

Wednesday, June 5, 2019

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

**File Number:** A0254/19NY  
**Property Address:** 34 GREEN VALLEY RD  
**Legal Description:** PLAN 4227 LOT 14  
**Agent:** RICHARD WENGLE ARCHITECT INC  
**Owner(s):** JORDAN LOUIS WAXMAN JORDAN LOUIS WAXMAN  
**Zoning:** R3 (ZZC)  
**Ward:** Don Valley West (15)  
**Community:** North York  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Wednesday, June 5, 2019, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new dwelling.

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

- 1. Section 12.5A, By-law No. 7625**  
The maximum permitted building length is 16.8 m.  
The proposed building length is 33.27 m.
- 2. Section 12.6, By-law No. 7625**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 30.7% of the lot area.
- 3. Section 12.7, By-law No. 7625**  
The maximum permitted building height is 8 m.  
The proposed building height is 11.59 m.
- 4. Section 6(9), By-law No. 7625**  
The maximum permitted projection for eaves into a yard setback is 0.5 m.  
The proposed eaves project 0.61 m to the south.

5. **Section 6(9), By-law No. 7625**  
The maximum permitted projection for eaves into a yard setback is 0.5 m.  
The proposed eaves project 0.91 m to the north.
6. **Section 12.4(b), By-law No. 7625**  
The minimum required side yard setback is 1.8 m.  
The proposed north side yard setback is 1.5 m.
7. **Section 12.4(b), By-law No. 7625**  
The minimum required side yard setback is 1.8 m.  
The proposed south side yard setback is 1.52 m.
8. **Section 12.7, By-law No. 7625**  
The maximum permitted number of storeys is 2.  
The proposed number of storeys is 3.
9. **Section 12.7A, By-law No. 7625**  
The maximum permitted balcony area is 3.8 m<sup>2</sup>  
The proposed rear balcony area on the third floor is 17.45 m<sup>2</sup>
10. **Section 12.7A, By-law No. 7625**  
The maximum permitted balcony area is 3.8 m<sup>2</sup>  
The proposed rear balcony area on the second floor is 92.1 m<sup>2</sup>
11. **Section 12.7A, By-law No. 7625**  
No more than one balcony is permitted on each elevation of the building.  
Two balconies are proposed on the rear elevation.
12. **Section 12.4(a), By-law No. 7625**  
The minimum required front yard setback is 23 m.  
The proposed front yard setback is 8.63 m.
13. **Section 6(9)(b), By-law No. 7625**  
The maximum projection of a stair in the front and rear yard is 2.1 m.  
The proposed front stair projects 16.27 m into the required minimum front yard.

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 Modified and Approved**

It is the decision of the Committee of Adjustment to **APPROVE** the following variance(s):

1. **Section 12.5A, By-law No. 7625**  
The maximum permitted building length is 16.8 m.  
The proposed building length is 33.27 m.

2. **Section 12.6, By-law No. 7625**  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 30.7% of the lot area.
3. **Section 12.7, By-law No. 7625**  
The maximum permitted building height is 8 m.  
The proposed building height is 11.59 m.
4. **Section 6(9), By-law No. 7625**  
The maximum permitted projection for eaves into a yard setback is 0.5 m.  
The proposed eaves project 0.61 m to the south.
5. **Section 6(9), By-law No. 7625**  
The maximum permitted projection for eaves into a yard setback is 0.5 m.  
The proposed eaves project 0.91 m to the north.
6. **Section 12.4(b), By-law No. 7625**  
The minimum required side yard setback is 1.8 m.  
The proposed north side yard setback is 1.5 m.
7. **Section 12.4(b), By-law No. 7625**  
The minimum required side yard setback is 1.8 m.  
The proposed south side yard setback is 1.52 m.
8. **Section 12.7, By-law No. 7625**  
The maximum permitted number of storeys is 2.  
The proposed number of storeys is 3.
9. **Section 12.7A, By-law No. 7625**  
The maximum permitted balcony area is 3.8 m<sup>2</sup>  
The proposed rear balcony area on the third floor is 17.45 m<sup>2</sup>
10. **Section 12.7A, By-law No. 7625**  
The maximum permitted balcony area is 3.8 m<sup>2</sup>  
The proposed rear balcony area on the second floor is 92.1 m<sup>2</sup>
11. **Section 12.7A, By-law No. 7625**  
No more than one balcony is permitted on each elevation of the building.  
Two balconies are proposed on the rear elevation.

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.

It is the decision of the Committee of Adjustment to **REFUSE** the following variance(s):

**12. Section 12.4(a), By-law No. 7625**

The minimum required front yard setback is 23 m.

The proposed front yard setback is 8.63 m.

**13. Section 6(9)(b), By-law No. 7625**

The maximum projection of a stair in the front and rear yard is 2.1 m.

The proposed front stair projects 16.27 m into the required minimum front yard.

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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Ward: Don Valley West (15)  
Community: North York  
Heritage: Not Applicable

Bruce Mullock (signed)

Derek Lett (signed)

Isaac Lallouz (signed)

Nadini Sankar (signed)

DATE DECISION MAILED ON: Thursday, June 13, 2019

LAST DATE OF APPEAL: Tuesday, June 25, 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](http://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.