



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

Committee of Adjustment
Toronto and East York District

100 Queen Street West, 1st Floor
Toronto, Ontario M5H 2N2
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REVISED NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A0005/18TEY	Zoning	R (d0.6) (x930) & R2 Z0.6 (ZZC)
Owner(s):	EHSAN VALI AZITA VALI	Ward:	St. Paul's (22)
Agent:	GLENN RUBINOFF	Heritage:	Not Applicable
Property Address:	46 BANFF RD	Community:	Toronto
Legal Description:	PLAN 694 BLK O PT LOT 16 PT LOT 17		

Notice was given and a Public Hearing was held on **Wednesday, June 6, 2018**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral garage.

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

- Chapter 10.5.40.10.(5), By-law 569-2013**
A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall.
In this case, 6.38 m² of the first floor will be within 4.0 m of the front main wall.
- Chapter 900.2.10(930)(C), By-law 569-2013, as amended by By-law 1426-2017**
Despite regulation 10.10.80.40(1), the by law prohibits a vehicle entrance through the front main wall of a residential building, other than an ancillary building.
In this case, the new detached dwelling will have a vehicle entrance through the front main wall.
- Chapter 900.2.10(930)(D)(i), By-law 569-2013, as amended by 1426-2017,**
Despite regulations 10.5.40.50(2), 10.5.40.60(1)(C) and 10.5.40.60(1)(D), a platform without main walls, such as a deck or balcony, attached to or within 0.3 m of the rear main wall of a residential building and at a height greater than 1.2 metre above established grade, must comply with the following:
(i) the maximum area of the platform is 4.0 m²;
(ii) the minimum side yard setback of the platform is 1.8 m; and
(iii) may not encroach into the required rear yard setback.
The new detached dwelling will have a rear main floor platform height greater than 1.2 m above grade with an area of 5.5 m² and will be located 0.46 m from the south side lot line.

4. **Chapter 10.10.40.10.(1)(A), By-law 569-2013**
The maximum permitted building height is 9.0 m.
The new detached dwelling will have a height of 9.51 m.
5. **Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013**
The maximum permitted height of all front and rear exterior main walls is 7.0 m.
The height of the front and rear exterior main walls will be 9.21 m.
6. **Chapter 10.10.40.30.(1), By-law 569-2013**
The maximum permitted depth of a detached dwelling is 17.0 m.
The new detached dwelling will have a depth of 18.6 m.
7. **Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (210.48 m²).
The new detached dwelling will have a floor space index equal to **0.65 times the area of the lot (228 m²)**.
8. **Chapter 10.5.40.60.(7), By-law 569-2013**
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.
The roof eaves will be located 0.1 m from the south side lot line.
1. **Section 6(3) Part II 3.B(II), By-law 438-86**
The minimum required side lot line setback for the portion of the building exceeding a depth of 17.0 m is 7.5 m.
The **1.6 m** portion of the altered detached dwelling, exceeding the 17.0 m depth, will be located 0.46 m from the south side lot line and 1.12 m from the north side lot line.
2. **Section 6(3) Part I 1, By-law 438-86**
The maximum permitted gross floor area of a detached dwelling is 0.6 times the area of the lot (210.48 m²).
The new detached dwelling will have a gross floor area equal to **0.65 times the area of the lot (228 m²)**.
3. **Section 6(3) Part II 8 D, By-law 438-86**
The projection of an uncovered platform into the required setbacks is restricted to a maximum of 2.50 m from the front or rear wall if it is greater than 1.2 m above grade.
The new uncovered platform will project 3.0 m from the rear wall and will be 2.77 m above grade elevation.
4. **Section 1(ii)(A) &(B), Site Specific By law 1425-2017**
The by law prohibits the erection or erection or use of a building or structure on a lot, for the purpose of a detached house having a platform or terrace attached to the rear wall of a residential building with a height greater than 1.2 m above grade, unless:
(A) the area of the platform or terrace does not exceed 4.0 m²; and
(B) the side yard setback of the platform or terrace is not less than 1.8 m;
In this case, the rear main floor platform will have a height greater than 1.2 m above grade with an area of 5.5 m² and will be located 0.46 m from the south side lot line.

5. Section 1(i). Site Specific By law 1425-2017

The by law prohibits the erection or erection or use of a building or structure on a lot, for the purpose of a detached house having an integral private garage if vehicle access to the garage is located in a wall of the building facing the front lot line.

In this case, the new detached dwelling will have integral garage with vehicle access located in a wall of the building facing the front lot line.

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:

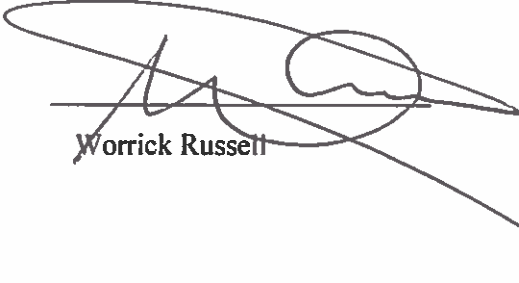
The Minor Variance Application is Refused


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


Nancy Oomen

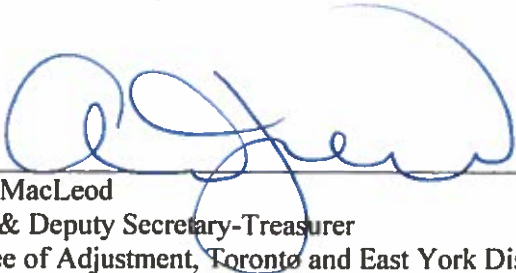
DISSENTED

Ewa Modlinska

DATE DECISION MAILED ON: **TUESDAY, JUNE 12, 2018**

LAST DATE OF APPEAL: **TUESDAY, JUNE 26, 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 Local Planning Appeal Tribunal (LPAT) 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.

LOCAL PLANNING APPEAL TRIBUNAL (LPAT) APPEAL INSTRUCTIONS

To appeal this decision to the LPAT you need the following:

a completed LPAT 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 Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>.

*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 **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.