

Thursday, February 7, 2019

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

File Number: A0655/18EYK
Property Address: 74 THIRTY EIGHTH ST - PART 2
Legal Description: PLAN 2155 LOT 43
Agent: GLENN RUBINOFF DESIGN GROUP
Owner(s): MATTHEW DAVID GISMONDI
Zoning: RD & RS
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, February 7, 2019, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a detached dwelling with an integral garage. A previous Committee of Adjustment application (A0735/17EYK) refused a new dwelling with variances relating to lot frontage, lot area, floor space index, side yard setback and maximum permitted wall height.

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 12 m.
The new 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.
The new lot area will be 306.6 m².
- 3. Section 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 (107.3 m²).
The proposed dwelling will have a floor space index equal to 0.58 times the area of the lot (179.8 m²).
- 4. Section 10.20.40.70.(3)(C), By-law 569-2013**
The minimum required side yard setback is 1.2 m.
The proposed dwelling will be located 0.91 m from the south side lot line and 0.61 m from the north side lot line.

5. Section 10.20.40.10.(2)(A)(i), By-law 569-2013

The maximum permitted front exterior main wall height is 7 m.

The proposed dwelling will have a front exterior main wall height of 7.14 m.

File Numbers B0071/18EYK, A0655/18EYK and A0656/18EYK 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 B0071/18EYK**
2. Submission of a complete application for a permit to injure or remove a City-owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.
3. Submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.
4. The proposal shall be constructed substantially in accordance with the revised plans submitted and held on file by the Committee of Adjustment office and date stamped as received on January 31, 2019, to the satisfaction of the Director, Community Planning, Etobicoke York District. Any other variances that may appear on these plans but are not listed in the written decision are NOT authorized.
5. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:

- 5.1. The applicant shall submit revised site plan with the following revisions and notations to the satisfaction of the Engineering and Construction Services and Transportation Services, at no cost to the City;
- a. Illustrate the existing and proposed grades along the boundary limit and within the propose site;
 - b. Revise site plan to illustrate a positive slope of minimum 2% to 4% that will be maintained on each of the proposed driveways, as measured between the proposed garage door entrance to the curb line of Thirty Eighth Street;
 - c. Show the footprint of the entire existing driveway;
 - d. Clearly illustrate the proposed driveways within the municipal right-of-way and the proposed curb cuts with dimensions; and
 - e. Clearly indicate the restoration of the redundant portion of the former driveway with sod and raised concrete curb, and new curb cuts for the proposed dwellings, all of which shall be designed to City of Toronto Design Standard T-600.11-1 .

SIGNATURE PAGE

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Allan Smithies (signed)
(signed)

Dominic Gulli (signed)

Douglas Colbourne

DATE DECISION MAILED ON: Friday, February 15, 2019

LAST DATE OF APPEAL: Wednesday, February 27, 2019

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 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.