TORONTO
City Planning Division

Committee of Adjustment
2 Civic Centre Crt, 4th Fl
Toronto, ON M9C 5A3
T:416-394-8060
F: 416-394-6042

Thursday, April 12, 2018

NOTICE OF DECISION

CONSENT
(Section 53 of the Planning Act)

File Number:	B0090/16EYK	Zoning	RD & RS
Owner(s):	JESSICA IERACI	Ward:	Etobicoke-Lakeshore (06)
Agent:	CULMONE AND ASSOCIATES LTD	Heritage:	Not Applicable
Property Address:	**32 THIRTY SIXTH ST**	Community**:**	
Legal Description:	PLAN 2180 LOT 127 RP 66R18962 PARTS 1 & 2		

Notice was given and the application considered on Thursday, April 12, 2018, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into two undersized residential lots.

Retained - Part 2 & 3
Address to be assigned
The lot frontage will be 7.62 m and the lot area wil be 306.5 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A988/16EYK.
Any existing easements will be maintained.

Conveyed - Part 1
Address to be assigned
The lot frontage will be 7.62 m and the lot area will be 306.5 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law, as outlined in Application A0987/16EYK.

File numbers B0090/16EYK, A0987/16EYK and A0988/16EYK will be considered jointly.

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 Consent Application is Approved on Condition

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the creation of new lots as shown on the attached plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office within ONE YEAR of the date of this Decision:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Engineering Services, Engineering and Construction Services. Contact: John Fligg @ (416) 338-5031 or Elizabeth Machynia @ (416) 338-5029.

3. The applicant shall satisfy all conditions concerning City/Privately owned trees, to the satisfaction of Urban Forestry Services.

4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of Urban Forestry Services.

5. **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, of Property Records, at 416 392-8338; jhouse@toronto.ca

6. **An electronic copy of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services, shall be filed with the Committee of Adjustment.

7. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare and submit for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act* , as it pertains to the conveyed land and/or consent transaction.

SIGNATURE PAGE

File Number:	B0090/16EYK	Zoning	RD & RS
Owner(s):	JESSICA IERACI	Ward:	Etobicoke-Lakeshore (06)
Agent:	CULMONE AND ASSOCIATES LTD	Heritage:	Not Applicable
Property Address:	**32 THIRTY SIXTH ST**	Community**:**	
Legal Description:	PLAN 2180 LOT 127 RP 66R18962 PARTS 1 & 2		

Allan Smithies (signed)	Dominic Gulli (signed)	Denise Graham (signed)

DATE DECISION MAILED ON: Friday, April 20, 2018

LAST DATE OF APPEAL: Thursday, May 10, 2018

CERTIFIED TRUE COPY

Barbara Bartosik
Manager & Deputy Secretary Treasurer
Etobicoke 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 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
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ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS
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- 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
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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.

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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.

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Thursday, April 12, 2018

NOTICE OF DECISION

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

File Number:	A0988/16EYK	Zoning	RD & RS
Owner(s):	JESSICA IERACI	Ward:	Etobicoke-Lakeshore (06)
Agent:	CULMONE AND ASSOCIATES LTD	Heritage:	Not Applicable
Property Address:	**32 THIRTY SIXTH ST – PARTS 2 & 3**	Community**:**	
Legal Description:	PLAN 2180 LOT 127 RP 66R18962 PARTS 1 & 2		

Notice was given and a Public Hearing was held on Thursday, April 12, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with a detached garage in the rear yard.

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

1. **Section 10.20.30.20.(1)(A), By-law 569-2013 & Section 330-23.A.(2)**
The minimum required lot frontage is 12 m.
The lot frontage will be 7.62 m.

2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 370 m².
Section 330-23.A.(1)
The minimum required lot area is 371 m².
Section 10.20.30.10.(1)(A), By-law 569-2013 & Section 330-23.A.(1)
The lot area will be 306.5 m².

3. **Section 10.20.40.40.(1)(A), By-law 569-2013 & Section 330-23.A.(9)**
The maximum permitted floor space index is 0.35 times the lot area (107.3 m²).
The proposed dwelling will have a gross floor area of 0.56 times the lot area (170.7 m²).

4. **Section 10.20.40.70.(3)(C), By-law 569-2013**
The minimum required side yard setback is 1.2 m.
Section 330-23.A.(7)
The minimum required side yard setback is 0.9 m.
Section 10.20.40.70.(3)(C), By-law 569-2013 & Section 330-23.A.(7)
The proposed dwelling will be located 0.61 m from the south side lot line.

5. **Section 10.5.40.60.(7)(B), By-law 569-2013**
The minimum required side yard setback for eaves is 0.3 m.
Section 330-13.A.(2)
The minimum required side yard setback for eaves is 0.5 m.
Section 10.5.40.60.(7)(B), By-law 569-2013 & Section 330-13.A.(2)
The eaves of the proposed dwelling will be located 0.2 m from the south side lot line.

File numbers B0090/16EYK, A0987/16EYK and A0988/16EYK will be considered jointly.

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 authorize this variance application 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. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0090/16EYK.**

2. Submission of a complete application for permit to injure or destroy privately owned trees.

3. 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, subject to changes.

4. The applicant shall submit an application for permit to injure or remove City trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article II.

5. The following conditions shall be fulfilled to the satisfaction of Heritage Preservation Services:

    5.1 The applicant shall retain a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport, under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1- 2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

    5.2 Should the archaeological assessment process continue beyond a Stage 1-2 assessment, any recommendations for Stage 3-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.

    5.3 The consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk. All archaeological assessment reports will be submitted to the City of Toronto for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

    5.4 No demolition, construction, grading or other soil disturbances shall take place on the subject

property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Tourism, Culture and Sport (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

SIGNATURE PAGE

File Number:	A0988/16EYK	Zoning	RD & RS
Owner:	JESSICA IERACI	Ward:	Etobicoke-Lakeshore (06)
Agent:	CULMONE AND ASSOCIATES LTD	Heritage:	Not Applicable
Property Address:	**32 THIRTY SIXTH ST – PARTS 2 & 3**	Community**:**	
Legal Description:	PLAN 2180 LOT 127 RP 66R18962 PARTS 1 & 2		

Allan Smithies (signed)	Dominic Gulli (signed)	Denise Graham (signed)

DATE DECISION MAILED ON: Friday, April 20, 2018

LAST DATE OF APPEAL: Wednesday, May 2, 2018

CERTIFIED TRUE COPY

Barbara Bartosik
Manager & Deputy Secretary Treasurer
Etobicoke 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.

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

File Number:	A0987/16EYK	Zoning	RD & RS
Owner(s):	JESSICA IERACI	Ward:	Etobicoke-Lakeshore (06)
Agent:	CULMONE & ASSOCIATES LTD	Heritage:	Not Applicable
Property Address:	**32 THIRTY SIXTH ST – PART 1**	Community**:**	
Legal Description:	PLAN 2180 LOT 127 RP 66R18962 PARTS 1 & 2		

Notice was given and a Public Hearing was held on Thursday, April 12, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an attached garage.

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

1. **Section 10.20.30.20.(1)(A), By-law 569-2013 & Section 330-23.A.(2)**
The minimum required lot frontage is 12 m.
The lot frontage will be 7.62 m.

2. **Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 370 m².
Section 330-23.A.(1)
The minimum required lot area is 371 m².
Section 10.20.30.10.(1)(A), By-law 569-2013 & Section 330-23.A.(1)
The lot area will be 306.5 m².

3. **Section 10.20.40.40.(1)(A), By-law 569-2013 & Section 330-23.A.(9)**
The maximum permitted floor space index is 0.35 times the lot area (107.3 m²).
The proposed dwelling will have a gross floor area of 0.63 times the lot area (191.85 m²).

4. **Section 10.20.40.70.(3)(C), By-law 569-2013**
The minimum required side yard setback is 1.2 m.
Section 330-23.A.(7)
The minimum required side yard setback is 0.9 m.
Section 10.20.40.70.(3)(C), By-law 569-2013 & Section 330-23.A.(7)
The proposed dwelling will be located 0.61 m from the north side lot line.

5. **Section 10.5.40.60.(7)(B), By-law 569-2013**
The minimum required side yard setback for eaves is 0.3 m.
Section 330-13.A.(2)
The minimum required side yard setback for eaves is 0.5 m.
Section 10.5.40.60.(7)(B), By-law 569-2013 & Section 330-13.A.(2)
The eaves of the proposed dwelling will be located 0.3 m from the north side lot line.

6. Section 10.20.40.20.(1), By-law 569-2013
The maximum permitted building length is 17 m.
The proposed dwelling will have a length of 18.39 m.

7. Section 10.5.50.10.(1)(D), By-law 569-2013 & Section 330-20.6(A)
A minimum of 50% of the front yard shall be maintained as landscaping (25.2 m²).
A total of 42% of the front yard will be maintained as landscaping (19.86 m²).

File numbers B0090/16EYK, A0987/16EYK and A0988/16EYK will be considered jointly.

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 authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
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This decision is subject to the following condition(s):

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0090/16EYK.**

2. Submission of a complete application for permit to injure or destroy privately owned trees.

3. 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, subject to changes.

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   5.1 The applicant shall retain a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport, under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1- 2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

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5.4 No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Tourism, Culture and Sport (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

SIGNATURE PAGE

File Number:	A0987/16EYK	Zoning	RD & RS
Owner:	JESSICA IERACI	Ward:	Etobicoke-Lakeshore (06)
Agent:	CULMONE & ASSOCIATES LTD	Heritage:	Not Applicable
Property Address:	**32 THIRTY SIXTH ST – PART 1**	Community**:**	
Legal Description:	PLAN 2180 LOT 127 RP 66R18962 PARTS 1 & 2		

Allan Smithies (signed)	Dominic Gulli (signed)	Denise Graham (signed)

DATE DECISION MAILED ON: Friday, April 20, 2018

LAST DATE OF APPEAL: Wednesday, May 2, 2018

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Barbara Bartosik
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

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