

**Kyle Knoeck, M.Sc.Pl., MCIP, RPP**  
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, March 9, 2023

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

**File Number:** A0031/23EYK  
**Property Address:** 45 WILLIAM ST  
**Legal Description:** PLAN M472 LOT 23  
**Agent:** PARADIGM ARCHITECTURE & DESIGN  
**Owner(s):** 45 WILLIAM STREET INC  
**Zoning:** RD (ZR)  
**Ward:** York South-Weston (05)  
**Community:**  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, March 9, 2023, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a garden suite in the rear yard.

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

- 1. Section 150.7.60.30.(1)(B), By-law 569-2013**  
An ancillary building containing a garden suite must be no less than 7.5 m from a residential building on the same lot if the height of the ancillary building is greater than 4 m.  
The proposed ancillary building containing a garden suite will be located 6.2 m from a residential building.
- 2. Section 150.7.60.40.(1)(A), By-law 569-2013**  
The maximum permitted height of an ancillary building containing a garden suite is 4 m if the ancillary building containing a garden suite is located a minimum of 5 m to less than 7.5 m from the residential building on the lot.  
The proposed ancillary building containing a garden suite will have a height of 4.7 m.
- 3. Section 150.7.50.10.(1)(A), By-law 569-2013**  
A minimum of 50% of the rear yard shall be maintained as soft landscaping (70 m<sup>2</sup>).  
A total of 37.2% of the rear yard will be maintained as soft landscaping (52.1 m<sup>2</sup>).
- 4. Section 200.5.1.10.(2)(A)(iv), By-law 569-2013**  
The minimum width of a parking space is 3.2 m.  
The proposed parking space will have a width of 2.4 m.

**5. Section 150.7.60.60.(2)(B), By-law 569-2013**

A platform without main walls is permitted if the platform complies with the required minimum building setbacks, separation distances and angular planes for the ancillary building containing a garden suite.

The proposed platform is not permitted.

**6. Section 150.7.60.30.(2)(A)(i), By-law 569-2013**

No part of an ancillary structure containing a garden suite may penetrate a 45-degree angular plane projected towards the rear lot line, beginning from a height of 4 m at a distance of 7.5 m from the rear main wall of the residential building on the same lot.

A portion of the proposed ancillary structure containing a garden suite will penetrate a 45-degree angular plane, as described above.

**7. Section 150.7.60.30.(2)(A)(iii), By-law 569-2013**

No part of an ancillary structure containing a garden suite may penetrate a 45-degree angular plane projected towards the opposite side lot line, beginning from a height of 4 m from the required side yard setback.

A portion of the proposed ancillary structure containing a garden suite will penetrate the 45-degree angular plane, as described above.

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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**Heritage:** Not Applicable



Stan Kumorek



Neil Palmer



Michi McCloskey



Michael Clark

DATE DECISION MAILED ON: Friday, March 17, 2023

LAST DATE OF APPEAL: Wednesday, March 29, 2023

CERTIFIED TRUE COPY

**Barbara Bartosik**

Manager and Deputy Secretary-Treasurer

### Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.ey@toronto.ca](mailto:coa.ey@toronto.ca) and [Barbara.Bartosik@toronto.ca](mailto: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 Ontario Land Tribunal (OLT) for the same matter.

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 should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

To appeal this decision to the TLAB, you must submit 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](http://www.toronto.ca/tlab).

### **ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS**

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>