



City Planning Division

Committee of Adjustment
Toronto and East York District

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Toronto, Ontario M5H 2N2
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NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A0170/17TEY	Zoning	R d0.6 x740 & R2 Z0.6 (Waiver)
Owner(s):	SANTOS LEIVA LEIVA VICTOR MANUEL H ANDASOL	Ward:	Davenport (18)
Agent:	GIUSEPPE DIMARCO	Heritage:	Not Applicable
Property Address:	1220 DUFFERIN ST	Community:	Toronto
Legal Description:	PLAN M88 BLK X PT LOT 34		

Notice was given and a Public Hearing was held on **Wednesday, October 18, 2017**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To to convert the existing 2½-storey semi-detached dwelling into a six (6) unit residential rental building by constructing: a rear three-storey addition that will incorporate the existing rear detached garage, as an integral garage; a front third-storey addition; and front second and third storey decks.

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

- Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013**
The maximum permitted height of all front exterior main walls is 9.5 m.
The height of the front exterior main walls will be 11.63 m.
- Chapter 10.10.40.10.(2)(A)(ii), By-law 569-2013**
The maximum permitted height of all rear exterior main walls is 9.5 m.
The height of the rear exterior main walls will be 11.63 m.
- Chapter 10.10.40.30.(1)(A), By-law 569-2013**
The maximum permitted building depth is 17.0 m.
The altered dwelling will have a building length of 31.77 m.
- Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.6 times the area of the lot (145.45 m²).
The altered dwelling will have a floor space index equal to 2.1 times the area of the lot (519.65 m²).

5. **Chapter 10.10.40.70.(2), By-law 569-2013**
The minimum required rear yard setback is 7.5 m.
The altered dwelling will be located 0.8 m from the west rear lot line.
6. **Chapter 10.5.40.60.(1)(A)(i), By-law 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no 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 platform form will encroach 2.16 m into the east front lot line.
7. **Chapter 10.5.50.10.(3), By-law 569-2013**
A minimum of 50% (2.76 m²), of the rear yard shall be maintained as soft landscaping.
In this case, 0% (0.0 m²), of the rear yard will be maintained as soft landscaping.
8. **Chapter 10.5.40.70.(2), By-law 569-2013**
A building or structure is required a minimum setback 2.5 m from the original centreline of a lane.
The altered dwelling will be located 2.32 m from the original centreline of the lane at the rear.
9. **Chapter 150.10.40.1.(3)(A), By-law 569-2013**
A secondary suite is a permitted use provided that an addition or exterior alteration to a building to accommodate a secondary suite does not alter or add to a main wall or roof that faces a street.
The addition will alter the front main wall that faces the street.
10. **Chapter 200.5.1.10.(2)(A)(i), By-law 569-2013**
A parking space is required a minimum width of 2.9 m.
In this case, the two parking spaces will be 2.55 m measured wide.
11. **Chapter 200.5.10.1.(1), By-law 569-2013**
A minimum of five parking spaces are to be provided.
In this case, two parking spaces will be provided.
1. **Section 6(3) Part I 1, By-law 438-86**
The maximum permitted residential gross floor area is 0.6 times the area of the lot (148.45 m²).
The altered dwelling will have a residential gross floor area equal to 2.53 times the area of the lot (657.7 m²).
2. **Section 6(3) Part II 2(I), By-law 438-86**
A building having an existing front lot line setback of less than 6.0 m, the additions to the front are to be setback the same distance of the existing building.
The altered dwelling will be located 1.73 m from the front lot line.
3. **Section 6(3) Part II 3(I), By-law 438-86**
The minimum required side lot line setback is 0.45 m, where the side wall contains no openings.
The altered dwelling will be located 0.0 m from the north side lot line.
4. **Section 6(3) Part II 4, By-law 438-86**
The minimum required rear yard setback is 7.5 m.
The altered dwelling will be located 0.8 m from the rear yard lot line.

5. **Section 6(3) Part II 5(I), By-law 436-86**
The maximum permitted building depth is 14.0 m.
The altered dwelling will have a building depth of 33.93 m.
6. **Section 6(3) Part III 1(A), By-law 438-86**
A minimum of 30% (74.22 m²), is required to be landscaped open space.
In this case, 25% (62.0 m²), of the lot will be landscaped open space.
7. **Section 4(14)(A), By-law 438-86**
A building or structure is required a minimum setback 2.5 m from the original centreline of a public lane.
The altered dwelling will be located 2.32 m from the original centreline of the public lane at the rear.
8. **Section 6(2) 1(iii) A, By-law 438-86**
A converted house is a permitted use provided there is no addition to or alteration to the front main wall of the building that faces a street.
The alterations/additions will change the front main wall that faces a street.
9. **Section 6(2) 1(iii) A, By-law 438-86**
A converted house is a permitted use provided the increase in residential gross floor area does not exceed 0.15 times the area of the lot (37.11 m²).
The converted house will have a residential gross floor area equal to 1.57 times the area of the lot (387.75 m²).
10. **Section 6(2) 1(V), By-law 438-86**
A converted house is a permitted use provided there is no substantial change in the appearance of the dwelling house as the result of the conversion.
The conversion of the dwelling will result in substantial changes in the appearance of the dwelling.
11. **Section 4(17)(e), By-law 438-86**
The minimum parking space width is 2.9 m.
The two parking spaces will have a width of 2.55 m measured wide.
12. **Section 4(5)(B), By-law 438-86**
A minimum of five parking spaces are to be provided.
In this case, two parking spaces will be provided.

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:

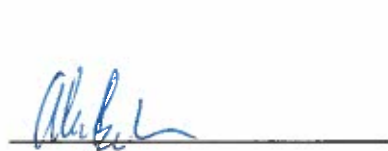
The Minor Variance Application is Refused

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

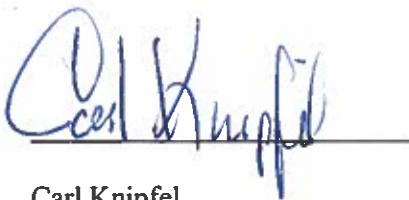
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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Alex Bednar



Carl Knipfel



Lisa Valentini



Michael Clark



Donald Granatstein

DATE DECISION MAILED ON: **TUESDAY, OCTOBER 24, 2017**

LAST DATE OF APPEAL: **TUESDAY, NOVEMBER 7, 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.