

Thursday, December 6, 2018

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

File Number: A0760/18NY
Property Address: 122 ELMWOOD AVE
Legal Description: PLAN 1801 LOTS 581 & 582
Agent: MAKOW ASSOCIATES ARCHITECT INC
Owner(s): IRENE SO KOON KOU SO
Zoning: R4/RD(x5)[WAV]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, December 6, 2018, 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 900.3.10 (5) (A), By-law 569-2013**
The minimum required side yard setback is 1.8m.
The proposed east side yard setback is 1.22m.
- 2. Chapter 900.3.10 (5) (A), By-law 569-2013**
The minimum required side yard setback is 1.8.
The proposed west side yard setback is 1.22m **for the front 6.80m portion of the dwelling and rear covered terrace and rear canopy only.**
- 3. Chapter 10.20.30.40 (1) (A), By-law 569-2013**
The maximum permitted lot coverage is 30% of the lot area.
The proposed lot coverage is **33%** of the lot area.
- 4. Chapter 10.20.40.30 (1), By-law 569-2013**
The maximum permitted building length is 17.0m.
The proposed building length is 19.2m.

5. **Chapter 10.5.40.60 (3), By-law 569-2013**
Exterior stairs are permitted to encroach into a required minimum building setback if they are no wider than 2.0m.
The proposed width of the front steps is 2.33m.
6. **Chapter 10.20.40.10.(4), By-law 569-2013**
The maximum permitted building height is 10.0m.
The proposed building height is **10.30m**.
7. **Chapter 10.5.40.60 (1)(C), By-law 569-2013**
In a rear yard, a platform with a floor no higher than the first storey of the building above established grade may encroach into the required rear yard setback the lesser of 2.5m or 50% of the required rear yard setback, if it is no closer to a side lot line than the greater of 0.3m.
The proposed rear yard platform on grade, which is 0.45m from the side lot line, projects 3.67m from the wall which it abuts.
8. **Section 13.2.6 (ii), By-law 7625**
The maximum permitted building height is 8.8m.
The proposed building height is **9.5m**.

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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Beth Levy (signed)

Bruce Mullock (signed)

Denise Graham (signed)

Giacomo Tonon (signed)

Rick Ross (signed)

DATE DECISION MAILED ON: Thursday, December 13, 2018

LAST DATE OF APPEAL: Thursday, December 27, 2018

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.