



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:	A0544/17TEY	Zoning	RD (f18.0;d0.35)(x1416) & R1 Z0.35 (ZZC)
Owner(s):	LINDA WONG JABBAZ GONZALO PATRICK JABBAZ	Ward:	St. Paul's (22)
Agent:	HEATHER BREEZE	Heritage:	Not Applicable
Property Address:	137 DUNVEGAN RD	Community:	Toronto
Legal Description:	PLAN 1963 LOT 22 PT LOT 21		

Notice was given and a Public Hearing was held on **Wednesday, March 28, 2018**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with a rear integral three-car garage with a second floor terrace above.

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

- Chapter 800.50.210, By-law 569-2013**
A driveway means a passageway providing vehicle access between a street or lane and an area used for the parking, loading or storage of a vehicle.
The driveway accessing both the main and flanking streets (Dunvegan Road and Kilbarry Road) of the corner lot, is the second driveway, which does not provide access to the parking, and is providing access to the entrance of the house.
- Chapter 10.5.100.1.(2)(B)(i), By-law 569-2013**
The maximum permitted driveway width for a driveway that is not located in or does not pass through the front yard is 6.0 m.
In this case, the driveway width of the driveway leading to the integral garage from the flanking street (Kilbarry Road) will be 10.36 m.
- Chapter 10.5.100.1.(1)(A), By-law 569-2013**
The maximum permitted driveway width for a driveway that is located in or passes through the front yard is 9.0 m.
In this case, the driveway width of the driveway accessing both the main and flanking streets (Dunvegan Road and Kilbarry Road) of the corner lot will be 10.49 m.

4. **Chapter 10.20.40.10.(2)(B)(i), By-law 569-2013**
The maximum permitted height of all side exterior main walls is 8.5 m.
The height of the side exterior main walls will be 10.99 m.
5. **Chapter 10.20.40.20.(1), By-law 569-2013**
The maximum permitted building length for a detached house is 17.0 m.
The new detached dwelling will have a building length of 33.80 m.
6. **Chapter 10.20.40.30.(1), By-law 569-2013**
The maximum permitted building depth for a detached house is 19.0 m.
The new detached dwelling will have a building depth of 31.72 m.
7. **Chapter 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.35 times the area of the lot (526.9 m²).
The new detached dwelling will have a floor space index equal to 0.654 times the area of the lot (984.0 m²).
8. **Chapter 10.5.40.50.(3), By-law 569-2013**
The level of the floor of a platform located at or above the second storey of a residential building is not permitted to be higher than the level of the floor of the storey from which it gains access.
The second floor terrace is higher than the level of the floor of the storey from which it gains access.
9. **Chapter 10.20.40.70.(1), By-law 569-2013**
The minimum required front yard setback is 13.77 m.
The new detached dwelling will be located 11.38 m from the west front lot line.
10. **Chapter 10.20.40.70.(2)(B), By-law 569-2013**
The minimum required rear yard setback is 12.95 m.
The new detached dwelling will be located 6.35 m from east rear lot line.
1. **Section 6(3) Part I 1, By-law 438-86**
The maximum permitted residential gross floor area is 0.35 times the area of the lot (526.9 m²).
The new detached dwelling will have a residential gross floor area equal to 0.666 times the area of the lot (1002.0 m²).
2. **Section 6(3) Part IV 4(b), By-law 438-86**
The maximum width of a driveway that is not located in or does not pass through any portion of the lot between the front lot line and any wall of the building facing the front lot line as projected to the side lot lines is 6.0 m.
In this case, the driveway width of the driveway leading to the integral garage from the flanking street (Kilbarry Road) will be 10.36 m.

3. Section 6(3) Part IV 4(c)(iii), By-law 438-86

A driveway that is located in or passes through any portion of the lot between the front lot line and any wall of the building facing the front lot line as projected to the side lot lines is permitted a maximum width of 3.05 m at the front lot line and 4.9 m for its entire length.

In this case, the driveway width of the driveway accessing both the main and flanking streets (Dunvegan Road and Kilbarry Road) of the corner lot will be 3.64 m at the front lot line and 10.49 m in the front yard.

4. Section 6(3) Part II 2(II), By-law 438-86

A building on an inside lot is required a minimum front lot line setback of 13.77 m. The new detached dwelling will be located 11.38 m from the west front lot line.

5. Section 6(3) Part II 3.B(II), By-law 438-86

The minimum required side lot line setback for the portion of the dwelling exceeding a building depth of 17.0 m is 7.5 m.

The portion of the new detached dwelling exceeding a building depth of 17.0 m will be located 2.48 m from the north side lot line and 3.48 m from the south side lot line.

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

The minimum required rear yard setback is 7.5 m.

The new detached dwelling will be located 6.35 m from the east rear lot line.

7. Section 6(3) Part II 3.A(II), By-law 438-86

The minimum required setback from a flanking street is 6.0 m.

The new detached dwelling will be located 2.48 m from the north flanking street.

8. Section 4(2)(a), By-law 438-86

The maximum permitted height of a building or structure is 11.0 m.

The new detached dwelling will have a building height of 11.13 m.

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 Approved on Condition

It is the decision of the Committee of Adjustment to approve 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) Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove privately owned trees under Municipal Chapter 813 Article III, Private trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
- (2) Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove City owned trees under Municipal Chapter 813 Article II, Street trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
- (3) The roof above the garage shall not be used as a terrace, recreation space and/or any other outdoor amenity space.

SIGNATURE PAGE

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Donald Granatstein

Carl Knipfel

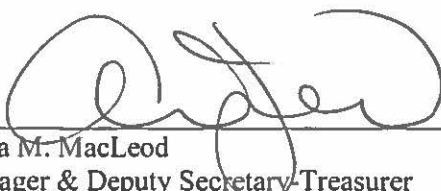


Allan Smithies

DATE DECISION MAILED ON: **TUESDAY, APRIL 3, 2018**

LAST DATE OF APPEAL: **TUESDAY, APRIL 17, 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.