



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

File Number:	A1167/17TEY	Zoning:	R (d1.0) (x851) & R3 Z1.0
Owner(s):	SHERRY D'COSTA CORREIA ROBERT ULICKI	Ward:	Toronto Centre-Rosedale (28)
Agent:	LEA WILJER	Heritage:	Designated
Property Address:	459-461 SACKVILLE ST	Community:	Toronto
Legal Description:	PLAN 781 LOT 7		

Notice was given and a Public Hearing was held on **Wednesday, April 11, 2018**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing 2½-storey mixed-use building containing four dwelling units and two retail/commercial units by converting the building in its entirety to a day nursery use and by constructing a new exit staircase and fire escape.

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

- Chapter 10.5.50.10.(3), By-law 569-2013**
A minimum of 50% (86.62 m²) of the rear yard must be maintained as soft landscaping.
In this case, 0% (0 m²) of the rear yard will be been maintained as soft landscaping.
- Chapter 10.5.40.60.(3)(A)(iii), By-law 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 m.
The stairs will be located 0.52 m from the south lot line.
- Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index of the mixed-use building is 1.0 times the area of the lot (354.82 m²).
The building will have a floor space index equal to 1.72 times the area of the lot (610.37 m²).
- Chapter 150.45.20.1.(2)(A), By-law 569-2013**
A day nursery is a permitted use provided that it is located in a building originally constructed as a detached house or semi-detached house and that the day nursery occupies the entire building.
In this case, the day nursery will not be located in a detached house or semi-detached house.
- Chapter 200.5.10.1.(1), By-law 569-2013**
A minimum of two parking spaces is required to be provided.

In this case, zero parking spaces will be provided.

1. Section 6(2)(12)(i), By-law 438-86

A day nursery is a permitted use provided it is the whole of a detached house or semi-detached house.

In this case, the day nursery will not be located in a detached house or semi-detached house.

2. Section 4(5)(B), By-law 438-86

A minimum of two parking spaces is required to be provided for on-site.

In this case, there will be zero parking spaces provided for on-site.

3. Section 6(3) Part III 1(A), By-law 438-86

A minimum of 30% of the lot area (106.45 m²) shall be landscaped open space.

In this case, 0% of the lot area (0 m²) will be landscaped open space.

4. Section 6(3) Part I 1, By-law 438-86

The maximum permitted gross floor area of a mixed-use building is 1.0 times the area of the lot (406.45 m²).

The building will have a gross floor area equal to 1.72 times the area of the lot (610.37 m²).

5. Section 6(2)(12)(iv), By-law 438-86

A day nursery is a permitted use provided no part of the building is closer to the nearest side lot line than 0.5 m.

The building will be located 0.0 m from both the north and south 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 **NOT** approve this variance application for the following reasons:

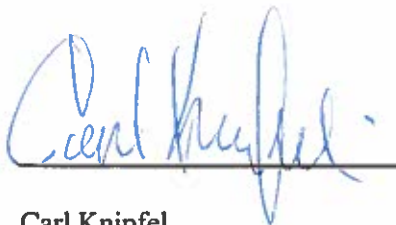
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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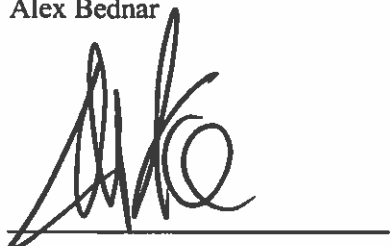
Alex Bednar



Carl Knipfel



Lisa Valentini



Michael Clark

DATE DECISION MAILED ON: TUESDAY, APRIL 17, 2018

LAST DATE OF APPEAL: MONDAY, MAY 1, 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.