



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

File Number:	A0752/17TEY	Zoning	R (d0.6)(x930) & R2 Z0.6 (ZZC)
Owner(s):	DAN KLIGMAN SVETLANA KLIGMAN	Ward:	St. Paul's (22)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	401 BALLIOL ST	Community:	Toronto
Legal Description:	PLAN M5 E PT LOT 57		

Notice was given and a Public Hearing was held on **Wednesday, October 25, 2017**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral garage, a rear basement walkout, and a rear stair and platform structure.

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

- Chapter 10.5.40.10.(5), By-law 569-2013**
A minimum of 10 m² of the first floor must be within 4.0 m of the front main wall.
In this case, 7.2 m² of the first floor will be within 4.0 m of the front main wall.
- Chapter 10.5.100.1.(C)(iii), By-law 569-2013**
The maximum permitted driveway width is 3.2 m.
In this case, the driveway width will be 3.76 m.
- Chapter 10.10.40.10.(1)(A), By-law 569-2013**
The maximum permitted building height is 9 m.
The new detached dwelling will have a height of 9.5 m.
- Chapter 10.10.40.10.(2)(A)(i)(ii), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 7 m.
The height of the front exterior main wall will be 9.1 m and the height of the rear exterior main wall will be 8.25 m.

5. **Chapter 10.10.40.10.(2)(B), By-law 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.
The height of the side exterior main walls facing a side lot line will be 9.1 m and 8.25 m.
6. **Chapter 10.10.40.10.(6), By-law 569-2013**
The maximum permitted height of the first floor of a detached dwelling above established grade is 1.2 m.
The first floor of the new detached dwelling will have a height of 2.55 m above established grade.
7. **Chapter 10.10.40.30.(1)(A), By-law 569-2013**
The maximum permitted depth of a detached dwelling is 17 m.
The new detached dwelling will have a depth of 17.75 m.
8. **Chapter 10.10.40.70.(3)(A)(i), By-law 569-2013**
The minimum required side yard setback is 0.9 m.
The new detached dwelling will be located 0.76 m from the east side lot line.
1. **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, where the side wall contains openings.
The portion of the detached dwelling not exceeding a depth of 17 m will be located 0.76 m from the east side lot line.
2. **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 m is 7.5 m.
The 0.75 m portion of the new detached dwelling, exceeding the 17 m depth, will be located 0.76 m from the east side lot line and 0.92 m from the west side lot line from the main building.
The 7.04 m portion of the new detached dwelling, exceeding the 17 m depth, will be located 1.25 m from the east side lot line and 4.15 m from the west side lot line from the stair and platform structure.
3. **Section 6(3) Part II 8 A, By-law 438-86**
The maximum permitted projection of the eaves or cornices into the required setbacks is 0.45 m.
The eaves, including eaves throughs, will project 0.54 m into the required side yard setback.
4. **Section 6(3) Part II 8 F(III), By-law 438-86**
A roof over a platform or terrace is permitted to project into the required setbacks provided it does not extend beyond the side walls of the building as projected.
In this case, the roof will extend beyond the side walls as projected.
5. **Section 6(3) Part IV 4(a)(ii), By-law 438-86**
The maximum permitted driveway width is 3.2 m.
The driveway will have a width of 3.76 m.
6. **Section 4(2)(A), By-law 438-86**
The maximum permitted building height is 9 m.
The new detached dwelling will have a height of 9.53 m, measured to the highest portion of the flat roof from the lowest average elevation along the side lot lines.

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:

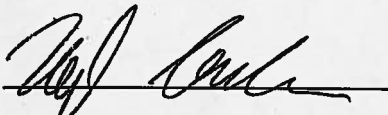
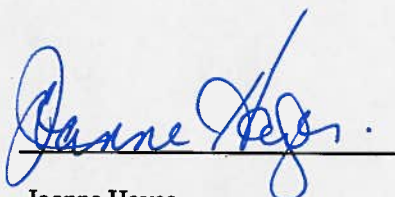
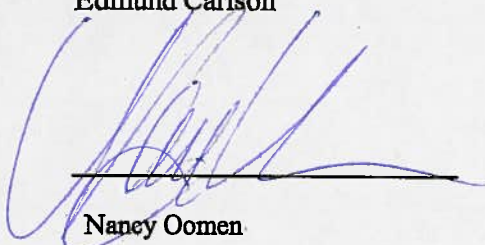
The Minor Variance Application is Refused

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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Edmund Carlson
Joanne Hayes
Ewa Modlinska
Nancy Oomen

DATE DECISION MAILED ON: TUESDAY, OCTOBER 31, 2017

LAST DATE OF APPEAL: TUESDAY, NOVEMBER 14, 2017

CERTIFIED TRUE COPY



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.