

Michael Mizzi
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

Committee of Adjustment
North York
North York Civic Centre
5100 Yonge Street
Toronto, Ontario M2N 5V7

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Thursday, February 20, 2020

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

File Number: A0746/19NY
Property Address: 31 ROSLIN AVE
Legal Description: PLAN M260 PT LOT 168
Agent: EURODALE DEVELOPMENT INC
Owner(s): MC GINLEY BROS INC
Zoning: R [ZZC]
Ward: Don Valley West (15)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, February 20, 2020, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a third storey addition over the existing dwelling, in conjunction with three-storey addition to the rear. The applicant is also proposing other interior and exterior alterations to facilitate the conversion of the dwelling into a triplex.

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

1. Chapter 10.5.40.50.(2), By-law No. 569-2013

A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3m of a building, must comply with the required minimum building setbacks for the zone; in this case 1.2m.

The proposed west side yard setback for the rear main floor platform is 0.41m;

The proposed west side yard setback for the rear second storey platform is 0.21m;
and

The proposed east side yard setback for the rear second storey platform is 1.07m.

2. Chapter 10.10.40.30.(1), By-law No. 569-2013

The maximum permitted building depth for a triplex is 14.00m.

The proposed building depth is 19.31m.

3. **Chapter 10.10.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback for a triplex is 1.20m.
The proposed east side yard setback is 1.07m.
4. **Chapter 10.10.40.70.(3), By-law No. 569-2013**
The minimum required side yard setback for a triplex is 1.20m.
The proposed west side yard setback is 0.21m.
5. **Chapter 10.5.40.60.(7), By-law No. 569-2013**
Roof eaves may project a maximum of 0.90m provided that they are no closer than 0.30m to a lot line.
The proposed eaves are 0.06m from the west lot line.
6. **Chapter 10.5.40.60.(5), By-law No. 569-2013**
An architectural feature on a building may encroach into a required building setback a maximum of 0.6 metres, if it is no closer to a lot line than 0.3m.
The proposed architectural feature is 0.08m from the west lot line.
7. **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 a front yard.
8. **Chapter 10.10.40.40.(1), By-law No. 569-2013**
The maximum permitted floor space index is 0.6 times the lot area.
The proposed floor space index is 0.998 times the lot area.
9. **Chapter 10.5.50.10.(1), By-law No. 569-2013**
The minimum required front yard soft landscaping is 75.00%.
The proposed front yard soft landscaping is **73%**.
10. **Chapter 10.10.40.10.(2), By-law No. 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.50m.
The proposed height of the side exterior main walls facing a side lot line is 9.97m.
11. **Chapter 200.5.10.1.(1), By-law No. 569-2013**
The required minimum number of parking space(s) for a triplex is three (3) spaces.
The proposal will have ones (1) parking space.

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 **NOT** approve this variance application for the following reasons:

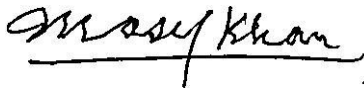
- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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Allan Smithies (signed)



Asif A. Khan (signed)



Denise Graham (signed)



Paul Kidd (signed)

DATE DECISION MAILED ON: Thursday, February 27, 2020

LAST DATE OF APPEAL: Wednesday, March 11, 2020

CERTIFIED TRUE COPY

Daniel Antonacci
Manager and Deputy Secretary-Treasurer

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.