

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

Committee of Adjustment
Toronto and East York
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

416-392-7565
coa.tey@toronto.ca

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

File Number: A1304/19TEY
Property Address: 251 DUNVEGAN RD
Legal Description: PLAN 2376 LOT 1
Agent: CYNTHIA GIBSON
Owner(s): JODI FRANKFORT
SEAN FRANKFORT
Zoning: RD (f18.0; d0.35) (x1332) & R1 Z0.35 (ZZC)
Ward: Toronto-St. Paul's (12)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, September 16, 2020**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached house and an inground swimming pool in the rear yard.

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

1. Chapter 10.5.40.60.(1)(C), By-law 569-2013

A floor no higher than the first floor of the building above established grade is permitted to encroach into the required rear yard setback a maximum of 2.5 m if it is no closer to a side lot line than 1.7 m.

The rear ground floor combined upper and lower deck will encroach 10.56 m into the rear yard setback and will be located 1.52 m from the west side lot line.

2. Chapter 10.5.40.60.(3)(A)(ii), By-law 569-2013

Exterior stairs providing pedestrian access to a building or a structure may encroach into a required building setback if the stairs are no wider than 2.0 m. The stairs leading from the upper rear ground floor deck to the lower rear ground floor deck will be 9.2 m measured wide.

3. **Chapter 10.20.40.10.(4)(A), By-law 569-2013**
The maximum permitted height of the building is 7.2 m.
The new detached house will have a building height of 9.42 m.
4. **Chapter 10.20.40.20.(1), By-law 569-2013**
The maximum permitted building length for a detached house is 17.0 m.
The new detached house will have a building length of 44.04 m in the basement, 26.84 m on the ground floor and 24.55 m on the second storey.
5. **Chapter 10.20.40.30.(1), By-law 569-2013**
The maximum permitted building depth for a detached house is 19.0 m.
The new detached house will have a building depth of 39.48 m in the basement, 26.22 m on the ground floor and 23.94 m on the second storey.
6. **Chapter 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.35 times the area of the lot (335.61 m²).
The new detached house will have a floor space equal to 0.65 times the area of the lot (625.87 m²).
7. **Chapter 10.20.40.50.(1)(B), By-law 569-2013**
The maximum permitted area of each platform at or above the second storey of a detached house is 4.0 m².
The rear second storey platform will have an area of 12.28 m².
8. **Chapter 10.5.40.70.(1)(A), By-law 569-2013**
The minimum required front yard setback is 10.47 m.
The new detached house will be located 9.64 m from the front lot line.
9. **Chapter 10.20.40.70.(2)(B), By-law 569-2013**
The minimum required rear yard setback is 13.11 m.
The new detached house will be located 2.61 m from the rear lot line.
10. **Chapter 10.20.40.70.(3)(E), By-law 569-2013**
The minimum required side yard setback is 1.8 m.
The new detached dwelling will be located 1.2 m from the west side lot line.

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 refuse 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) are 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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LARRY CLAY



YIM CHAN



PETER REED



BRUCE MULLOCK (CHAIR)

DATE DECISION MAILED ON: **TUESDAY, SEPTEMBER 22, 2020**

LAST DATE OF APPEAL: **TUESDAY, OCTOBER 6, 2020**

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 by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.tey@toronto.ca and Anita.Macleod@toronto.ca 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).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

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.
- \$400 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).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

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.

NOTE: Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.