

Thursday, August 29, 2019

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

File Number: A0476/19NY
Property Address: 158 MCRAE DR
Legal Description: PLAN 2121 PT LOT 360
Agent: SIXTEEN DEGREE STUDIO INC
Owner(s): CASEY WALSH MICHELLE FLOWERDAY
Zoning: RD / R1B [ZZC]
Ward: Don Valley West (15)
Community: East York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 29, 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. Chapter 10.5.40.60.(8), By-law No. 569-2013**
Wall mounted utility equipment may encroach into a required setback 0.6m if it is no closer to a lot line than 0.3m.
The proposed utility equipment encroaches 1.06m into the required northern side yard setback and the proposed utility equipment is 0.14m from the northern side lot line.
- 2. Chapter 10.5.80.10.(3), By-law No. 569-2013**
A parking space may not be located in a front yard or a side yard abutting a street.
The proposed parking spot is located in the front yard.
- 3. Chapter 10.20.40.20.(1), By-law No. 569-2013**
In a minimum required lot frontage of 18.0m or less, the permitted maximum building length is 17.0m.
The proposed building length is 17.75m.

4. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
The permitted maximum floor space index is 0.6 times the area of the lot.
The proposed floor space index is 0.63 times the area of the lot.
5. **Chapter 10.20.40.70.(3), By-law No. 569-2013**
The required minimum side yard setback is 1.2m where the required minimum lot frontage is 12.0m to less than 15.0m.
The proposed northern side yard setback is 0.44m.
6. **Chapter 10.5.40.60.(5), By-law No. 569-2013**
A chimney breast may encroach into a required building setback a maximum of 0.6m.
The proposed chimney is 0.9m into the required northern side yard setback.
7. **Section 6.3.3, By-law No. 1916**
The minimum required number of parking spaces is 1 space behind the front main wall.
The proposed number of parking spaces is 1 space in front of the front main wall.

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:**

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 **APPROVE** the following variance(s):

1. **Chapter 10.5.40.60.(8), By-law No. 569-2013**
Wall mounted utility equipment may encroach into a required setback 0.6m if it is no closer to a lot line than 0.3m.
The proposed utility equipment encroaches 1.06m into the required northern side yard setback and the proposed utility equipment is 0.14m from the northern side lot line.
2. **Chapter 10.5.80.10.(3), By-law No. 569-2013**
A parking space may not be located in a front yard or a side yard abutting a street.
The proposed parking spot is located in the front yard.
4. **Chapter 10.20.40.40.(1), By-law No. 569-2013**
The permitted maximum floor space index is 0.6 times the area of the lot.
The proposed floor space index is 0.63 times the area of the lot.
7. **Section 6.3.3, By-law No. 1916**
The minimum required number of parking spaces is 1 space behind the front main wall.
The proposed number of parking spaces is 1 space in front of the front main wall.

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):

3. Chapter 10.20.40.20.(1), By-law No. 569-2013

In a minimum required lot frontage of 18.0m or less, the permitted maximum building length is 17.0m.

The proposed building length is 17.75m.

5. Chapter 10.20.40.70.(3), By-law No. 569-2013

The required minimum side yard setback is 1.2m where the required minimum lot frontage is 12.0m to less than 15.0m.

The proposed northern side yard setback is 0.44m.

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

A chimney breast may encroach into a required building setback a maximum of 0.6m.

The proposed chimney is 0.9m into the required northern side yard setback.

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.

This decision is subject to the following condition(s):

1) The requirements of the Parks and Recreation, Urban Forestry Division;

- i) Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583.

2) The proposed parking space has the same width as the driveway width.

3) The proposed driveway, inclusive of the proposed parking space in the front yard be constructed with permeable pavers.

SIGNATURE PAGE

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Isaac Lallouz (signed)

Denise Graham (signed)

Bruce Mullock (signed)

DATE DECISION MAILED ON: Thursday, September 5, 2019

LAST DATE OF APPEAL: Wednesday, September 18, 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 stick; and
- \$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 website 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 digital format on a USB stick and in paper format; and
- \$300 with an additional reduced fee of \$25 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.