

CITY OF TORONTO
JOHN FILION
or OCCUPANT
COUNCILLOR
5100 YONGE ST
TORONTO ON

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel: (416) 397-5330
Fax: (416) 395-7200

Thursday, May 18, 2017

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

File Number:	A0227/17NY	Zoning	RD/R4 [ZZC]
Owner(s):	SASHI KANTA DUGALIC MATTHEW MATO DUGALIC	Ward:	Willowdale (23)
Agent:	STEVEN LINDY	Heritage:	Not Applicable
Property Address:	241 POYNTZ AVE	Community:	North York
Legal Description:	PLAN 1743 LOT 715 PT LOT 714		

Notice was given and a Public Hearing was held on Thursday, May 18, 2017, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey dwelling and detached garage. The existing dwelling would be demolished.

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

- Chapter 10.5.80.40.(3), By-law No. 569-2013**
Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.
The proposed vehicle access to a parking is from the front yard.
- Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.
The proposed height of the side exterior main walls facing a side lot line is 7.67m.
- Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed east side yard setback is 1.22m.
- Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is 1.19m.
- Section 13.2.1, By-law No. 7625**
The minimum required lot frontage is 15.00m.
The existing lot frontage is 12.14m.
- Section 13.2.2, By-law No. 7625**

The minimum required lot area is 550.00m².
The existing lot area is 409.10m².

7. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.80m.
The proposed east side yard setback is 1.22m.
8. **Section 13.2.3(b), By-law No. 7625**
The minimum required side yard setback is 1.80m.
The proposed west side yard setback is 0.846m (side bay windows are not a permitted projection into a required side yard setback).
9. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8.80m.
The proposed building height is 9.20m.
10. **Section 6(30), By-law No. 7625**
The maximum permitted finished first floor height is 1.50m.
The proposed finished first floor height is 1.56m.
11. **Section 6(8), By-law No. 7625**
The minimum lot width is not be less than the lot frontage for the zone in which the building is to be constructed; 15.00m.
The existing lot width is 12.14m.
12. **Section 6(24), By-law No. 7625**
The maximum permitted rear deck projection is 2.10m from the wall, a maximum height of 1.00m and is not to be more than half the width of the dwelling and must not exceed 56.00m² or 5.00% of the lot area.
The proposed rear deck projects 4.8533m from the rear wall, is greater than 1.00m in height and is 0.66 times the width of the dwelling.
13. **Section 13.2.4, By-law No. 7625**
The maximum permitted lot coverage is 30.00% of the lot area.
The proposed lot coverage is 32.00% of the lot area (including the rear detached garage).

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 **APPROVE** the following variance(s):

1. **Chapter 10.5.80.40.(3), By-law No. 569-2013**
Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.
The proposed vehicle access to a parking is from the front yard.
2. **Chapter 10.20.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.
The proposed height of the side exterior main walls facing a side lot line is 7.67m.
3. **Chapter 900.3.10.(5), By-law No. 569-2013**
The minimum required side yard setback is 1.80m.

The proposed west side yard setback is 1.19m.

5. Section 13.2.1, By-law No. 7625

The minimum required lot frontage is 15.00m.

The existing lot frontage is 12.14m.

6. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550.00m².

The existing lot area is 409.10m².

8. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.80m.

The proposed west side yard setback is 0.846m (side bay windows are not a permitted projection into a required side yard setback).

9. Section 13.2.6, By-law No. 7625

The maximum permitted building height is 8.80m.

The proposed building height is 9.20m.

10. Section 6(30), By-law No. 7625

The maximum permitted finished first floor height is 1.50m.

The proposed finished first floor height is 1.56m.

11. Section 6(8), By-law No. 7625

The minimum lot width is not be less than the lot frontage for the zone in which the building is to be constructed; 15.00m.

The existing lot width is 12.14m.

12. Section 6(24), By-law No. 7625

The maximum permitted rear deck projection is 2.10m from the wall, a maximum height of 1.00m and is not to be more than half the width of the dwelling and must not exceed 56.00m² or 5.00% of the lot area.

The proposed rear deck projects 4.8533m from the rear wall, is greater than 1.00m in height and is 0.66 times the width of the dwelling.

13. Section 13.2.4, By-law No. 7625

The maximum permitted lot coverage is 30.00% of the lot area.

The proposed lot coverage is 32.00% of the lot area (including the rear detached garage).

It is the decision of the Committee of Adjustment to **MODIFY** and **APPROVE** the following variance(s):

4. Chapter 900.3.10.(5), By-law No. 569-2013

The minimum required side yard setback is 1.80m.

The proposed east side yard setback is 1.50m.

7. Section 13.2.3(b), By-law No. 7625

The minimum required side yard setback is 1.80m.

The proposed east side yard setback is 1.50m.

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. 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.
2. 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.

SIGNATURE PAGE

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MATTHEW MATO DUGALIC
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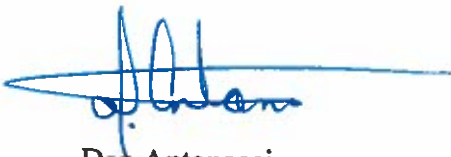
Zoning: RD/R4 [ZZC]
Ward: Willowdale (23)
Heritage: Not Applicable
Community: North York


Bruce Mullock (signed)
Derek Lett (signed)
Isaac Lallouz (signed)
Nadini Sankar (signed)
Nazila Atarodi (signed)

DATE DECISION MAILED ON: Thursday, May 25, 2017

LAST DATE OF APPEAL: Wednesday, June 7, 2017

CERTIFIED TRUE COPY



Dan Antonacci
Manager & Deputy Secretary Treasurer
North 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)

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.