

Thursday, October 12, 2017

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

File Number:	A0480/17EYK	Zoning	R & R2 Z0.6
Owner(s):	ELIZABETH DE JONGE	Ward:	Davenport (17)
Agent:	RICHARD WENGLE ARCHITECT INC	Heritage:	Not Applicable
Property Address:	49 SPRINGMOUNT AVE - PARTS 2, 3 & 10	Community:	
Legal Description:	PLAN M312 PT LOT 31 PT LOT 32		

Notice was given and a Public Hearing was held on Thursday, October 12, 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:

- 1. Section 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.6 times the lot area (183.82 m²).
The proposed dwelling will have a floor space index of 1.27 times the lot area (388.75 m²).
- 2. Section 6(3) Part II 2 (iii), By-law 438-86**
The minimum required front yard setback is 13.76 m.
The proposed dwelling will be located 6.75 m from the front lot line.
- 3. Section 6(3) Part II 2(iii), By-law 438-86**
The minimum required front yard setback for a covered platform is 13.76 m.
The proposed portion of the covered platform will be located 13.54 m from the front lot line.
- 4. Section 6(3) Part II 2(iii), By-law 438-86**
The minimum required front yard setback for an uncovered platform is 13.76 m.
The proposed portion of the uncovered platform will be located 6.75 m from the front lot line.

5. **Section 10.10.40.70.(4)(A), By-law 569-2013**
The minimum required side yard setback is 0.45 m.
Section 6(3) Part II 3.B(I), By-law 438-86
The minimum required side yard setback is 0.45 m for that portion of the building not exceeding 17 m in depth, where the side wall contains no openings.
Section 10.10.40.70.(4)(A), By-law 569-2013 & Section 6(3) Part II 3.B(I), By-law 438-86
The proposed dwelling will be located 0.3 m from the west side lot line.
6. **Section 6(3) Part II 3.B(I), By-law 438-86**
The minimum required side yard setback is 7.5 m for that portion of the building exceeding 17 m in depth. The proposed dwelling will be located 0.3 m from the west side lot line and 0.92 m for the portion of the building exceeding 17 m in depth.
7. **Section 6(3) Part II 3(I), By-law 438-86**
The minimum required setback from the side wall of an adjacent building that contains no openings is 0.9 m.
The proposed dwelling will be located 0.6 m from the adjacent building to the west (Parts 4, 5, 11 & 12).
8. **Section 10.10.40.30.(1)(A), By-law 569-2013**
The maximum permitted dwelling depth is 17 m.
The proposed dwelling will have a depth of 25.71 m.
9. **Section 10.10.40.10.(6), By-law 569-2013**
The maximum permitted height of the first floor is 1.2 m above established grade.
The proposed dwelling will have a first floor height of 2.13 m above established grade.
10. **Section 10.10.40.10.(1)(A), By-law 569-2013 & Section 4(2)(a), By-law 438-86**
The maximum permitted dwelling height is 10 m.
Section 10.10.40.10.(1)(A), By-law 569-2013
The proposed dwelling will have a height of 14.82 m.
Section 4(2)(a), By-law 438-86
The proposed dwelling will have a height of 15.56 m.
11. **Section 10.5.50.10.(1)(D), By-law 569-2013**
A minimum of 75% of the front yard, not covered by a permitted driveway, shall be maintained as soft landscaping (19.38 m²).
A total of 61.14% of the front yard, not covered by a permitted driveway, will be maintained as soft landscaping (15.86 m²).
12. **Section 10.5.50.10.(1)(B), By-law 569-2013**
A minimum of 50% of the front yard shall be maintained as landscaping (25.84 m²).
A total of 34.4% of the front yard will be maintained as landscaping (17.78 m²).
13. **Section 10.5.40.60.(3)(A)(iii), By-law 569-2013**
Exterior stairs providing access to a building or structure may encroach into a required minimum building setback provided that they are not closer to a lot line than 0.6 m.
The proposed front stairs will be located 0.4 m from the front lot line and 0 m from west side lot line.

File numbers B0043/17EYK, B0044/17EYK, A0478/17EYK, A0479/17EYK and A0480/17EYK 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

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Allan Smithies (signed)

Dominic Gulli (signed)

Douglas Colbourne (signed)

Edwin (Ted) Shepherd
(signed)

DATE DECISION MAILED ON: Friday, October 20, 2017

LAST DATE OF APPEAL: Wednesday, November 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 on the signature page.

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.

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.