

Thursday, October 7, 2021

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

File Number: A0581/21NY
Property Address: 10 STAYNER AVE
Legal Description: PLAN M360 LOT 48
Agent: NELSON ESPINOLA
Owner(s): 1152030 ONTARIO INC
Zoning: RD(x5) [ZZC]
Ward: Eglinton-Lawrence (08)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, October 7, 2021, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To maintain accessory structure (pergola) in rear yard, secondary suite in basement, excavated rear deck and roof deck on second floor in the front and construct a new wall and roof enclosure for the basement.

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

1. **Chapter 10.5.50.10.(3), By-law No. 569-2013**
A lot with a residential building, other than an apartment building, must have a minimum of 50% of the rear yard for soft landscaping if the lot frontage is greater than 6.0m.
The proposed rear yard soft landscaping area is 4.26%.
2. **Chapter 10.20.30.40.(1), By-law No. 569-2013**
The permitted maximum lot coverage is 35%.
The proposed lot coverage is 53.64%.
3. **Chapter 10.20.40.20.(1), By-law No. 569-2013**
With a minimum required lot frontage of 18.0m or less, the permitted maximum building length for a detached house is 17.0m.
The proposed building length is 23.9m.

4. **Chapter 10.20.40.50.(1) , 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 each platform at or above the second storey is 15.98m².
5. **Chapter 10.5.40.60.(1), By-law No. 569-2013**
A platform without main walls, attached to or less than 0.3m from a building, with a floor higher than the first floor of the building above established grade may encroach 1.5m into the required front yard setback, if it is no closer to a side lot line than the required side yard setback of 1.8m.
The proposed platform encroaches 2.065m into the required front yard setback and is 0.311m from the West side lot line.
6. **Chapter 10.5.60.20.(2), By-law No. 569-2013**
The minimum rear yard setback for ancillary buildings or structures is 0.3m.
The proposed rear yard setback for the ancillary building is 0.272m.
7. **Chapter 10.20.40.30.(1), By-law No. 569-2013**
The permitted maximum building depth for a detached house is 19.0m.
The proposed building depth is 21.71m.
8. **Chapter 10.5.60.20.(3), By-law No. 569-2013**
The minimum side yard setback for an ancillary building or structure in a rear yard and 1.8m or more from the residential building on the lot is 0.3m.
The proposed east side yard setback for the ancillary building is 0.0m.
9. **Chapter 150.10.20.1.(2), By-law No. 569-2013**
A secondary suite is a permitted use provided that it within a detached house or semi-detached house, each dwelling unit may have a maximum of one secondary suite.
The proposed number of secondary suites is 2.
10. **Chapter 150.10.40.1(1), By-law No. 569-2013**
A pedestrian entrance leading exclusively to a secondary suite is not permitted in a front wall of a detached house or semi-detached house.
The proposed pedestrian entrance leading exclusively to a secondary suite is located in the front main wall of the existing detached house.

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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Isaac Lallouz (signed)



Nadini Sankar (signed)



Nazila Atarodi (signed)



Giuseppe Bartolo (signed)



Thomas Klassen (signed)

DATE DECISION MAILED ON: Thursday, October 14, 2021

LAST DATE OF APPEAL: Wednesday, October 27, 2021

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.