

Kyle Knoeck
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning DivisionCommittee of Adjustment
Toronto and East York
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2416-392-0413
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January 18, 2023

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

File Number: A0787/22TEY
Property Address: 68 ALCORN AVE
Legal Description: PLAN 195Y PT LOT 56 PLAN 415Y PT LOT L PLAN 820 PT LOT
M RP 63R2554 PART 1
Agent: FRANCO ROMANO
Owner(s): MICHEL FORTIER
Zoning: R (d1.0) (x745) (BLD)
Ward: Toronto-St. Paul's (12)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, January 18, 2023**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To legalize and to maintain the rear deck that was constructed beyond the limits of a building permit, as approved under Minor Variance Decision A0224/20TEY.

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

1. **Chapter 10.5.50.10.(3)(B), By-law 569-2013**
A minimum of 25% (12.84 m²) of the rear yard must be maintained as soft landscaping.
In this case, 11.07% (5.69 m²) of the rear yard will be maintained as soft landscaping.

2. Chapter 10.5.40.60.(1)(D), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 1.5 m if it is no closer to a side lot line than the required side yard setback (1.88 m).

The rear ground floor deck encroaches 6.93 m into the required rear yard setback and is located 0.95 m from the side (east) lot line and 0.44 m from the side (west) lot line.

3. Chapter 10.5.40.50.(3), By-law 569-2013

The level of the floor of a platform located at or above the second storey of a residential building is not permitted to be higher than the level of the floor of the storey from which it gains access.

The platform of the rear first storey deck is 1 m higher than the level of the floor of the storey from which it gains access.

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 Approved

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

SIGNATURE PAGE

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NANCY OOMEN (CHAIR)



NIMROD SALAMON



AARON CHENG



LARRY CLAY



PETER REED

DATE DECISION MAILED ON: Tuesday, January 24, 2023

LAST DATE OF APPEAL: Tuesday, February 7, 2023

CERTIFIED TRUE COPY



Sabrina Salatino
Manager & Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

The Provincial government has amended the Planning Act and generally removed rights of third parties to appeal Committee of Adjustment decisions. As of November 28, 2022, only the applicant, the Minister of Municipal Affairs and Housing, specified persons and public bodies (as those terms are defined in the Planning Act), are permitted to appeal decisions of the Committee of Adjustment.

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.