

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

416-395-6446
coa.ny@toronto.ca

Thursday, September 10, 2020

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

File Number: A0243/20NY
Property Address: 160 ELLERSLIE AVE
Legal Description: PLAN 2097 PT BLK 6
Agent: IN TECH HOUSE DESIGN CORPORATION
Owner(s): MICHAEL KOOR
Zoning: R4 / RD [ZZC]
Ward: Willowdale (18)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, September 10, 2020, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a rear one-storey addition, a deck, and west side two-storey addition.

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

- Chapter 900.3.10(5)A, By-law No. 569-2013**
Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8m.
The proposed East side yard setback is 1.74m.
- Chapter 900.3.10(5)A, By-law No. 569-2013**
Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8m.
The proposed West side yard setback is 1.217m.
- Chapter 10.5.40.50.(2), By-law No. 569-2013**
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 metres of a building, must comply with the required minimum building setbacks for the zone.
The required minimum building setback for the zone is 1.8m.
The proposed rear deck is 1.798m.

4. **Chapter 10.5.40.50.(4)A), By-law No. 569-2013**
In the Residential Zone category, the level of the floor of a platform, such as a deck or balcony, permitted in accordance with (2) above and located at or below the first storey of a residential building other than an apartment building, may be no higher than 1.2m above the ground at any point below the platform, except where the platform is attached to or within 0.3m of a front wall, the floor of the platform may be no higher than 1.2m above established grade.
The floor of the platform is 1.22m above established grade.
5. **Chapter 10.20.40.10.(2)B)(ii), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the side exterior main walls facing a side lot line is 8.68m.
6. **Chapter 10.20.40.10.(3)A), By-law No. 569-2013**
The permitted maximum number of storeys is 2.
The proposed number of storeys is 3.
7. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The permitted maximum height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.38m.
8. **Chapter 10.20.40.70.(1), By-law No. 569-2013**
The required minimum front yard setback is 8.59m.
The proposed front yard setback is 6.29m.
9. **Chapter 10.20.40.50.(1)B), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0m².
The proposed area of the rear deck at or above the second storey is 59.46m².
10. **Chapter 10.5.40.60.(3)(A)(ii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0m.
The proposed stairs are 2.84m wide.
11. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8 m.
The proposed building height is 9.33 m.
12. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.73 m.

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

1. **Chapter 900.3.10(5)A), By-law No. 569-2013**
Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8m.
The proposed East side yard setback is 1.74m.
3. **Chapter 10.5.40.50.(2), By-law No. 569-2013**
In the Residential Zone category, a platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 metres of a building, must comply with the required minimum building setbacks for the zone.
The required minimum building setback for the zone is 1.8m.
The proposed rear deck is 1.798m.
4. **Chapter 10.5.40.50.(4)A), By-law No. 569-2013**
In the Residential Zone category, the level of the floor of a platform, such as a deck or balcony, permitted in accordance with (2) above and located at or below the first storey of a residential building other than an apartment building, may be no higher than 1.2m above the ground at any point below the platform, except where the platform is attached to or within 0.3m of a front wall, the floor of the platform may be no higher than 1.2m above established grade.
The floor of the platform is 1.22m above established grade.
5. **Chapter 10.20.40.10.(2)B)(ii), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5m.
The proposed height of the side exterior main walls facing a side lot line is 8.68m.
6. **Chapter 10.20.40.10.(3)A), By-law No. 569-2013**
The permitted maximum number of storeys is 2.
The proposed number of storeys is 3.
7. **Chapter 10.20.40.10.(6), By-law No. 569-2013**
The permitted maximum height of the first floor above established grade is 1.2m.
The proposed height of the first floor above established grade is 1.38m.
8. **Chapter 10.20.40.70.(1), By-law No. 569-2013**
The required minimum front yard setback is 8.59m.
The proposed front yard setback is 6.29m.
9. **Chapter 10.20.40.50.(1)B), By-law No. 569-2013**
The permitted maximum area of each platform at or above the second storey of a detached house is 4.0m².
The proposed area of the rear deck at or above the second storey is 59.46m².
10. **Chapter 10.5.40.60.(3)(A)(ii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0m.
The proposed stairs are 2.84m wide.

11. **Section 13.2.6, By-law No. 7625**
The maximum permitted building height is 8 m.
The proposed building height is 9.33 m.
12. **Section 6(30)a, By-law No. 7625**
The maximum finished first floor height is 1.5 m.
The proposed finished first floor height is 1.73 m.

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

2. **Chapter 900.3.10(5)A, By-law No. 569-2013**
Despite regulation 10.20.40.70 (3), the minimum side yard setback is 1.8m.
The proposed West side yard setback is **1.5m**.

For the following reasons:

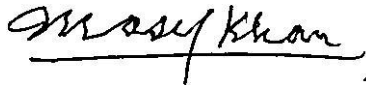
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

SIGNATURE PAGE

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Community: North York
Heritage: Not Applicable



Allan Smithies (signed)



Asif A. Khan (signed)



Nadini Sankar (signed)



Paul Kidd (signed)

DATE DECISION MAILED ON: Thursday, September 17, 2020

LAST DATE OF APPEAL: Wednesday, September 30, 2020

CERTIFIED TRUE COPY

Daniel Antonacci
Manager and Deputy Secretary-Treasurer

Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and Daniel.Antonacci@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.
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

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.