

Thursday, March 21, 2019

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

File Number: A0043/19NY
Property Address: 197 ELMWOOD AVE
Legal Description: PLAN 1801 LOT 386
Agent: SOL ARCH
Owner(s): HENRY LEE
Zoning: RD / R6 (ZZC)
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, March 21, 2019, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new second storey addition to the existing dwelling.

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

- 1. Chapter 10.20.40.20.(1), By-law No. 569-2013**
The permitted maximum length of a dwelling is 17.0 m.
The proposed building length is 18.61 m.
- 2. Chapter 10.20.40.30.(1), By-law No. 569-2013**
The permitted maximum building depth 19.0 m.
The proposed building depth is 19.83 m.
- 3. Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 30% of the lot area.
The proposed lot coverage is 39.1% of the lot area.
- 4. Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback.

The proposed platform encroaches 0.31 m into the required front yard setback.

5. Chapter 10.5.40.60.(1), By-law No. 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback 2.5 m if it is no closer to a side lot line than the required side yard setback.

The proposed platform encroaches 0.76 m into the required west side yard setback.

6. Chapter 10.5.40.60.(2), By-law No. 569-2013

A roof canopy, awing or similar structure above a platform meeting the requirements of regulation 10.5.40.06.(1) may encroach into a required minimum building setback to the same extent as the platform it is covering.

The proposed platform does not meet regulation 10.5.40.60.(1).

7. Chapter 10.20.40.10.(2), By-law No. 569-2013

The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 m.

The proposed height of the side exterior main walls facing a side lot line is 7.89 m.

8. Chapter 10.20.40.10.(3), By-law No. 569-2013

The permitted maximum number of storeys is 2.

The proposed number of storey is 3.

9. Chapter 10.5.40.60.(7), By-law No. 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 proposed eaves project 0.41 m and are 0.03 m from the east lot line.

10. Chapter 10.5.50.10.(1), By-law No. 569-2013

A minimum of 50% of the front yard must be landscaping.

The proposed front yard landscaping is 48.89%.

11. Chapter 10.20.40.50.(1), By-law No. 569-2013

The permitted maximum area of each platform at or above the second storey is 4.0 m².

The proposed area of the rear platform at or above the second storey is **6.00 m²**.

12. Section 14-A(8), By-law No. 7625

The maximum permitted number of storeys is 2.

The proposed number of storeys is 3.

13. Section 14-A(8), By-law No. 7625

The maximum permitted building height is 8.8 m.

The proposed building height is 9.57 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 Approved

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.

SIGNATURE PAGE

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Derek Lett (signed)

Isaac Lallouz (signed)

Nadini Sankar (signed)

DATE DECISION MAILED ON: Thursday, March 28, 2019

LAST DATE OF APPEAL: Wednesday, April 10, 2019

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.