TORONTO

City Planning Division
Michael Mizzi, MCIP, RPP
Director, Zoning and Secretary-Treasurer,
Committee of Adjustment

Committee of Adjustment
Toronto and East York District

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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:	A1080/17TEY	Zoning	RD (f12.0; a370; d0.4) & R1 & By-law 3623-97.
Owner(s):	DEAN JASON PODOLSKY	Ward:	St. Paul's (21)
Agent:	MARIN ZABZUNI	Heritage:	Not Applicable
Property Address:	**629 RUSHTON RD**	Community:	York
Legal Description:	PLAN 2612 LOT 12		

Notice was given and a Public Hearing was held on **Wednesday, March 21, 2018**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with a rear ground floor deck, a rear third floor deck, and a rear detached garage.

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

1. **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 0.9 m from both the east and west side lot lines.

2. **Chapter 10.5.60.50(2)(B), By-law 569-2013**
   The maximum permitted total floor area of all ancillary buildings or structures on the lot is 40.0 m^2.
   The detached garage will have a floor area of 44 m^2.

3. **Chapter 10.5.60.50(2)(B), By-law 569-2013**
   The maximum permitted building length for a detached house is 17 m.
   The new detached dwelling will have a building length of 18.55 m.

4. **Chapter 10.20.40.40(1), By-law 569-2013**
   The maximum permitted floor space index is 0.4 times the area of the lot (186.0 m^2).
   The new detached dwelling will have a floor space index equal to 0.66 times the area of the lot (307.0 m^2).

5. **Chapter 10.20.40.10(4)A & C, By-law 569-2013**
   The maximum permitted building height is 7.2 m and the maximum permitted number of storeys is two.
   The new detached dwelling will have a height of 10.36 m and will be three storeys in height.

1. **Section 3(a), By-Law 3623-97**
The minimum required side yard setback is 1.2 m.
The new detached dwelling will be located 0.9 metres from the both the east and west side lot lines.

2. **Section 3(b), By-Law 3623-97**
The maximum permitted gross floor area is 0.4 times the area of the lot (186.0 m²).
The new detached dwelling will have a gross floor area equal to 0.66 times the area of the lot (307.0 m^2).

1. **Section (3)(i), By-Law 1-83**
The maximum permitted gross floor area is 0.4 times the area of the lot (186.0 m²).
The new detached dwelling will have a gross floor area equal to 0.66 times the area of the lot (307.0 m^2).

2. **Section 3.4.7(a)(1), By-law 1-83**
The maximum permitted projection of an unenclosed porch, verandah, deck or balcony is 2.4 m from the rear wall.
The rear ground floor deck will project 2.75 m from the rear wall and the rear third floor balcony will project 5.0 m from the rear wall.

3. **Section 3.4.7(a)(5) By-law 1-83**
An unenclosed porch, verandah, deck or balcony may be constructed in the front, side, or rear yard provided the sum of the floor areas of all porches, verandahs, decks, and balconies, excluding the floor area within 2.4 m of the front, side, or rear walls of the dwelling, plus the gross floor area of the dwelling when divided by the area of the lot, shall not exceed the maximum floor space index of 0.559 (260.16 m^2).
The rear ground floor deck and rear third floor balcony will extend 2.4 m beyond the rear main wall and will have an area of 2.05 m^2 and 2.6 m^2 respectively, for a total of 4.65 m^2, resulting in a combined floor space index for the new detached dwelling, deck and balcony of 0.67 times the area of the lot (311.0 m^2).

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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Worrick Russell

Edmund Carlson

Joanne Hayes

Nancy Oomen

DATE DECISION MAILED ON: **TUESDAY, MARCH 27, 2018**

LAST DATE OF APPEAL: **TUESDAY, APRIL10, 2018**

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.

NOTE: Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.