

Kyle Knoeck
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

Wednesday, August 16, 2023

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

File Number: A0555/23TEY
Property Address: 2639 R DUNDAS ST W
Legal Description: PLAN M43 PT LOT 39-1 PART 1 ON PLAN 66R-16702
Agent: FELIX LEICHER
Owner(s): 2512026 ONTARIO INC
Zoning: R (d0.6)(x737) H11 (Waiver)
Ward: Parkdale-High Park (04)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, August 16, 2023**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new 4-unit townhouse block with attached garages. This townhouse block will be a condominium tenure.

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

- 1. Chapter 10.5.40.50.(2), By-law 569-2013**
The minimum required building setback is 7.5 m.
The front second storey balconies will be located 7.02 m from the side (north) lot line.
- 2. Chapter 10.10.40.1.(4)(B), By-law 569-2013**
The minimum required width of a dwelling unit within a townhouse is 6 m.
In this case, the dwelling units will be 5.62 m in width.
- 3. Chapter 10.10.40.10.(2)(A), By-law 569-2013**
The maximum permitted height of the exterior portion of main walls, for 70% of the total width of all side main walls, is 8.5 m.
The height of 67% of the side main walls will be 10.72 m.

- 4. 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 (399.95 m²).
The altered building will have a floor space index equal to 1.57 times the area of the lot (1,044.8 m²).
- 5. Chapter 10.10.40.70.(3)(C)(i), By-law 569-2013**
The minimum required side yard setback is 7.5 m.
The altered building will be located 7.02 m from the side (north) lot line.
The altered building will be located 3.65 m from the side (south) lot line.
The altered building will be located 1.23 m from the side (east) lot line.
The altered building will be located 1.03 m from the side (west) lot line.
- 6. Chapter 10.5.100.1.(2)(B), By-law 569-2013**
The maximum permitted driveway width is 6 m.
In this case, the widths of the driveways will be 6.8 m.
- 7. Chapter 10.5.30.1.(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 proposed use is on land that doesn't abut an existing street.
- 8. 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.
In this case, the proposed building or structure is on land that does not abut a street.

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 on Condition

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.

The decision is subject to the following condition(s):

- (1) The applicant/owner shall submit a complete application for permit to injure or remove privately owned tree(s) under Municipal Code Chapter 813, Trees Article III, Private Tree Protection, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.
- (2) No balconies shall be constructed on the rear (south facing) wall of the new townhouse development.
- (3) The applicant/owner shall plant white cedar trees (Thuja trees) with a minimum height of 3.04 m along the south property line of the subject property.

SIGNATURE PAGE

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DONALD GRANATSTEIN
(CHAIR)

ABSENT

AARON CHENG



LARRY CLAY



CARL KNIPFEL

DATE DECISION MAILED ON: **Tuesday, August 22, 2023**

LAST DATE OF APPEAL: **Tuesday, September 5, 2023**

CERTIFIED TRUE COPY



Nicole Ivanov
Senior Planner and Acting Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

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.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.

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/>