



City Planning Division

Committee of Adjustment
Toronto and East York District

100 Queen Street West, 1st Floor
Toronto, Ontario M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

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

File Number:	A0613/17TEY	Zoning	RD (f12.0; d0.65) & R1 Z0.65 (ZZC)
Owner(s):	KRISTINA JENNIE SMITH	Ward:	St. Paul's (21)
Agent:	MICHAEL GOLDBERG	Heritage:	Not Applicable
Property Address:	6 MILLBANK AVE	Community:	Toronto
Legal Description:	PLAN M408 PT LOT 27 PT LOT 28 PT LOT 33 PT LOT 34		

Notice was given and a Public Hearing was held on **Wednesday, September 27, 2017**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with an integral below grade garage. The first basement level is the closest to established grade and considered the first floor.

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

- Chapter 10.20.40.10.(1)(A), By-law 569-2013**
The maximum permitted building height is 11.0 m.
The new detached dwelling will have a height of 11.64 m.
- Chapter 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index of a detached dwelling is 0.65 times the area of the lot (205.07 m²).
The new detached dwelling will have a floor space index equal to 1.24 times the area of the lot (392.81 m²).
- Chapter 10.20.40.50.(1)(A), By-law 569-2013**
A maximum of one platform is permitted to be located on the rear wall at or above the second storey of a detached dwelling.
There will be three platforms located on the rear wall at or above the second storey of the new detached dwelling.
- Chapter 10.20.40.50.(1)(B), By-law 569-2013**
The maximum permitted area of each platform located at or above the second storey of a dwelling is 4.0 m².
The area of the front second floor deck will be 5.6 m².
- Chapter 10.20.40.70.(2)(A), By-law 569-2013**

The minimum required rear yard setback is 7.5 m.
The new detached dwelling will be located 6.57 m from the rear lot line.

6. **Chapter 10.20.40.70.(3)(C), By-law 569-2013**

The minimum required side yard setback is 1.2 m.
The new detached dwelling will be located 0.93 m from the north side lot line and 0.64 m from the south side lot line.

7. **Chapter 10.5.40.60.(1)(B), By-law 569-2013**

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach into the required front yard setback 1.5 m if it is no closer to a side lot line than the required side yard setback.
The front second floor deck will encroach 1.97 m into the required front yard setback.

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

Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.
The roof eaves will be located 0.22 m from the south side lot line.

9. **Chapter 10.5.80.40.(2), By-law 569-2013**

For an individual private driveway leading directly to the dwelling unit, the elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street.
In this case, the elevation of the lowest point of the vehicle entrance in the main wall of the building will be lower than the point where it intersects a lot line abutting a street.

10. **Chapter 10.20.40.10.(2)(B)(ii), By-law 569-2013**

The maximum permitted height of all side exterior main walls facing a side lot line is 8.5 m.
The height of the side exterior main walls facing a side lot line will be 11.45 m.

1. **Section 6(3) Part I 1, By-law 438-86**

The maximum permitted gross floor area of a detached dwelling is 0.65 times the area of the lot (205.07 m²).
The new detached dwelling will have a gross floor area equal to 0.99 times the area of the lot (313.91 m²).

2. **Section 6(3) Part II 2 (II), By-law 438-86**

The minimum required front yard setback of a building on an inside lot is 4.08 m.
The new detached dwelling will be located 2.11 m from the front lot line.

3. **Section 6(3) Part II 3(II), By-law 438-86**

The minimum required setback from the side wall of an adjacent building that contains openings is 1.2 m.
The new detached dwelling will be located 0.87 m from the side wall of the south adjacent building.

4. **Section 6(3) Part II 3.B(II), By-law 438-86**

The minimum required side lot line setback for the portion of a 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 0.64 m from the south side lot line.

5. **Section 6(3) Part II 3.B(II), By-law 438-86**
The minimum required side lot line setback for the portion of the building exceeding a depth of 17.0 m is 7.5 m.
The portion of the new detached dwelling exceeding the 17.0 m depth, will be located 0.91 m from the south side lot line and 1.64 m from the north side lot line.
6. **Section 6(3) Part II 4, By-law 438-86**
The minimum required rear yard setback is 7.5 m.
The new detached dwelling will be located 6.16 m from the rear lot line.
7. **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.
8. **Section 4(2)(a), By-law 438-86**
The maximum permitted building height is 11.0 m.
The new detached dwelling will have a height of 11.55 m.

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 **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

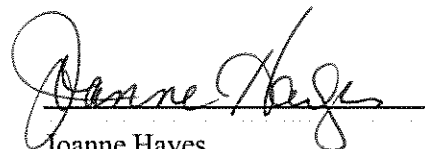
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Nancy Oomen



Edmund Carlson



Joanne Hayes



Ewa Modlinska

DATE DECISION MAILED ON: **TUESDAY, OCTOBER 3, 2017**

LAST DATE OF APPEAL: **TUESDAY, OCTOBER 17, 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 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.