Notice was given and the application considered on Thursday, May 4, 2017, as required by the Planning Act.

THE CONSENT REQUESTED:

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

Retained - Part 2

Address to be assigned

The lot frontage is 7.62 m and the lot area is 304 m². The existing dwelling will be demolished and the property will be redeveloped as the site of the a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A96/16EYK.

Conveyed - Part 1

Address to be assigned

The lot frontage is 7.62 m and the lot area is 304 m². The existing dwelling will be demolished and the property will be redeveloped as the site of the a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A95/16EYK.

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 Approved on Condition

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the creation of new lots as shown on the attached plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office within ONE YEAR of the date of this Decision:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Engineering Services, Engineering and Construction Services. Contact: John Fligg @ (416) 338-5031 or Elizabeth Machynia @ (416) 338-5029.
3. The applicant shall satisfy all conditions concerning City/Private owned trees, to the satisfaction of Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of Urban Forestry Services.
5. **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, of Property Records, at 416 392-8338; jhouse@toronto.ca
6. **An electronic copy of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services, shall be filed with the Committee of Adjustment.
7. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare and submit for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act*, as it pertains to the conveyed land and/or consent transaction.

SIGNATURE PAGE

File Number:	B11/16EYK	Zoning	RD & RS
Owner(s):	ROOZBUILT LTD	Ward:	Etobicoke-Lakeshore (06)
Agent:	ATA ARCHIECTS INC	Heritage:	Not Applicable
Property Address:	9 THIRTY EIGHTH ST	Community:	
Legal Description:	PLAN 2155 LOT 120		

Allan Smithies (signed)

Dominic Gulli (signed)

Edwin (Ted) Shepherd (signed)

Michael Clark (signed)

DATE DECISION MAILED ON: Friday, May 12, 2017

LAST DATE OF APPEAL: Thursday, June 1, 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)

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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
- Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

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.

***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, May 4, 2017

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

File Number:	A95/16EYK	Zoning	RD & RS
Owner(s):	ROOZBUILT LTD	Ward:	Etobicoke-Lakeshore (06)
Agent:	ATA ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	9 THIRTY EIGHTH ST PART 1	Community:	

Legal Description: PLAN 2155 LOT 120

Notice was given and a Public Hearing was held on Thursday, May 4, 2017, 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 10.20.30.20.(1)(A), By-law 569-2013 & Section 330-23.A.(2)**
The minimum required lot frontage is 12 m.
The lot frontage will be 7.62 m.
- 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 & Section 330-23.A.(1)
The lot area will be 304.11 m².
- Section 10.20.40.40.(1)(A), By-law 569-2013 & Section 330-23.A.(9)**
The maximum permitted floor space index is 0.35 times the lot area (106.4 m²).
The proposed dwelling will have a floor space index of 0.56 times the lot area (170.5 m²).
- Section 10.20.40.70.(1), By-law 569-2013 & Section 330-23.A.(6)**
The minimum required front yard setback is 14.36 m.
The proposed dwelling will be located 11.06 m from the front lot line.
- 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 & Section 330-23.A.(7)
The proposed dwelling will be located 0.6 m from the south side lot line.

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 Approved on Condition

It is the decision of the Committee of Adjustment to authorize 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 applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B11/16EYK**.
2. Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583, subject to changes.
3. The applicant shall submit an application for permit to injure or remove trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article III.
4. The applicant shall submit an application for permit to injure or remove City trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article II.
5. The applicant shall submit one revised site plan (scale of 1:200 or 1:250) illustrating the requirements specified in following points to the satisfaction of the Engineering and Construction Services Division and Transportation Services, at no cost to the City;
 - 5.1 Illustrate the proposed driveway for each detached dwelling as having a positive slope of 2% to 5% within the Thirty Eighth Street municipal boulevard;
 - 5.2 Illustrate the City of Toronto Design Standard Drawing No. T-600.11-1 for the existing depressed curb that will be reinstated with raised concrete curb along the curb line of Thirty Eighth Street on the Part I lot; and,
 - 5.3 Insert an advisory notation on the site plan stating that, "The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant shall also submit a Municipal Road Damage Deposit prior to obtaining a Building Permit." The applicant is advised to contact Ms. Joanne Vecchiarelli of the Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements.

SIGNATURE PAGE

File Number:	A95/16EYK	Zoning	RD & RS
Owner:	ROOZBUILT LTD	Ward:	Etobicoke-Lakeshore (06)
Agent:	ATA ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	9 THIRTY EIGHTH ST PART 1	Community:	
Legal Description:	PLAN 2155 LOT 120		

Allan Smithies (signed)

Dominic Gulli (signed)

Edwin (Ted) Shepherd
(signed)

Michael Clark (signed)

DATE DECISION MAILED ON: Friday, May 12, 2017

LAST DATE OF APPEAL: Wednesday, May 24, 2017

CERTIFIED TRUE COPY

Susanne Pringle
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

Appeal Information

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Thursday, May 4, 2017

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

File Number:	A96/16EYK	Zoning:	RD & RS
Owner(s):	ROOZBUILT LTD	Ward:	Etobicoke-Lakeshore (06)
Agent:	ATA ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	9 THIRTY EIGHTH ST PART 2	Community:	

Legal Description: PLAN 2155 LOT 120

Notice was given and a Public Hearing was held on Thursday, May 4, 2017, 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 10.20.30.20.(1)(A), By-law 569-2013 & Section 330-23.A.(2)**
The minimum required lot frontage is 12 m.
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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 & Section 330-23.A.(7)
The proposed dwelling will be located 0.6 m from the north side lot line.

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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Agent:	ATA ARCHITECTS INC	Heritage:	Not Applicable
Property Address:	9 THIRTY EIGHTH ST PART 2	Community:	
Legal Description:	PLAN 2155 LOT 120		

Allan Smithies (signed)

Dominic Gulli (signed)

Edwin (Ted) Shepherd
(signed)

Michael Clark (signed)

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