

Kyle Knoeck, M.Sc.Pl., MCIP, RPP
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

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Thursday, April 27, 2023

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

File Number: A0141/23NY
Property Address: 64 MILDENHALL RD
Legal Description: PLAN 1534 LOT 833
Agent: THOMAS MARZOTTO ARCHITECT
Owner(s): LEE CHAN
Zoning: RD [ZZC]
Ward: Don Valley West (15)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, April 27, 2023, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

Proposal to construct a new single family dwelling.

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

- 1. Chapter 10.20.40.10.(2) B(ii), By-law No. 569-2013**
The permitted maximum height of all side exterior main walls facing a side lot line is 7.5 metres.
The proposed height of the side exterior main walls facing a side lot line is 10.20 metres.
- 2. Chapter 10.20.40.20.(1), By-law No. 569-2013**
In the RD zone with a minimum required lot frontage of 18.0 metres or less, the permitted maximum building length for a detached house is 17.0 metres.
The proposed building length is **22.50 metres**.
- 3. Chapter 10.20.40.30.(1), By-law No. 569-2013**
The permitted maximum building depth for a detached house is 19.0 metres.
The proposed building depth is 22.46 metres.

4. **Chapter 10.20.40.10.(3) A), By-law No. 569-2013**
The permitted maximum number of storeys is 2.
The proposed number of storeys is 3.
5. **Chapter 10.20.40.70.(3) E), By-law No. 569-2013**
The required minimum side yard setback is 1.8 metres where the required minimum lot frontage is 18.0 metres to less than 24.0 metres.
The proposed side yard setback is 1.2 metres at east and west side.
6. **Chapter 10.20.30.40.(1) A), By-law No. 569-2013**
The permitted maximum lot coverage is 35 % of the lot area.
The proposed lot coverage is 35.17 % of the lot area.
7. **Chapter 10.20.40.50.(1) B), 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 square metres.
The proposed area of each platform at or above the second storey is 6.2 square metres.
8. **Chapter 10.5.40.60.(3) A)(ii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no wider than 2.0 metres.
The proposed stairs are 2.41 metres wide in the front and 2.16 metres wide on the west side.
9. **Chapter 10.5.40.60.(3) A)(iii), By-law No. 569-2013**
Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 metres.
The proposed side stairs are 0 metres from the West lot line.
10. **Chapter 10.20.40.10.(1) A), By-law No. 569-2013**
The permitted maximum height of a building or structure is 10 metres.
The proposed height of the (building/structure) is 10.61 metres.

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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Isaac Lallouz (signed)



Nazila Atarodi (signed)



Ron Hunt (signed)

DATE DECISION MAILED ON: Thursday, May 4, 2023

LAST DATE OF APPEAL: Wednesday, May 17, 2023

CERTIFIED TRUE COPY

Sai-Man Lam
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.ny@toronto.ca and sai-man.lam@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.

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/>