

Thursday, July 22, 2021

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

File Number: A0320/21TEY
Property Address: 43 RUSSELL HILL RD
Legal Description: PLAN 1324 PT LOTS 70 & 71 RP 63R2680 PARTS 2 3 5 & 6
Agent: GOLDBERG GROUP
Owner(s): MARISSA KASSAM MARISSA KASSAM
Zoning: RD (f15.0; d0.35) (x1247) (ZCC)
Ward: Toronto-St. Paul's (12)
Community: Toronto
Heritage: Listed

Notice was given and a Public Hearing was held on Thursday, July 22, 2021, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing detached dwelling by constructing a rear addition, altering the interior, and constructing a rooftop terrace.

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

- 1. Chapter 10.20.40.10.(4)(A), By-law No. 569-2013**
The permitted maximum height is 7.2 m.
The proposed height is 20.33 m.
- 2. Chapter 10.20.40.10.(4)(C), By-law No. 569-2013**
The permitted maximum number of storeys is 2 (two).
The proposed number of storeys is 4 (four).
- 3. 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 6.0 m.
The proposed rear yard landscaping area is 25.58%.

4. Chapter 10.5.60.10.(1), By-law No. 569-2013

An ancillary building or structure may not be located in a front yard.
There are two proposed ancillary buildings located in the front yard.

5. 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 4.0 m².

The proposed area of a platform at or above the second storey is **87.67 m²**.

6. Section 12(2) 260(III), By-law No. 438-86

The by-law limits a building height to 10 m.

The proposed building has a height of 11.28 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:**

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 Granastein (signed)



Yim Chan (signed)



Lisa Valentini (signed)



Peter Reed (signed)



Nadini Sankar (signed)

DATE DECISION MAILED ON: Thursday, July 29, 2021

LAST DATE OF APPEAL: Wednesday, August 11, 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.tey@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.