

Kyle Knoeck
Acting 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

416-392-0413
coa.tey@toronto.ca

March 2, 2022

**NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)**

File Number: B0094/21TEY
Property Address: 59 R HEPBOURNE ST
Legal Description: PLAN 857 PT LOT 23
Agent: LUCAS PORCO
Owner(s): LUCAS PORCO
Zoning: R (d0.6)(x735)(ZZC)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, March 2, 2022**, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the lot into two undersized residential lots.

Conveyed - Part 2, Draft R-Plan

Address to be Assigned

The lot will measure 11.202 m from Bill Cameron Lane and will have an area of 121.56 m². A new three-storey detached dwelling with a rear integral garage and front third storey terrace will be constructed, requiring variances to the Zoning By-law, as outlined in Minor Variance Application A1228/21TEY.

Retained - Part 1, Draft R-Plan

Address to be Assigned

The lot will measure 10.134 m from Bill Cameron Lane and will have an area of 121.56 m². A new three-storey detached dwelling with a rear integral garage and side third storey terrace will be constructed, requiring variances to the Zoning By-law, as outlined in Minor Variance Application A1227/21TEY.

Applications B0094/21TEY, A1227/21TEY and A1228/21TEY were considered jointly.

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 Consent Application is Refused

In the opinion of the Committee, the application does not satisfy the requirements of Section 51(24) of the Planning Act and is **NOT** approved for the following reason(s):

- The proposed land division is premature.
- The proposed land division does not conform to the policies of the official plan.
- The suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.
- The suitability of the dimensions and shapes of the proposed lots has not been demonstrated.
- The adequacy of utilities and municipal services has not been demonstrated

SIGNATURE PAGE

File Number: B0094/21TEY
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Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable



NANCY OOMEN
(CHAIR)



JOANNE HAYES



CARL KNIPFEL



LISA VALENTINI

DATE DECISION MAILED ON: **Tuesday, March 8 , 2022**

LAST DATE OF APPEAL: **Monday, March 28, 2022**

CERTIFIED TRUE COPY

Sylvia Mullaste
Acting 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 Sabrina.Salatino@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 Ontario Land Tribunal (OLT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

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- 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.

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ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

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- A completed OLT Appellant Form (A1) in digital format on a USB stick and in paper format.
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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.

Kyle Knoeck
Acting Director, Zoning and Secretary-
Treasurer
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City Planning Division

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Toronto and East York
Toronto City Hall
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coa.tey@toronto.ca

March 2, 2022

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

File Number: A1227/21TEY
Property Address: 59 R HEPBOURNE ST – PART 1
Legal Description: PLAN 857 PT LOT 23
Agent: LUCAS PORCO
Owner(s): LUCAS PORCO
Zoning: R (d0.6)(x735)(ZZC)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, March 2, 2022**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with a rear integral garage and side third storey terrace, on the undersized retained lot (Part 1) described in Consent application B0094/21TEY.

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

- 1. Chapter 10.10.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 180 m².
The lot area will be 121.56 m².
- 2. Chapter 10.10.30.20.(1)(B), By-law 569-2013**
The minimum required lot frontage is 6 m.
The lot will have no frontage as access to the lot is from a 'Lane'.

- 3. Chapter 10.5.30.20.(2)(A)&(B), By-law 569-2013**
In the Residential Zone category, a residential building may not be erected on a lot that does not have a front lot line of at least 3.5 m, unless the lot abuts a lane with a minimum width of 6 m and has a minimum of 3.5 m of the rear lot line abutting the lane.
The new dwelling will not have a minimum of 3.5 m of the rear lot line abutting the lane.
- 4. Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.
The new dwelling will have side exterior main wall heights equal to 8.97 m.
- 5. Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.6 times the area of the lot (72.9 m²).
The new dwelling will have a floor space index equal to 1.66 times the area of the lot (201.5 m²).
- 6. Chapter 10.10.40.70.(3)(A)(i), By-law 569-2013**
The minimum required side yard setback for a detached house is 0.9 m.
The new dwelling will be located 0.46 m from the side (west) lot line, and 0 m from the north, south and east lot lines.
- 7. Chapter 10.5.40.60.(2)(A), By-law 569-2013**
A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering.
The first storey canopy will be located 0 m from the side (west and south) lot lines.
- 8. Chapter 10.5.40.60.(5)(A), By-law 569-2013**
An architectural feature on a building may encroach into a required building setback a maximum of 0.6 m, if it is no closer to a lot line than 0.3 m.
The first storey columns will be located 0.0 m from the south and west lot lines.
- 9. Chapter 5.10.30.1.(1)(A), By-law 569-2013**
No land may be used and no building or structure may be erected or used on the land unless the land abuts an existing street, or is connected to an existing street by a street or streets, constructed to a minimum base curb and base asphalt or concrete.
In this case, the use is on land that abuts a 'lane'.

10. Chapter 5.10.30.1.(1)(B), By-law 569-2013

No land may be used and no building or structure may be erected or used on the land unless all municipal water mains and municipal sewers, and their appurtenances, are installed to a lot line of the property and are operational. In this case, the use is on land that does not have service connections to a lot line.

11. Chapter 5.10.30.1.(2), By-law 569-2013

A building or structure may not be erected or used on any lot that does not abut a street.

The new dwelling will be located on land that does not abut a street.

Applications B0094/21TEY, A1227/21TEY and A1228/21TEY were considered jointly.

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

File Number: A1227/21TEY
Property Address: 59 R HEPBOURNE ST – PART 1
Legal Description: PLAN 857 PT LOT 23
Agent: LUCAS PORCO
Owner(s): LUCAS PORCO
Zoning: R (d0.6)(x735)(ZZC)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable



NANCY OOMEN
(CHAIR)



JOANNE HAYES



CARL KNIPFEL



LISA VALENTINI

DATE DECISION MAILED ON: **Tuesday, March 8 , 2022**

LAST DATE OF APPEAL: **Tuesday, March 22, 2022**

CERTIFIED TRUE COPY

Sylvia Mullaste
Acting 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 Sabrina.Salatino@toronto.ca by the last date of appeal as shown on the signature page.

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To appeal this decision to the OLT you need the following:

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Kyle Knoeck
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March 2, 2022

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

File Number: A1228/21TEY
Property Address: 59 R HEPBOURNE ST - PART 2
Legal Description: PLAN 857 PT LOT 23
Agent: LUCAS PORCO
Owner(s): LUCAS PORCO
Zoning: R (d0.6)(x735)(ZZC)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, March 2, 2022**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling with a rear integral garage and front third storey terrace, on the undersized conveyed lot (Part 2) described in Consent Application B0094/21TEY.

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

- 1. Chapter 10.5.40.50.(2), By-law 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 m of a building, must comply with the minimum required building setbacks for the zone (0.45 m).
The third storey terrace will be located 0.3 m from the side (south) lot line.
The first storey porch will be located 0.0 m from the side (south) lot line.
- 2. Chapter 10.10.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 180 m².
The lot area will be 121.56 m².

- 3. Chapter 10.10.30.20.(1)(B), By-law 569-2013**
The minimum required lot frontage is 6 m.
The lot will have no lot frontage, as access to the lot is from a 'Lane'.
- 4. Chapter 10.5.30.20.(2)(A)&(B), By-law 569-2013**
In the Residential Zone category, a residential building may not be erected on a lot that does not have a front lot line of at least 3.5 m, unless the lot abuts a lane with a minimum width of 6.0 m and has a minimum of 3.5 m of the rear lot line abutting the lane.
The new dwelling will not have a minimum of 3.5 m of the rear lot line abutting the lane.
- 5. Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.
The new dwelling will have side exterior main wall heights equal to 9.03 m.
- 6. Chapter 10.10.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.6 times the area of the lot (72.9 m²).
The new dwelling will have a floor space index equal to 1.71 times the area of the lot (207.4 m²)
- 7. Chapter 10.10.40.70.(3)(A)(i), By-law 569-2013**
The minimum required side yard setback for a detached house is 0.9 m.
The new dwelling will be located 0.46 m from the side (west) lot line and 0 m from the north, south and east lot lines.
- 8. Chapter 10.5.40.60.(2)(A), By-law 569-2013**
A canopy, awning or similar structure above a platform may encroach into a required building setback to the same extent as the platform it is covering.
The first storey canopy will be located 0 m from the side (west and south) lot lines.
- 9. Chapter 10.5.40.60.(5)(A), By-law 569-2013**
An architectural feature on a building may encroach into a required building setback a maximum of 0.6 m, if it is no closer to a lot line than 0.3 m.
The first storey columns will be located 0.0 m from the south and west lot lines.
- 10. Chapter 5.10.30.1.(1)(A), By-law 569-2013**
No land may be used and no building or structure may be erected or used on the land unless the land abuts an existing street, or is connected to an existing street by a street or streets, constructed to a minimum base curb and base asphalt or concrete.
The use will be on land that abuts a 'lane'.

11. Chapter 5.10.30.1.(1)(B), By-law 569-2013

No land may be used and no building or structure may be erected or used on the land unless all municipal water mains and municipal sewers, and their appurtenances, are installed to a lot line of the property and are operational. The use will be on land that does not have service connections to a lot line.

12. Chapter 5.10.30.1.(2), By-law 569-2013

A building or structure may not be erected or used on any lot that does not abut a street.

The new dwelling will be located on land that does not abut a street.

Applications B0094/21TEY, A1227/21TEY and A1228/21TEY were considered jointly.

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

File Number: A1228/21TEY
Property Address: 59 R HEPBOURNE ST - PART 2
Legal Description: PLAN 857 PT LOT 23
Agent: LUCAS PORCO
Owner(s): LUCAS PORCO
Zoning: R (d0.6)(x735)(ZZC)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable



NANCY OOMEN
(CHAIR)



JOANNE HAYES



CARL KNIPFEL



LISA VALENTINI

DATE DECISION MAILED ON: **Tuesday, March 8 , 2022**

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