

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

Committee of Adjustment
Etobicoke York
Etobicoke Civic Centre
2 Civic Centre Court
Toronto, Ontario M9C 5A3

416-394-8060
coa.ey@toronto.ca

Thursday, August 26, 2021

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

File Number: A0112/21EYK
Property Address: 86 FOCH AVE
Legal Description: PLAN 2175 PT LOTS 200 AND 201
Agent: RACHEL WANG
Owner(s): AL-ASMA UL HOSNA
Zoning: RM & R3
Ward: Etobicoke-Lakeshore (03)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, August 26, 2021, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an attached garage.

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

- 1. Section 900.6.10.(18)(C)(i), By-law 569-2013**
The maximum permitted lot coverage is 33% of the lot area (98.86 m²).
The proposed dwelling will cover 37.35% of the lot area (111.9 m²).
- 2. Section 900.6.10.(18)(A), By-law 569-2013 & Section 1.(a), By-law 1979-67**
The maximum permitted gross floor area is 0.4 times the lot area (119.84 m²).
The proposed dwelling will have a gross floor area of 0.76 times the lot area (228.32 m²).
- 3. Section 10.5.40.70.(1)(B), By-law 569-2013**
The minimum required front yard setback is 5.31 m.
The proposed dwelling will be located 4.67 m from the front lot line.

4. **Section 10.20.40.70.(2)(A), By-law 569-2013**
The minimum required rear yard setback is 7.5 m.
The proposed dwelling will be located 7.02 m from the rear lot line.
5. **Section 10.5.40.60.(6)(A), By-law 569-2013**
A bay window, or other window projection from a main wall of a building, which increases floor area or enclosed space and does not touch the ground, may encroach into a required rear yard setback a maximum of 0.75 m, if the window projections in total do not occupy more than 65% of the width of the rear main wall at each storey.
The proposed front bay window will encroach 1.25 m from the wall into the required front yard setback and the proposed rear bay window will encroach 1.09 m from the wall into the required rear yard setback.
6. **Section 900.6.10.(18)(A), By-law 569-2013 & Section 3, By-law 1979-67**
The maximum permitted height to the mid point of the roof is 7.5 m.
The proposed dwelling will have a height of 8.18 m.
7. **Section 320.42.1.(B).(2)**
The maximum permitted soffit height is 6.5 m.
The proposed dwelling will have a soffit height of 6.94 m.
8. **Section 900.6.10.(18)(A), By-law 569-2013 & Section 4, By-law 1979-67**
The maximum permitted height for a basement cellar is 1 m above established grade.
The proposed rear cellar will have a height of 1.48 m above established grade.

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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Donald Taylor (signed)



Laura Alderson (signed)



Michael Clark (signed)



Michi McCloskey (signed)

DATE DECISION MAILED ON: Friday, September 3, 2021

LAST DATE OF APPEAL: Wednesday, September 15, 2021

CERTIFIED TRUE COPY

Barbara Bartosik
Manager and Deputy Secretary-Treasurer

Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ey@toronto.ca and Barbara.Bartosik@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.