

Thursday, December 6, 2018

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

File Number: A0753/18NY
Property Address: 301 ELLERSLIE AVE
Legal Description: PLAN 2334 PT LOT 32 WPT
Agent: LEN DESYATNIK
Owner(s): TANIA DESYATNIK
Zoning: RD / R4 (WAV)
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, December 6, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and maintain the existing dwelling.

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

- 1. Chapter 900.3.10(5), By-law No. 569-2013**
The minimum required side yard setback is 1.8 m.
The proposed west side yard setback is 0.23 m.

- 2. Chapter 10.5.40.50.(4), By-law No. 569-2013**
The level of the floor of a platform, such as a deck or balcony, and located at or below the level of the first storey of a residential building, may be no higher than 1.2 m above the ground at any point below the platform, except where the platform is attached to or within 0.3 m of a front main wall, the floor of the platform may be no higher than 1.2 m above established grade.
The proposed front porch is 1.44 m above Established Grade.

3. **Chapter 10.5.40.50.(4), By-law No. 569-2013**
The level of the floor of a platform, such as a deck or balcony, located at or below the level of the first storey of a residential building other than an apartment building, may be no higher than 1.2 m above the ground at any point below the platform.
The proposed rear terrace is 1.5 m above the ground.
4. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
The permitted maximum building length is 17.0 m.
The proposed building length is 30.3 m.
5. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The permitted maximum building depth is 19.0 m.
The proposed building depth is 31.85 m.
6. **Chapter 10.5.100.1.(1), By-law No. 569-2013**
A driveway that is located in or passes through the front yard may be a maximum of 3.58 m wide.
The proposed driveway is 4.45 m wide.
7. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The permitted maximum height of the first floor above establish grade is 1.2 m.
The proposed height of the first floor above established grade is 1.44 m.
8. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.71 m.

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 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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Beth Levy (signed)

Bruce Mullock (signed)

Denise Graham (signed)

Giacomo Tonon (signed)

Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, December 13, 2018

LAST DATE OF APPEAL: Thursday, December 27, 2018

CERTIFIED TRUE COPY

Dan Antonacci
Manager & Deputy Secretary Treasurer
North 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 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 or USB;
- \$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) 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.