



City Planning Division

Committee of Adjustment  
Toronto and East York District

100 Queen Street West, 1<sup>st</sup> Floor  
Toronto, Ontario M5H 2N2  
Tel: 416-392-7565  
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**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION**  
**(Section 45 of the Planning Act)**

File Number:	A0110/17TEY	Zoning	R (f9.0; u2; d0.6) (x956) & R1S Z0.6 (ZZC)
Owner(s):	LINDA FORSYTHE GEORGE PRZYBYLOWSKI	Ward:	St. Paul's (22)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	29 FAIRFIELD RD	Community:	Toronto
Legal Description:	PLAN 639 PT LOT 28		

**PURPOSE OF THE APPLICATION:**

To construct a new two-storey detached dwelling with an integral garage, front porch, rear first floor deck, and a rear basement walkout.

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

- Chapter 10.5.40.10.(5), By-law 569-2013**  
A minimum of 10.0 m<sup>2</sup> of the first floor must be within 4.0 m of the front main wall.  
In this case, 7.29 m<sup>2</sup> of the first floor will be within 4.0 m of the front main wall.
- Chapter 10.10.40.10.(1)(A), By-law 569-2013**  
The maximum permitted building height is 9.0 m.  
The new detached dwelling will have a height of 9.24 m.
- Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7.0 m.  
The height of the side exterior main walls facing a side lot line will be 7.54 m.
- Chapter 10.10.40.40.(1)(A), By-law 569-2013**  
The maximum permitted floor space index of a detached dwelling is 0.60 times the area of the lot (187.26 m<sup>2</sup>).  
The new detached dwelling will have a floor space index equal to 0.676 times the area of the lot (211.1 m<sup>2</sup>).
- Chapter 10.5.40.70.(1), By-law 569-2013**  
The minimum required front yard setback is 8.02 m.  
The new detached dwelling will be located 7.07 m from the north front lot line.

1. **Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted gross floor area of a detached dwelling is 0.60 times the area of the lot (187.26 m<sup>2</sup>).  
The new detached dwelling will have a gross floor area equal to 0.676 times the area of the lot (211.1 m<sup>2</sup>).
2. **Section 6(3) Part II 2(II), By-law 438-86**  
The minimum required front yard setback is 8.02 m.  
The new detached dwelling will be located 7.07 m from the north front lot line.
3. **Section 6(3) Part II 3.B(II), By-law 438-86**  
The minimum required side lot line setback for the portion of a new detached dwelling not exceeding a depth of 17 m is 0.9 m.  
The portion of the new detached dwelling, not exceeding a depth of 17 m will be located 0.75 m from the east side lot line.
4. **Section 6(3) Part II 8 D (I), By-law 438-86**  
The maximum permitted height of an uncovered platform which projects into the required setbacks is 1.2 m above grade.  
The front porch will have a height of 1.24 m above grade, and the rear first floor deck will have a height of 2.36 m above grade for a maximum projection of 1.22 m from the rear exterior main wall and beyond that point the rear deck will have a height of 1.2 m above grade.
5. **Section 6(3) Part IV 3(II), By-law 438-86**  
An integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line, is not permitted.  
The new detached dwelling will have an integral below grade garage.

**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**

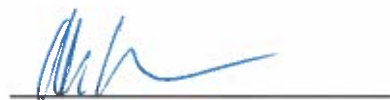
It is the decision of the Committee of Adjustment to refuse this variance application for the following reasons:

- 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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### DISSENTED



Alex Bednar



Michael Clark



Donald Granatstein



Carl Knipfel



Lisa Valentini

DATE DECISION MAILED ON: **MONDAY, JUNE 5, 2017**

LAST DATE OF APPEAL: **MONDAY, JUNE 19, 2017**

### CERTIFIED TRUE COPY



Anita M. MacLeod  
Manager & Deputy Secretary-Treasurer  
Committee of Adjustment, Toronto and East York District

## 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

- 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](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.