

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

Committee of Adjustment
Toronto and East York
Toronto City Hall
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Toronto, Ontario M5H 2N2

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March 23, 2022

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

File Number: A1465/21TEY
Property Address: 36 MACPHERSON AVE
Legal Description: PLAN 741 PT LOTS 23 & 24
Agent: DAVID CAPPER
Owner(s): CHRISTOPHER MUDRY
Zoning: R (f5.0; d0.6) (x892) (Waiver)
Ward: University-Rosedale (11)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, March 23, 2022**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing two-storey semi-detached dwelling by constructing a front integral garage and driveway as well as reconstruct the front porch.

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

- 1. Chapter 10.5.40.60(1)(A)(i), By-law 569-2013**
A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 m of a building, with a floor no higher than the first floor of the building above established grade may encroach into the required front yard setback if it is no closer to a side lot line than 0.9 m.
The front porch will be located 0.45 m from the side (west) lot line.
- 2. Chapter 10.5.40.71(1)(A), By-law 569-2013**
The minimum required front yard setback is 3.9 m.
The altered dwelling will be located 1.45 m from the front (south) lot line.

3. Chapter 10.5.50.10(1)(D), By-law 569-2013

A minimum 75% (13.9 m²) of the front yard must be maintained as soft landscaping.

In this case, 50% (9.3 m²) of the front yard will be maintained as soft landscaping.

4. Chapter 10.5.80.40(2), By-law 569-2013

For a detached house or semi-detached house, where an individual private driveway leads directly to the dwelling unit, the elevation of the lowest point of a vehicle entrance in a main wall of the building must be higher than the elevation of the centreline of the driveway at the point where it intersects a lot line abutting a street (118.44).

In this case, the private driveway will have an elevation, at the lowest point, of 118.05.

5. Chapter 10.10.80.40(1), By-law 569-2013

A vehicular entrance through the front main wall of a building are permitted provided the lot has a minimum frontage of 7.6 m.

In this case, a vehicular entrance through the front main wall of a building is proposed on a lot with an existing lot frontage of 7.14 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 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

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DONALD
GRANATSTEIN
(CHAIR)



ZAHEER BHYAT



YIM CHAN



PETER REED



LARRY CLAY

DATE DECISION MAILED ON: Tuesday, March 29, 2022

LAST DATE OF APPEAL: Tuesday, April 12, 2022

CERTIFIED TRUE COPY



Sabrina Salatino
Manager & 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

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.

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.

ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

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

- A completed OLT 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 Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/appeals-process/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 **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.