



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
Tel: 416-392-7565
Fax: 416-392-0580

**NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)**

File Number: B0090/18TEY
Property Address: 393 HARBORD ST
Legal Description: PLAN198D BLK1 PT LOTS 60 & 61
Agent: NOUSHIN MOZAFFARI
Owner(s): ROBIN & LEWIS DEVELOPMENTS
Zoning: CR1.5 (c0.5;r1.5)SS2(x1722) & CR T1.5 C0.5 R1.5 (ZZC)
Ward: University-Rosedale (11)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, March 6, 2019**, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into two residential lots and to create access rights-of-way.

CONVEYED – PART 2, Draft R-Plan

Address to be assigned

Part 2 has a frontage of 5.55 m and an area of 90.78 m².

A new four-storey semi-detached dwelling with a rear integral garage will be constructed and will require variances as outlined in application A0963/18TEY.

RETAINED – PARTS 1 & 3, Draft R-Plan

Address to be assigned

Parts 1 and 3 have a frontage of 5.64 m and an area of 91.08 m².

A new four-storey semi-detached dwelling with a rear integral garage will be constructed and will require variances as outlined in application A0962/18TEY.

Part 3 will be subject to an easement/right-of-way for the purpose of vehicular access in favour of Part 2.

Applications B0090/18TEY, A0962/18TEY, A0963/18TEY were 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 Consent Application is Refused

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- (i) the proposed land division does not conform to the policies of the official plan;
- (ii) the suitability of the land for the purposes for which it is to be subdivided has not been demonstrated;
- (iii) the suitability of the dimensions and shapes of the proposed lots has not been demonstrated; and
- (vi) the adequacy of roads, vehicular access, parking and loading facilities has not been demonstrated.

SIGNATURE PAGE

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Ward: University-Rosedale (11)

Community: Toronto

Heritage: Not Applicable

Edmund Carlson (Signed)

Joanne Hayes (Signed)

Worrick Russell (Signed)

Nancy Oomen (Signed)

DATE DECISION MAILED ON: **Tuesday, March 12, 2019**

LAST DATE OF APPEAL: **Monday, April 1, 2019**

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.

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- \$300 for each appeal filed regardless if related and submitted by the same appellant;
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**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number: A0962/18TEY
Property Address: 393 HARBORD ST (PARTS 1 and 3)
Legal Description: PLAN198D BLK1 PT LOTS 60 & 61
Agent: NOUSHIN MOZAFFARI
Owner(s): ROBIN & LEWIS DEVELOPMENTS
Zoning: CR1.5 (c0.5;r1.5)SS2(x1722) & CR T1.5 C0.5 R1.5 (ZZC)
Ward: University-Rosedale (11)
Trinity-Spadina (19)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, March 6, 2019**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new four-storey semi-detached dwelling with a rear integral garage, rear second and third storey decks, and a front fourth storey balcony on the retained lot as described in application B0090/18TEY.

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

- 1. Chapter 40.10.40.40.(1), By-law 569-2013**
The maximum permitted floor space index for residential use is 1.5 times the area of the lot (138.6 m²).
The new semi-detached dwelling will have a floor space index of 1.89 times the area of the lot (173.6 m²) for residential use.
- 2. Chapter 40.10.50.10.(3), By-law 569-2013**
If a lot in the CR zone abuts a lot in the Residential Zone category, a 1.5 m strip of land used only for soft landscaping must be provided along the part of the lot line abutting the lot in the Residential Zone category.
In this case, no soft landscaping will be provided as required.

3. **Chapter 200.5.1.(3), By-law 569-2013**
The minimum width of a driveway is 6 m.
In this case, the driveway will be 4.86 m wide.
4. **Chapter 40.10.20.40.(1)(A) & 40.10.20.10.(1)(B), By-law 569-2013**
A semi-detached dwelling is not a permitted building type in a CR Zone.
In this case, a semi-detached dwelling will be located in a CR Zone.
5. **Chapter 40.5.40.70.(1), By-law 569-2013**
The minimum required setback of a building from the original centreline of a lane is 3.5 m, if the lot abutting the other side of the lane is in the Residential Zone category.
In this case, the roof eaves will be located 2.75 m from the centreline of the public lane, and the semi-detached dwelling will be 3.05 m from the centreline of the public lane.
6. **Chapter 40.10.30.20.(1), By-law 569-2013**
The minimum required lot frontage is 9 m.
In this case, the lot frontage will be 5.72 m.
7. **Chapter 40.10.40.10.(2)(A), By-law 569-2013**
The maximum permitted height of a building is 10 m.
The new semi-detached dwelling will have a height of 11.99 m.
8. **Chapter 40.10.40.10.(5), By-law 569-2013**
The minimum required height of the first storey, measured between the floor of the first storey and the ceiling of the first storey, is 4.5 m.
In this case, the height of the first storey will be 2.74 m.
9. **Chapter 40.10.40.70.(2)(B)(i), By-law 569-2013**
The minimum required rear lot line setback is 7.5 m.
The new semi-detached dwelling will be located 4.84 m from the rear lot line and the second storey rear deck will be located 3.01 m from the rear lot line.
10. **Chapter 40.10.40.70.(2)(E)(i), By-law 569-2013**
If a lot abuts a Residential Zone category, then every building on the lot in the CR Zone may not penetrate a 45 degree angular plane projected over a shallow lot, along the entire required rear yard setback, starting at a height of 10.5 m above the average elevation of the ground along the rear lot line.
The new semi-detached dwelling will penetrate the angular plane.
11. **Chapter 40.10.40.70.(4)(A), By-law 569-2013**
Any portion of a building with dwelling units located in the first storey a building must be setback at least 4.5 m from the front lot line.
The new semi-detached dwelling will be located 0 m from the front lot line.

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

The maximum permitted building height is 10 m.

The new semi-detached dwelling will have a height of 11.99 m.

2. Section 8(3) Part I 3(A), By-law 438-86

The maximum permitted residential gross floor area is 1.5 times the area of the lot (138.6 m²).

In this case, the residential gross floor area on the lot will be 1.89 times the area of the lot (173.6 m²).

3. Section 8(3) Part VII 1, By-law 438-86

The minimum required frontage is 6 m.

In this case, the lot frontage will be 5.72 m.

4. Section 4(14)(A), By-law 438-86

The minimum required setback of a building from the centreline of a public lane is 3.5 m.

In this case, the roof eaves will be located 2.75 m from the centreline of the public lane and the building will be located 3.05 m from the centreline of the public lane.

Applications B0090/18TEY, A0962/18TEY, A0963/18TEY were 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 Refused

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 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

File Number: A0962/18TEY

Property Address: 393 HARBORD ST (PARTS 1 and 3)

Legal Description: PLAN198D BLK1 PT LOTS 60 &61

Agent: NOUSHIN MOZAFFARI

Owner(s): ROBIN & LEWIS DEVELOPMENTS

Zoning: CR1.5 (c0.5;r1.5)SS2(x1722) & CR T1.5 C0.5 R1.5 (ZZC)

Ward: University-Rosedale (11)

Trinity-Spadina (19)

Community: Toronto

Heritage: Not Applicable

Edmund Carlson (Signed)

Joanne Hayes (Signed)

Worrick Russell (Signed)

Nancy Oomen (Signed)

DATE DECISION MAILED ON: **Tuesday, March 12, 2019**

LAST DATE OF APPEAL: **Tuesday, March 26, 2019**

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

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

File Number: A0963/18TEY
Property Address: 393 HARBORD ST (PART 2)
Legal Description: PLAN198D BLK1 PT LOTS 60 & 61
Agent: NOUSHIN MOZAFFARI
Owner(s): ROBIN & LEWIS DEVELOPMENTS
Zoning: CR1.5 (c0.5;r1.5)SS2(x1722) & CR T1.5 C0.5 R1.5 (ZZC)
Ward: University-Rosedale (11)
Trinity-Spadina (19)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, March 6, 2019**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new four-storey semi-detached dwelling with a rear integral garage, rear second and third storey decks, and a front fourth storey balcony on the conveyed lot as described in application B0090/18TEY.

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

- 1. Chapter 40.10.40.40.(1), By-law 569-2013**
The maximum permitted floor space index for residential use is 1.5 times the area of the lot (134.2 m²).
The new semi-detached dwelling will have a floor space index of 1.94 times the area of the lot (173.6 m²) for residential use.
- 2. Chapter 40.10.50.10.(3), By-law 569-2013**
If a lot in the CR zone abuts a lot in the Residential Zone category, a 1.5 m strip of land used only for soft landscaping must be provided along the part of the lot line abutting the lot in the Residential Zone category.
In this case, no soft landscaping will be provided as required.

3. **Chapter 200.5.1.(3), By-law 569-2013**
The minimum width of a driveway is 6 m.
In this case, the driveway will be 4.86 m wide.
4. **Chapter 40.10.20.40.(1)(A) & 40.10.20.10.(1)(B), By-law 569-2013**
A semi-detached dwelling is not a permitted building type in a CR Zone.
In this case, a semi-detached dwelling will be located in a CR Zone.
5. **Chapter 40.10.40.60.(7)(B), By-law 569-2013**
Eaves may encroach into a required building setback a maximum of 0.9 m if they are no closer to a lot line than 0.3 m.
The roof eaves will be located 0.22 m from the east side lot line.
6. **Chapter 40.10.30.20.(1), By-law 569-2013**
The minimum required lot frontage is 9 m.
In this case, the lot frontage will be 5.47 m.
7. **Chapter 40.10.40.10.(2)(A), By-law 569-2013**
The maximum permitted height of a building is 10 m.
The new semi-detached dwelling will have a height of 11.99 m.
8. **Chapter 40.10.40.10.(5), By-law 569-2013**
The minimum required height of the first storey, measured between the floor of the first storey and the ceiling of the first storey, is 4.5 m.
In this case, the height of the first storey will be 2.74 m.
9. **Chapter 40.10.40.70.(2)(B)(i), By-law 569-2013**
The minimum required rear lot line setback is 7.5 m.
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The Minor Variance Application is Refused

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 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

File Number: A0963/18TEY

Property Address: 393 HARBORD ST (PART 2)

Legal Description: PLAN198D BLK1 PT LOTS 60 &61

Agent: NOUSHIN MOZAFFARI

Owner(s): ROBIN & LEWIS DEVELOPMENTS

Zoning: CR1.5 (c0.5;r1.5)SS2(x1722) & CR T1.5 C0.5 R1.5 (ZZC)

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